

T.C.
DOKUZ EYLÜL ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
BATI DİLLERİ ANABİLİM DALI
AMERİKAN KÜLTÜRÜ VE EDEBİYATI PROGRAMI
YÜKSEK LİSANS TEZİ

**IMMIGRATION AND EXPECTATIONS IN A NEW
MILLENIUM: RE-EXAMINING AMERICAN NATION
WITHIN A GLOBAL SCHEME**

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2008

Yemin Metni

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Programı : Amerikan Kültürü ve Edebiyatı
Tez Konusu : Amerika'da Göç Olgusu
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ÖZET

Master Tezi

**Yeni Bin Yılda Göç ve Beklentiler: Amerikan Toplumunu Küresel Bir
Şemada Yeniden İnceleme**
Deniz ÇELİK

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Amerikan Kültürü ve Edebiyatı Programı

Çalışmada, ABD'nin tarih çerçevesinde kökleşmiş en kalıcı ve en fazla nüfuz etmiş konularından biri olagelen göç olgusu irdelenmektedir. Çalışmanın ilk bölümünde, göçün evrimleşmesi ve etkilerine dönük politika tartışmalarında gelinen son noktanın ortaya konulması amaçlanmaktadır. Çalışmanın ikinci amacı göçe yön veren disiplinler arası, mali, felsefi, demografik ve sosyal iletişim ağları ile geçmiş ve mevcut izdüşümleri belirlemektir.

Küreselleşmenin yarattığı etkilerin sonucu olarak göç, etki alanını entelektüel temellerden eğitim ve ahlaki koşullar, demografik yapı, çevre kalitesi, ekonomik güvenlik ile toplumsal istikrar ve adaleti çevreleyen sarmallara genişletmiştir. Küreselleşme ve artan yabancı düşmanlığının sonucu olarak bu değişim sürecinin 21. yüzyılda etkileri katlanarak olmuştur. Yeni binyılda ABD'nin bu farklılıkları bu dönemde kucaklayıp kucaklayamayacağı ve kamu alanını paylaşıp paylaşamayacağı, küresel rekabet edebilirliği; gizil gücü, edimi, performansı ve edinci bağlamında yeniden incelenerek en etkin biçimde cevap verebilecek çözüm yolları ele alınmıştır.

ABD tarihi boyunca göçmenler değişen oranlarda sindirmeci/yerli politikalara maruz bırakılmaktaydı. Ancak bu tarz politik benimsemeler,

sınırların ve mesafenin yerli olmayanların memleketleriyle bağlarını yok etmediği günümüz dünyasında başarısız olmaktadır.

Bunun yanı sıra, yeni bin yıl, tarihin cilvelerine ve günümüz küresel güçler, ekonomik yeniden yapılanmalar gibi makro ve 11 Eylül İkiz Kule Saldırıları gibi mikro düzeyde anahtar etkiler, göç ve Amerikan toplumundaki iki yönlü değişimi aydınlatması adına yeniden mercek altına alınmıştır.

Bu çalışmada ABD’de geçmişten günümüze göç politikaları analiz edilerek; en geniş anlamıyla küreselleşmenin tüm toplumu tezat bir şekilde hem zayıflatabileceği hem de güçlendirebileceği sonucunu göstermek için küreselleşme, küresel terör, küresel ekonomi, kimlik ve eğitim alanları araştırılmıştır. Çözüm aşamasında, iki tarafın da göç ve beklentileri ters düze edebilecek kinetiğe sahip dinamizmin bu yeni bin yılın dinamizmi olması fikri, önerilen yeni göç modeli ile bütünleştirilerek sunulmuştur.

Anahtar Kelimeler: Göç, Beklentiler, Binyıl, Küreselleşme, ABD, Nüfus.

ABSTRACT

Master Thesis

Immigration And Expectations In A New Millennium: Re-Examining American Nation Within A Global Scheme

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This study deals with the immigration phenomenon which has been one of the most enduring and pervasive issues ingrained in the historical framework of the United States of America. The first part of the study brings up to date both the theoretical and the policy debate on the evolution and impact of immigration. The second purpose of the study is to take a closer look at the interdisciplinary, fiscal, philosophical, demographic and social networks and past and present projections driving immigration.

As a result of the effects of the globalization that is put forward, the immigration has expanded its scope from the intellectual basis to rotary circles charting around educational and moral terms, demographic structure, environmental quality, economic security, and social stability and equity. The effects of this change process as a consequence of globalization and the increasing xenophobia have been more cumulative in the 21st century. The solutions that most effectively respond to whether the USA will or can embrace the diversity and share the public sphere or not in this age have been handled through a re-examination within the context of its global competitiveness, capacity, performance and competence in the new millennium.

Throughout the history of the US, immigrants have been subjected to an assimilative/nativist policy of differing ratios. However such political adoptions fail to be successful in today's world where boundaries and distance do not efface non-natives' bounds with their home countries.

Besides, the new millennium is re-focused in order to elicit the reciprocal change in immigration and American society, the historical timing and key effects at macro-level such as contemporary global forces and economic restructuring and at micro-level, i.e. 11th December Twin Tower Attacks.

In this study, the immigration policies from past to present are analyzed; and the scope of the globalization, global terror, global economy, identity and education are explored in order to reach the illation that the globalization, in its broadest sense, can both weaken and strengthen the whole nation paradoxically. The notion that this dynamism of the new millennium has the kinetic to turn the immigration and expectations upside down for both sides has been integrated into the proposed new model of immigration.

Key Words: Immigration, Expectations, Millennium, Globalization, USA, Population

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KISALTMALAR

BC	Bureau of Census
BN	The Bureau of Naturalization
BP	The Border Patrol (in the BCPP)
BCPP	The Bureau of Customs and Border Protections (in the DHS)
Cal.	California
Cir	Circuit
CIR	The Commission on Immigration Reform
CIS	The Citizenship and Immigration Services (in the DHS)
CR	The Criminal Code
DHS	The Department of Homeland Security
DJ	The Department of Justice
DS	The Department of State
DRO	The Office of Detention and Removal (in the ICE)
ECS	The Education Commission of the States
ELL	English Language Learner
ESL	English-as-second language
FBE	The Federal Bureau of Education
FBN	The Federal Bureau of Naturalization
FY	Fiscal Year
GAO	The Government Accountability Office
HUAC	House Un-American Activities Committee
ICE	The Bureau of Immigration and Customs Enforcement (in DHS)
IIRIRA	The Illegal Immigration Reform and Immigrant Responsibility Act
IJ	The Immigration Judge (in Executive Office for Immigration Review)
IMR	The Immigration Restriction League
INA	The Immigration and Nationality Act (Title 8 of the US Code)
KKK	Ku Klux Klan
LA	Los Angeles
LEP	Limited English Proficient
LISA	Longitudinal Immigrant Student Adaptation Study

MALDEF	The Mexican-American Legal Defense and Education Fund
NAP	The Native American Party
NCLB	No Child Left Behind Act
NRC	National Research Council
NY	New York
OI	The Office of Investigations (in the ICE)
p.	page
pp.	pages
POE	The Port of entry
Sect.	Section
SPSID	Smuggling and Public Safety Investigations Division (in OI)
UP	University Press
UN	United nations
USA	The United States of America
v.	versus

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CHAPTER 1

INTRODUCTION

This study deals with the immigration phenomenon that has been one of the most enduring and pervasive issues ingrained in the historical framework of the United States of America. The first part of the study brings up to date both the theoretical and the policy debates upon the evolution and impact of immigration. The first part, therefore, consists of a historical analysis of the fluxional determinants and the pull and the push factors dominant in the sequence of events outlining immigration. The second purpose of the study is to take a closer look at the interdisciplinary, fiscal, philosophical, demographic and social networks, and past and present projections driving immigration. Rather than surveying a focal group, the general spectrum is undertaken to collect data about the background characteristics.

Immigration has been a controversial issue since the foundation of the US. However, in no period of American history has it gauged and incurred an equivalent risk of economic and political isolation than that of the new millennium for a number of reasons associated with globalization. The juxtaposition of immigration and national borders within a global understanding have been handled to shed light upon the dilemmatic perspectives “warning” the demographically inflated nation against offshore threats periling the American identity, totality and integration. The insistent development abyss between most of the developing and the advanced countries, on the other hand, has not verified the convergence assumption of the neoclassical theory of growth. The history has witnessed only a few developed countries catching the standards of the advanced countries, but many more chained in underdevelopment. Given the significance of human capital in development, a substantial attention is the extent that neither the developed nor developing countries go unaffected - although in different ways - by the continuous transfer of people and goods. Consequently, much of the debate since 1965 has entailed a sensitive and moral dilemma in accepting immigrants. Chapter Two has largely been devoted to a fuller understanding of different approaches and philosophies underlying the American public mind per se.

One approach underpinning the humanitarianism and individual, referred as the “open-border philosophy” paradigm, dismisses the notion of a substantial loss, and desire and encourage for even larger sums of immigrants to be taken in. Since the mobility of both the high-tech and skilled and the unskilled portions is based on a rational-reasonable welfare-enhancing fiat process, this does necessarily help individual migrants excel in capacity and production and mature in competitive social ladder. This openness guarantees an efficient allocation of global resources and increase global output. Unlike the open-border advocates motivated primarily by materialistic end and higher economic profit on behalf of the “humanitarianism” copula and excelling in respectively competent low-paid workers rather than a perfection in individual potential, advocates of the “closed border philosophy” paradigm maintain that the losses of the US are indeed very real and almost irretrievable. Therefore, they push down some proposed policy measures to cut the immigration for at least a few decades. “The restrictive border philosophy,” however, seeks to mitigate losses, including much discussed ones such as integration, education, economy and other fields and/or suggest to shorten immigration to the more traditional level of between 1924-1965: 200,000 per year so that the country can absorb the flow. Thus, Chapter Two presents a synopsis of these current paradigms which have developed especially since 1965s- from the point of which the USA has seen record levels of mostly Latin American and Asian immigration experience and which have placed fierce debates between an “open” and an opposing “closed” context, and a conciliating one that seeks balance between two.

Between 2000 and 2005; 86% of US population growth was a direct result of immigration and births to immigrants. A total sum of 500 million resident-legal or illegal- people is highly probable will-be residents of the US by 2050. Today, most applicants gain entry under the family reunification provisions of the immigration law notoriously-known as “chain migration.” The even greater numbers create new eras, and new eras mandate new maneuvers. The size, composition, and distribution of the US population renders, at least to some, a popular national issue of the utmost “urgency.” The magnitude of immigration becomes, to cast no doubt, political. Besides, local politics do not get lose their contact lines with globalization. The

worldwide economic integration continues to accelerate and parallel rapid increases in inequality and the persistence of poverty among the immigrants within the US. The latest Supreme Court decisions and federal laws address various migration issues, generally figuring out that the US must ameliorate common (sense) policies on immigration for a granted harmonization of policies and better management of flows with a full recognition of the fact that millennial migration is a dynamic phenomenon affecting all advanced industrial democracies, and that new millennium mandates new immigration policies. Chapter Three reviews the functionality of the laws and the present-effects of the policies beginning in 1965s, and it renders a neatly formatted model as highly necessary for future analysis and recommendations on ideal practices of immigration admission or denial and for betterment in economic structure, social ladder and civic integration and consciousness among immigrants. The process will politically work if both the state and federal laws and the government policies sublime to a supraliminal level particularly in the post-9/11 era. A reverse stance will fall into anachronism.

Globalization, on the other hand, has considerably changed the immigrants' social networks and experiences. Today, immigrants can establish stronger ties to their home-countries owing to mass-media, cheaper phone-systems and internet, and faster travels. Thereby, they feel an affinity to the home-country more and the assimilative pressures in the host less. In affect, globalization at macro-level and internalization of a composite society at micro are disposed to both political and ideological reference-marks. Identity and ideology are two such significant inherences of immigration. "Ideological becoming" encapsulates and metamorphoses the cultivating paradigmatic prospects, the systems of beliefs and values, and the interaction and alignment among notions. As will be discussed in Chapter Four, the immigrants and the descendants of them suffer from inefficiency in "leveling" themselves "up" to become a full American ideologically-at which point such a modification is stimulated and furthered will inductively lead one to the core societal infrastructure: education. Schools are not simply arranged as buildings of institutional physical settings of teaching materials of schooling, but also key centers of artifact socialization. Immigrant children learn and heavily fail to relate various discourses of power structures to their social environs and

selfhood. The degrees of authority are case sensitive, political-edged and function as pushing in identity formation in accordance to the enforcement and imposing modes. Children are encouraged to decipher the linguistically molded ideologies by internalization through the language and cultural communities in which they participate or solicit to participate, and they are simultaneously getting indifferent to their own cultural heritage. Melted in a pot, they try to balance incoherent structures at the macro level to form a construction of selfhood and ideological becoming. Consequently, facing to make a choice between generic latitudinal affordances and imperative enforcements for socialization and academic achievement offered, some “achieve” a hyphenated American identity and join the mainstream while most fail in schools and drop out in huge numbers. As suggested at the end of the chapter, education, language and ideologies, on one side, and the representations and assumptions on the other, become intertwined dynamics of the American education: they become the intersection of autonomy and potency in a social globe. Immigrant children react or adapt the discourses in so much as their intrinsic, self-centered, socio-historical trajectories and extrinsic, temporal worlds are able to flow into each other and extend beyond. The gathering of multiple choices and voices in various languages and cultures within the US, thus, are to be offered a highly-praised motivating respect, new spatial possibilities for more agile social maneuvers and newer notional means of communication in ideological becoming for a stable success in the global world.

Immigration has become a distinguishing milestone of this period of globalization and economic integration, and immigrants have become an important stimulant in the foundation of new businesses and intellectual property. An expanding, long-term and non-citizen population is always there and seen as “a serious challenge” to core beliefs of democratic politics and work ethics. They create a disenfranchised, deprived and miserably poor class: this means a lower status of an exploitable “inferior class recyclable for capital.” Such complexity is believed to result in less rational but more aggressive masses, and crime has almost always been linked with immigration. In Chapter Six, the theoretical and empirical researches upon any relationship between two contentious social issues -immigration and crime- for the

last three decades is surveyed. Throughout, both past and present findings have been examined to see whether the theoretical perspectives that have guided explanations of the immigration-crime link are accurate or not. As long as to be a non-citizen in American society implies otherness, difference, deficiency, a transient or illegal status and even “terrorist,” the situation will credit the distribution of a sided democracy applicable to a “privileged” class of citizens in a liberal democratic state while opportunity structure, cultural approaches, and social disorganization are left unanswered.

Migration is a matter of global concern in the 21st century. The local, national, and international movement of human capacities, cultural structures, technologic gains, and materials –among other samples of global kinetics- transform the American society, culture and politics. The lives of more Americans are affected, and the political and economic landscape is implemented in the resulting forms of cultural diversity: the immigrant identities, multiculturalism, and multicultural integration for liberal democracy, and the nation’s well-being state and welfare. Furthermore, as a consequence of the fact that the debates install a sentimental side of who an American is and what a nation is to be, the answers and discourse tend to be polarized. Therefore, the traditional policies prove incapable of dealing with the heart of immigration, the realities of immigration and the ideal level of cooperation on the global borders and market. Resulting policies usually underestimate the importance of an intensified local-federal-global cooperation over reforms in immigration and fostering the economic, social and civic integration of immigrants into the American society. Shedding light upon the previous arguments, Chapter Seven offers an alternative approach on a cosmopolitan basis to remedy polarized paradigms within both pragmatic and ideal boundaries that do not contradict the realities of the social life and global scheme.

CHAPTER 2

THE BACKGROUNDS OF IMMIGRATION IN THE USA: A HISTORICAL ANALYSIS

2.1. Introduction

Globalization -and the socio-cultural and economic changes it has born- covers a large spectrum laying between the boundaries of “de-territorialization and the displacement of a large and growing number of peoples” and “the free movement of capital, information, and services” (Suárez-Orozco, 2001), causing “profound if not violent human consequences and intensifying patterns of inequality” (Bauman, 1998; Alexander J., 2005). The current mobility “touch[es] the lives of more people and loom larger in the politics and economics of more states than at any other time in the modern era” (Papademetriou, 2006). This new “age of migration” (Castles&Miller, 1993) and the rise of cultural diversity have raised controversial milestones about the issues of identity, multiculturalism, and multicultural integration throughout American history and democracy, and within its institutions seemingly burdened with absorbing large flows of newcomers.

Migration is indeed a matter of global concern today, and like many other developed countries, the US has experienced all levels of power-relations among minor (ethnic) and major (mainstream) groups, and experimented with various historical and contemporary perspectives of spatial mobility and cultural interaction. The mobility of peoples, goods, and technologies from local to transnational borders is a definite by-product of globalization and it is still, to cast no doubt, transforming the social, cultural, and political panorama of societies all over the globe. L. Chavez (2001) and N. DeGenova (2002), to illustrate, defines the employed discourse, visual imagery and metaphors such as “national crisis,” “illegals,” and “invasion” and their teleological assumptions inherent in “immigrant,” “immigration,” and “illegal,” expounding the way these concepts reflect the view of and favor the immigrant-receiving side. Most often, immigration is rendered a threat to the nation-state’s

supposed cultural homogeneity and is thus a problem requiring redress and control. Taken that way, multiculturalism poses a “challenge” rather than a form of “enrichment” (Baubock&Rundell, 1998). The issue of undocumented or illegal population also affects public opinion in considerably negative ways. Illegal immigrants enter the US without due authorization or overstay and/or violate the terms of their visas. The latter group makes almost half (%40) of the illegal immigrant population (Passel, March 7, 2006).

The US has historically nursed mixed feelings with the issue of immigration. Bureau of Census (BC) data has revealed the existence of a 35-million documented and undocumented immigrants in the US in March of 2005 (Camarota, 2005). The legitimacy of permitting high rates of migrants in excessive numbers -specifically for the last three decades- has enlivened popular fierce debates in political arena and public sphere looking forward to applying an objective median to restore American welfare and security. %55 of Americans thought that the US should “Admit fewer immigrants each year” (Zogby, 2002), %55 thought illegal immigration is a “very serious” problem, and %56 “agrees strongly” that Congress should authorize detention, forfeiture of property, and deportation for illegal ones. Almost a %63 would support a policy that stopped all immigration from countries suspected of harboring terrorists (Gilbert, 2003). As no polls since 1950s have found the pro-immigrants as majority, the disparities still follow. The views source themselves from the nostalgic and philanthropist approach which embraces the immigrants since the US has been a “nation of immigrants,” and from the antithesis that the new millennium has brought forth certain by-products such as globalization, global terror, global market and economy, and the local needs to global references. Much has changed: the US took 3,500 immigrants every *year* in colonial-period, but today almost that is taken daily.

2.2. The Past and the Present of Immigration in the US

According to the Immigration and Naturalization Service (INS), approximately one million legal immigrants enter the US annually. Studies of the current wave of migration statistically indicate that, since 1990, more immigrants have entered the US

than at any other point in the nation's history (Waters&Jiménez, 2005, Alba&Nee, 2003). For example, the sum of the immigrants that the US took from May to December of 1995 alone was higher than the entire 169-year Colonial era. Another source of political and public emphasis is put over immigration outside the law as well. More than 8.4 million undocumented migrants were in the US in April 2000 according to estimates derived from Census 2000, and more than 12 million household members were already *in* the US (Passel, Hook, and Bean, 2004); in January 2002, the BC estimated that the illegal alien population was 8,705,421. That estimate was increased to 12 million in a comprehensive analysis of the US immigrant labor force and two-thirds of it entered the country in the last ten years (Sum, 2002, Passel, 2006).

Except for crisis times, the mass movement almost always follows a vertical route: from 2000-2002, US population grew 5,116 million. Direct immigration was 2,960 million and births to immigrants 1,475 million. (US Bureau of the Census, 2003). In 2002, the size of the US foreign born population increased to 32.5 million, an increase of 12.7 million over the estimated 19.8 million in the 1990 census (Schmidley&Robinson 2003, Camarota, 2002). In other words, the rates have climbed from %5 in 1970 to %7.9 in 1990 and % 10.4 in 2002.

The rapid growth of the undocumented population has been the driving touchstone of growth in the foreign-born populations in new settlement states such as Arizona, North Carolina, Georgia, and Tennessee (Passel, Capps, and Fix 2002; Passel and Zimmermann, 2001) while the majority of both legal and illegal immigration is constituted by mainly Asians and Latin Americans (Suárez-Orozco, M, 2005). Illegal household members from Mexico alone were predicted at over eight million (Gibson, Campbell and E. Lennon 1999).¹ BC figures also show that the total population increased 2.8 million from July 1, 2004 to July 1, 2005. In 2006, the number of immigrants had its acme with 37.5 million. According to 2007 statistics, each of the two children born in the United States in undocumented families

¹ Legal and illegal Mexican-born population living in the US has continued to increase. Among 11.2 million by 2004, a %47 had legal status and represented %32 of the foreign-born share, an overwhelming but not unprecedented historical data; the case was similar for Irish and German immigrants at many times in the mid- and late-19th century (Gibson and Lennon 1999).

corresponded to an undocumented child in this new millennium (Passel, Capps, and Fix 2004). Applied to present proportions, it covers more than 3 million US-born children in families headed by undocumented migrants. Without births to women born outside the US, the increase in US population growth from births minus deaths would be reduced by more than half (Hamilton, 2003). Similarly, findings of BC indicate %45 of children at the age of 5 is from a racial or ethnic minority. Even when the current birth and immigration rates were *stabilized* for the following *six decades*, the US population would double to about 600 million.

The point is clearly not the immigrants per se. It is overwhelmingly based on both the quantity and quality issues. As the statistics indicate, the upheaval is related how many to let. The case ought to be also a quest for historical examination as the foreign share of the American population is one of the direct outcomes of the changing time and conditions. How the US came to this point and was able to balance-if it could at all- the equality within the social cycle and equities of human compassion within the panorama of legal and illegal immigration are the questions whose answers are next to be sought in the dynamic structure of its very history.

2.2.1. A Brief History of Demographic Mobility during the Colonial Era

An annual average of approximately 3,500 immigrants arrived in this period. Driven by the economic harshness, religious persecution in homeland and/or opportunities in the new, most new comers had an entrepreneurial character and stamina in the “marvelous” lands of America. Some foremost figures were appealed and unionized as Puritans and assumed an “exceptional” and “God-Chosen” privileged status with again a God-given right to settle in “the city upon hill” and use the land even when the consent of the indigenous people were usually lacking.

The Colonial Era converted the North America, the southern part of which later became the US, as spoken out most famously into a “land of immigrants.” But today the term fails to correspond to its popular reference for a number of crucial reasons: First of all, notwithstanding the fact that the first part of the Colonial era was

an experience that North America had been a genuine “nation of immigrants,” that was a unique and unprecedented phenomenon historically. From that point on, the majority of the inhabitants became native-born and only a small fraction of immigrants existed in the US when it was founded. Thus, “nation of immigrants” should be restored to the whole picture if wiser demographical attributions to and clearer understanding of today’s mimetic discourse are still meant to be pursued.

2.2.2 1776-1819: A New Nation is Born

The first decennial census of the US population was taken in 1790 and counted 3,9 million people, about 700,000 of African descent, two million of English descent and about half million Europeans from countries other than England (Bohme et al., 1973). The records show that foreign-born people represented only a 9.7 % of the overall population, and an annual average of 6,500 immigrants arrived in the country. The numbers doubled in the 19th century.

As for the slaves of this period, the first black people landed in English America in 1619. From then on, many more followed most probably as indentured servants who had a chance, little as it was, of acquiring their freedom in time. The year of 1664 was an unfortunate year since the Maryland colonial legislature legalized the status of all blacks and their offspring as servants lifelong. The other colonies were not late to pass similar laws and adopt the new system. The notorious tragedy of transatlantic triangular slave trade began and lasted until 19th century.² Ships brought about one million slaves from West African ports to the thirteen English Colonies (and later to the US). The dominant scene was the same in all colonies before the American Revolution, although Northern colonies legally recognized some free black men and women. Yet the economy of the South depended heavily upon agriculture and slave labor and slavery continued to grow in the South even after all the Northern states abolished slavery and outlawed further importation of new slaves by 1808. The

² This was a bitter voyage from Europe to Africa where European slave traders bought enslaved Africans in exchange for goods shipped from Europe. The second part, “Middle Passage”, was from Africa to the Americas where they were sold as slaves. The final part was the return from the Americas to Europe with exchanged goods produced on plantations by slave labor. It could take slave ships 3-12 months to complete the voyage which led to miserable deaths of the thousands on voyage.

tension ultimately led to the Civil War in 1861 after the end of which the 13th Amendment was passed, and slavery was totally abolished throughout the country. The de jure status was not able to prevent the de facto practices such as “separate but equal” Jim Crow laws for a long time, and the power of the Republicans gradually faded as more immigrants who stepped in New York did not feel obliged to pay attention or be necessarily emphatic to the slavery issue basing on the belief that they had no share in the creation of the then-existing labor system. Besides, they were too busy to make a living in the new land.

2.2.3. 1820-79: Continental Expansion

In this period, the US possessed a vast territory either by annexation or purchase between two oceans. It was able to and much willing to welcome an explosive annual average of about 162,000 immigrants thanks to an open frontier to be settled and faster steamships invented in those times that provided safer and faster travel. Foreign laborers were also imported and the governments encouraged foreign further settlement with the then-famous motto: “Go West (wide open, unpopulated and wild West)” and turned the “safety-bulb” on.

2.2.3.1 Early European Immigrants

When the English colonies let northern Europeans to settle in America, it was not an attempt for Westernization of the US in that more than half of those who reached the colonial ports were indentured servants. These individuals worked pay-free for their masters who recovered passage expenses, custody and maintenance in America. Some indentured servants called “redemptioners” were totally at their masters’ behest. The masters were the sole proprietors of the workers and auctioned them off after stepping in the ports. European immigration increased slightly after the Revolutionary War until mid-19th century. Then it exploded between 1841 and 1860; over four million people from Great Britain, Germany, and especially Ireland arrived to the US. This was % 600 higher than previous 20-year-period.

1.6 million poverty-stricken Irish, devastated by 1840s' potato famines in Ireland, made their way to America in dark, confined "steerages" below the main deck of ship (barely 5½-feet high), and located near the steering mechanism, with little fresh air, sanitation and the food which they had to supply themselves. Taking 4-14 weeks, cross-Atlantic voyages caused the deaths of a quarter due to the contagious diseases such as cholera and other poor conditions in 1840s-1850s. They arrived at the bottom of the social and economic ladder: "poor and Catholic rustics" with little marketable dexterity in an overwhelmingly Protestant and rapidly industrializing society. They were employed as laborers and servants in the new cities of the Northeast and contributed mightily to infrastructures such as canals, railways, city streets, rural highways, waterworks and sewers for the following hundred-year-time.

Irish faced the most radical discrimination, violence and vandalism on the basis of their Catholicism. The Native American Party (NAP) was founded as an organized reaction against the increasing Irish immigration. Known as "nativists," they claimed superiority to the incoming immigrants since they were white Protestant native-born Americans. 1844 displayed further violent riots and murdering of many Irish people, incendiary actions, and schools and churches sabotages. According to the Order of the Star Spangled Banner whose members had to be white, native-born, Protestant, born of Protestant parents, and not married to a Catholic, the Irish were "swarm of aliens" and they annually poured moral and political corruption like a "deluge" The main goal was to oppose Catholic participation in public sphere and offices. Later joining NAP and objecting to further immigration of "cheap working foreigners," nativists seized the political majority in 1854 and two years later, Millard Fillmore won almost %25 of the national vote for president. He had already served a term as president before joining the NAP. Nativists divided over the issue of slavery, and the NAP gradually weakened and eventually fell apart.

2.2.3.2 Mexican Dream behind The Mexican Borderland

Today, a 2,000-mile border divides the US from Mexico starting from the Gulf of Mexico on the east to the Pacific Ocean on the west. Mexico held the entire area

until the Mexican War ended with the Treaty of Guadalupe Hidalgo, signed in 1848. Under its provisions, Mexico recognized the 1845 annexation of Texas, relinquished its dominance in the whole districts of present-day California, Nevada, Utah, New Mexico, and some minor parts. On the other side, the treaty guaranteed to keep the rights of Mexicans such as their language, religion, culture, and property. About 75,000 Spanish-speaking people living in the Southwest became American citizens in a single day. Mexicans residing on both side traveled freely in and out of the areas with little regard of the new international border. They also stayed in the US for varying and even lifetime periods and worked in the borderland. The illegal peoples' children automatically became American citizens, too, once they were born in the US.

2.2.4. Immigration from the 1850s to 1880s

Until 1850, the primary questions on the census were on age, sex, and race, although some other categories-three categories in 1820 and seven in 1840- were later added. The data were collected not for individuals, but rather as tallies at the household level in predefined categories on the questionnaire (e.g., the number of household members who were White females under 5 years old or who were employed in commerce). A question on place of birth, the source of data on the foreign-born population, was not added until the 1850 census (Bohme et al., 1973). The 1850 decennial census, however, was the first census in which data were collected on the nativity of the population. It introduced major advances per person and permitted write-in responses. These feedbacks created the database on birth place and occupational status and were included in the subsequent census. The enumerators recorded the foreign state, American states and territories. Individuals born in a foreign country were defined as foreign born. About 5 million immigrants, mostly from northern Europe, arrived in America between 1861 and 1880. The dramatic increase in immigration to the US during the 1840s may also have motivated the officials for adding extra inquiries in the 1850 census.³ By 1870, the rate climbed to %14.4, and the Congress was prompted to pass the nation's first restricting laws.

³ According to INS, immigration increased from 600,000 in the 1831–1840 period to 1,7 million in the 1841–1850 period. Annual data show an increase from 52,000 in 1843 to 235,000 in 1847, and the figure remained above 200,000 through 1857 (1997).

2.2.5 1880-1924: The Great Wave, European Immigration and Reactions

1880s was a turning point in the history of the immigration to the US as the profiles and ethnicities of immigrants differed extremely than that of the past: the preceding majority was from Northern Europe before. But in four decades, they were exceeded firmly by 24 million Southern and Eastern European immigrants. Some immigrant sending countries in this period were of Italian, Greek, Bulgarian, Spanish, Portuguese, Austria-Hungarian, Rumanian, Polish, and Russian origins. Most differed from pre-1880s Europeans. The newcomers were Jews/Catholics; they did not spread to the rural West and chose to settle in large Eastern cities, especially NY, and kept their cultural heritage. Owing to the insatiable demand for unskilled workers in the rapidly industrializing country, they were hired easily. Due to the most distinctive part of this age -high-level industrialization that opened the doors of a new market for labor and fresh opportunities (Higham, 1984) -the annual average surpassed half million. Between 1850 and 1920, the foreign-born population boomed from 2.2 million to 14.2 million. The justification was based upon protecting an unfettered free-market system while labor organizing and strikes were condemned as violations of the “eternal laws of political economy” (Foner, 1989). J. L. Rosenbloom (1994), the economist of Kansas University, noted that once employers utilized ethnic networking for filling vacant jobs with foreign workers, they felt no obligation to attract native Americans. “Only when European immigration was cut off during the First World War were concerted efforts undertaken to develop the machinery necessary to attract low-wage southern workers,” he stated. Because of the vast open land and a relatively small population, the workers were able to earn wages %136 higher than Europe but they had lost almost half that advantage by 1913, after decades of massive labor flow. Furthermore, the economists T. J. Hatton and J. G. Williamson (1994), in *Migration and the International Labor Market 1850-1939*, found that immigrant labor reduced wages for native labor since competition was on equal terms. They added that the immigrants “marginalized” and kept many native women and black workers out of the mainstream of industrial jobs. F. J. Turner, a well-known chronicler of the era, believed immigration was much more threatening then. In the *Chicago Record-Herald* for 25 September 1901, quoted in Richard White, Turner stated:

The immigrant of the preceding period was assimilated with comparative ease, and it can hardly be doubted that valuable contributions to American character have come from this infusion of non-English stock into the American people. But the free lands that made the process of absorption easy have gone. The immigration is becoming increasingly more difficult of assimilation. Its competition with American labor under existing conditions may give increased power to the producer, but the effects upon American well-being are dangerous in the extreme (F.J. Turner quoted in Richard White, 1994).

Large-scale immigration from Europe in this period heightened tension, and the public pushed down Congress to pass restrictive laws. The majority of the House of Representatives voted for restraining immigration in 1897, 1902, 1906, 1912-3, 1915-7, 1921, and 1924. The Senate did the same in 1897-8, 1912, 1915-7, 1921, and 1924. Industrialists lobbied for flow of cheap labor at the same pace, and enjoyed the benefits of international rallying. It was a hard decision to say the final “No”. Three presidents were worn out by industrialists. Although the Contract Law banned companies contracting to transport immigrants legally bound to work in indentured servitude for at least a year and often for several years, the volume remained high.

The US also lived a rising anti-Semitism, anti-immigrant hysteria, and the climax of the Ku Klux Klan (KKK) as a “nationwide, all-purpose vigilante movement” as the historian John Higham of Johns Hopkins University put it (Higham, 1991). KKK emerged and terrorized Southern blacks lest they vote pro-Civil War and it spread to the North in 1915. Its followers participated in beatings, brandings, mutilations, kidnappings, lynching and murders for imposing the “superiority of the white race” especially against blacks, and also against Jews and Catholics. They reached their heyday during the 1920s but weakened in power and officially disbanded in 1944. It re-emerged during the civil rights movement of the 1950s and ‘60s but not supported in huge numbers.

The new immigrants preferred living in ethnic enclaves in cities. Thus, they were more successful in maintaining their cultural customs, traditional bounds, religious beliefs and dietary habits. This new structure was criticized by the nativists on the basis that the new comers weren’t able to or enthusiastic for social integration. The Immigration Restriction League (IMR) offered literacy test of all immigrants as

an eligibility standard. That would mean a sharp decline for Southern and Eastern European flows. In 1907, Senate formed the Dillingham Commission to analyze immigration and that commission accused the new immigrants of being “responsible” for many problems while recommending the merits be set higher. Ten years later, Congress overrode Wilson’s “literacy test” besides banning further immigration from Asian countries except for Japan and the Philippines. In 1921, Congress temporarily limited the total number to an annual 164,000 and by the 1924; it had made quota system permanent and stricter. Each immigrant-sending country was also limited according to percentage of its people living in the US since 1890. The quota system affected many World War II refugees escaping Hitler because some did not fit within the quota standards/limits. Immigration decreased and dropped dramatically especially after the Great Depression. In some years, more people left than entered. The Great Wave had ended.

2.2.6 1925-65: Return of the Stagnation and Immigration

In this period, immigration was diminished to an annual average of 178,000- as it was between 1820 and 1879 and when the US was as an open continent with the “frontier” myth. Yet, the reductions allowed labor markets to tighten and sweatshops virtually to disappear. In this era, black Americans entered the industrial economy in considerable numbers, and most Americans leveled up to a middle-class economic status. The roles of booming wartime- and postwar- economy was certainly deep; but the gradual tightening of the labor market enabled the country relax and absorb the millions of the Great Wave in the betterment of the US economy and public totally.

The Cold War sealed the immigration policy in the latter half of the 20th cent. Congress passed the Refugee Relief Act (1953) that granted admission of refugees from communist nations. Then, it passed Refugee-Escapee Act (1957) which allowed thousands of European refugees-especially those facing persecution in communist and Middle Eastern countries. Cuban refugees, too, were added after the 1959-Cuban communist revolution. The “liberal touch” did not affect the quota system. Congress overrode Truman’s veto and passed the McCarran-Walter INA in 1952. Truman

criticized the act since it discriminated “deliberately and intentionally, against many of the peoples of the world.” Eisenhower and Kennedy tried to modify the act. But it was Johnson who achieved Civil Rights Act of 1964 and Voting Rights Act of 1965. The Act of 1965 remarkably reformed quota system; repealed the hemispherical limits; shifted a limit-determinacy from *every* direction, and set an annual ceiling. It was a turning point for the current millennial mobility. The act developed until 1978 and skilled workers and those that had *relatives*⁴ were given preference.

The annual system operated a new era intensifying in the 1980s and 1990s. More immigrants came during this period than during the great wave of the 20th century quantitatively. The peak year of the Great Wave, 1914 (the population was 99 million) had seen 1.2 million immigrants. That meant %1.2 increase per year. The foreign-share was %15 in 1910. As for 1991 (the population had reached 252 million), the peak year of the new immigration, 1.8 million immigrants were flowing into the country. That meant only %0.7 rise. Foreign-born share of the population of the country did also rise after the 1965 act: %5 in 1970 compared to about %10 in 2000.

2.2.7 Immigration from Far East

Asian immigrants in the new millennium come from China, India, the Philippines, Korea, and Vietnam. These countries had contact on American land beforehand as well.

Many Chinese immigrants came to the US as *contract laborers* and worked in the western segment of the transcontinental railroad construction during 1850s. Later, 100,000 Chinese rushed to California for gold (1849-1870). Fulfilling nativist cries against “Yellow Peril”, the Congress passed Chinese Exclusion (1882) for a ten-year term, repeated it in 1892 and finally made it permanent in 1902 and banned Chinese naturalization as well. The act was nullified in 1943 when China became a significant

⁴ In the preceding decades, the touch of “relatives” had unexpected and unintended results in much greater chain-immigration not from Europe this time but from Latin American countries, specifically from Mexico.

ally during World War II and aftermath. Chinese immigration re-started in 1943 and surged after 1965.

Western farming labor of 1890s also demanded a new source of supply: Japanese. Some 7,000 Japanese began to enter annually. The pace was reduced with “Gentlemen’s Agreement” (1907). Japanese population, most dwelling in California, had been around 120,000 by 1940. The Pearl Harbor attacks (1941) ignited anti-Japanese sentiment. To prevent “probable espionage and sabotage,” Roosevelt issued the mass evacuation of “Japs” to relocation camps. Congress officially apologized (1998) and granted \$20,000 to each detainee alive.

The first Vietnamese immigrants were the Vietnam War refugees of 1970s and Koreans were the refugees of the Korean War (1950–53). Both groups were later joined by family members. Filipino immigration derived its beginning from the Spanish-American War in 1898 when the US seized the control of the Philippines. Filipinos immigrated as members of an American colony until 1934 when the US promised Philippine independence. Immigration rose sharply after the 1965 law. The law also sparked new hopes for India, too. In 1970, the population of Asian Indian was 75000. By 2000, that exceeded 1.6 million: most were professionals or well-educated.

According to the CPS and BC data, in 1994, %45 of adult Asians and Pacific Islanders were US citizens and they were much behind whites (%98), blacks (%95), and Latinos (%56). In 2000, the proportion rose to %58.7- approaching Latinos (60.9) but still behind non-Hispanic whites (97.8) and blacks (%94.3) (BC, 2002).

2.2.8 The “Nativity” of the US

The refinement to define individuals born in a foreign country but who had at least one native-born American parent was introduced as native in the 1890 census (Wright and Hunt, 1900). This instruction does not seem to draw consistency with the practices of enumerators in 1890 (Dubester, 1974); the outlying areas of nativity were defined in different and even conflicting ways. Individuals born in the Philippines and

granted independence in 1946 were native in 1940 but classified as foreign born in 1950. The primary outlying areas in censuses include American Samoa (1900-90), Hawaii (1900-50), the Philippines (1900-40), Puerto Rico (1900-90), Guam (1900-90), Virgin Islands of the US (1920-90), Trust Territory of the Pacific Islands (1950-80) Alaska (1880-1950), and the Canal Zone (1900-70) (BC, 2002)⁵. Data on the total foreign-born share are comparable from 1850-1990, although the definition of foreign born has been refined. For 1950-1990, data on nativity were based on a sample of the total population: %20 in 1950, %25 in 1960, and %15 in 1970, and, on average, about %19 in 1980 and about %17 in 1990. In 1970, there were two samples, one %15 and one %5. Data on length of residence in the US, citizenship status, and on Hispanic origin were based on the %5 sample, and thus data on nativity cross-tabulated by these characteristics were based on the %5 sample (BC, 2000). The census has taken on de jure (usual place of residence) basis rather than on de facto (location at the time of the census) basis.⁶ The scope of nativity and white category has historically changed. It has been expanded from Anglo-Saxon Protestants of the British Isles to include Germans, the Irish, and other northwestern European groups before the 20th century; and Italians, Jews, and other groups during the century (Brodkin, 1999; Ignatiev, 1995; Jacobson, 1999; Roediger, 1991). These Anglo-Saxon groups become fully white because of their assimilation through rising socioeconomic attainment, growing social acceptance, and intermarriages (Alba&Nee, 2003).

The census 2000 counted more than 281 million people. The BC projects that under the current rate of immigration the 1970 population of 203 million will increase more than double by the year 2050. That assumes the cease of illegal immigration. President Bush first talked about comprehensive immigration reform put the plan on hold after 9/11 and only reintroduced the idea in 2004. The issues of the (formation of) public opinion and political sensitivity are next to be discussed.

⁵ For further information visit: <http://www.census.gov/main/www/cen2000.html>

⁶ For a more general census coverage, see BC, 1975, Part 1, Series A 1-371, p. 1. For evaluations since 1940, see Fay et al., 1988; and Robinson et al., 1993. For histories of the census, see Wright&Hunt, 1900; Eckler, 1972; and Anderson, 1988. For publications of 1940 and earlier, see Dubester, 1950).

2.3 The Public Mind: The Socio-political and Economic Fabrics

Many studies have showed that the public reaction against immigration has always been largely negative (Espenshade&Belanger, 1998; Roper Reports, 1995; Simon, R, 1985, 1987, 1993), to varying degrees in varying times (Abbott 1931, 1993). The incidents such as the 9/11 attacks upon Twin Towers (the US), the cartoon controversy (Denmark), the London bombings in July 2005 (England), the “headscarf controversy,” the Paris riots in October and November 2005 (France), and the murder of Theo Van Gogh in November 2004 (Holland), have currently raised the suspicions about immigrants even higher. Socio-political and/or economic as in their nature, the affects of similar “violent” incidents shape the public mind, and cause policy shift at macro- and micro-level. Among them, however, the economy gets one of the densest colors in the paradigmatic framework of immigration. Different views have been brought by a number of scholars, economy experts and politicians. Pelletier of Harvard University put it that: “Concerns with immigration tend to be rooted in perceptions of how the economy is going” and “a sense of this job competition.” K. Greene, SPHR, the director of SHRM, analyzed the statistics from the PHC and found that immigrants accounted for almost 3/10 of the new jobs between March 2003 and March 2004. Greene also asserted that accounted non-citizens were leading for almost half the rise in labor force between 1996 and 2000. The USBC 2003 projections similarly held that by 2014, %42 of workforce will be filled by nonwhite. Nonetheless, Baltierra, quoted in Gurchiek (2005), believed that the stance that “immigrants usurp jobs from non-immigrants” has promoted to a common fear of job globalization and outsourcing:

Many of the service...manufacturing...lower-paying jobs in America that have gone away were held by immigrants & have gone overseas...Immigrants & nonimmigrants are concerned about the base of our work and whether it's here.

FAIR⁷ calculations of the public services for immigrants vary from \$67 to \$87 billion annually, while “the net fiscal drain on American taxpayers is between \$166 and \$226 a year per native household.” Legal immigrants have a %86 and illegal males have a

⁷ For further data, http://www.fairus.org/site/PageServer?pagename=iic_immigrationissuecentersfa6e

%94 rate of participation in the labor force. If immigrants disappeared from the workforce, how to fill the gap of productivity of many sectors still go unanswered.

The public is divided upon whether immigrants-particularly the ones who have arrived since 1965s have contributed to macro economy. Pelletier' survey showed a general unrest in terms of immigration's cultural impact. Among non-immigrants, %64 say immigrants unmake mainstream norms instead of adopting them. However, among those who thought immigrants took jobs from Americans, only %12 told one of their family members or themselves had been replaced, and just a %15 was hired over. Those respondents usually had no college degree, and earned less than \$30,000 annually. The popular ambivalence is best illuminated by the participation of %54 for whom the majority of recent immigrants has come/been in the US illegally. It is a revealing point that about 7/10 (%72) of non-immigrants and almost half (%48) of the immigrants are concerned about the issue of illegal immigration. %63 of non-immigrants believed that taxpayers paid too much to afford the educational, health and other public of illegal immigrants while %49 said immigrants enter the country in numbers that is not absorbable for the country; %56 related heightened risk of terrorism; and %54 agreed that "the wrong kind of people" have been entering. The immigrants' top concern (%43) was the physical danger such as deserts or oceans.

The heart of the most debates rests upon whether a community has the right to give priority attention to the members of its own community over people outside the community (Beck, 1997). The highest priority and the most dominant ethical principle under the nationalist ethic are the members of community. The federal government is expected to establish laws and regulations concerning trade, labor, capital, and the environment based primarily on the effect on the people of its own nation. But the globalist ethic focuses on more individualistic terms and "values" the freedom of an individual to act without governmental restrictions. This ethic defends the release of the laborers freely and let them to choose the ways that maximize their incomes, and this ethic unleashes corporations to move capital, goods, and labor in ways that maximize their profits worldwide (Goldsmith, 1995; Daly, 1999; Korten, 1995). The factors shaping the popular mood source themselves from other factors such as

financial disquietude, social and political order, cultural survival, politics and especially the mass media. The mind-directing services and stories upon immigration have become a daily raw material of cable news while media saturation has figured the policy in the 2008 presidential campaign.

2.4. Ethical Voices in Politics and Public Sphere

Throughout its history, the US has felt obliged to adopt differential and flexible naturalization systems in exceptional cases based on ethical terms. So far, it has given citizenship to foreign citizens married with US citizens; spouses and minor children of non-citizens who were granted amnesty by Congress beforehand; foreign workers and foreign students, who achieve to attract US businesses; people in countries that have not filled their quotas; the green-cards lottery winners; people facing the risk of discrimination (not persecution) in their countries,⁸ and (f) “special, needs refugees” recognized internationally.⁹

However, these extra citizens have left a negative impact upon the society. Some studies have shown that the public has a rebuffing perception of the ethical background of the US immigration policy. A famous report by the National Academy of Sciences, amplifies that the public mind runs in opposite direction of that of the policy was meant for. It is publicly sensed that this policy subserves business owners to benefit more workers with lower wages; capital-owners to make larger profits which results in widening income gap, and families of primarily upper class to render the services of household caretakers. Immigration, the surveyed group aligns, harms lower-skilled workers; poor Americans leaving welfare for joining the labor force; and crowded schools and students, particularly those from racial minorities. Congress is under intense pressure for compacting border security but it is clear that with an expanding economy and absorbable labor province, immigrants will longer be needed. Illegal immigration readily corresponds to market forces, but it is polymorphous in its nature: it rises during prosperous times and when jobs are abundant as it did in the late

⁸ The State Department informs that the majority are not recognized as refugees internationally.

⁹ Currently settled near the borders of the fled-country in order them to be repatriated back more easily.

1990's and declines when vocational opportunities diminish or disappear totally, as it recessed during the Great Depression of the 1930s. The floating essence of illegal immigration, together with the legal one, renders the determination of the exact sum of the migrants. The influx is possible if the balance of supply and demand can be well matched with efficient political programs such as developing the existing "Guest Worker" program. In essence, the ethical focus of immigration concentrates upon whether the US has a right to yield precedence to the needs of outsiders over the needs of the American citizens. Three approaches are generally suggested as practical and national solution: Open-, closed- and restrictionist-immigration philosophies.

2.4.1 Open-Immigration Philosophy

Basically, the defenders of this philosophy are globalists who see people as "global brothers and sisters" rather than "local competitors." Therefore equal rights bear communal responsibilities for the solidarity of the community. However, "open-border philosophy" is not an umbrella term for everybody engaged in this philosophy and most advocates of the open-immigration philosophy divide into sects:

2.4.1.1 The Right Wing: Free-Market Libertarians

This wing of the philosophy collects the economic points and includes global participation of the immigrants' labor in the US capital. It emphasizes the individual grid: each person must be given the chance to stride the ladders in due respect to their personal capacity, performance and competence uncircumcised by the cartographical borders. Consumers must be supplied the cheaper products which becomes highly available when the flow of such products and labor from other countries are set free. That contributes to the micro-economy (the capital owners) via extra profits gained from imported goods and labors at much lower costs, and helps the macro-economy of the US ultimately. Thus, no foreign workers should be discouraged through trading or politic matters for the right of further upward mobility.

The participation of immigrants in the labor force has indeed created a fecund

surface. The National Research Council (NRC) estimated that roughly 5% of household expenditures were spent on goods and services produced at relatively lower prices of immigrant labor. The price advantages were allocated in uniformity through many types of domestic-consumers. Many restrictionists base their argument on the fact that if Americans would simply do their own household jobs such as cutting lawns, cleaning houses, and caring for children, there would be no need for immigrant labor. At the state economy level, however, the macro economy barely benefits from having fewer workers. It tends to have negative and even devastating consequences in dealing with the national debt and government-funded entitlements like Social Security and Medicare. Federal Reserve Board Chairman Alan Greenspan stated a Senate committee in 2003 that if immigration is lessened, “economic growth cannot be safely counted upon to eliminate deficits and the difficult choices that will be required to restore fiscal discipline.” More to the point perhaps, was when the National Research Council (NRC) of the National Academy of Sciences evaluated the economic impact of immigration in its landmark 1997 study *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*. The study found only a small negative impact on the earnings of Americans, and even then, only for workers at lower skill and education levels. Despite the presence millions of illegal immigrants in workforce, the US creates two million jobs a year and has an unemployment rate of 4.7%, lower than the average in each of the past four decades.

Despite the fact that the arguments of the free-market libertarians make sense and their discourse seems beneficiary for the country, it misses the controllability of immigration and related issues such as illegal immigration, the issue of taxes and school tutoring, the crime and poverty, the evolution of a new under-class, the identity formation and the integrity of the country. It extenuates immigration and associated problems on the basis of labor, and visions it through too pragmatic lenses. Such a paradigm eventually fails to recognize the fact that the economics of a country is not heavily constituted by the short-term and temporary practices; and, the pernicious affects of this policy has not been paid fitting attention. A pachydermatous insistence upon encouraging discreet policy for a mere goal at cheaper labor and lower-cost products will result in a (more) deteriorated American economy because: (a) the US

may disregard the technological innovations and its practice in production process, or (b) may partly or totally stop developing and adopting updated and fertile methods in its industry and farming, and (c) may eventually lose its global competence in the long-term if the illegal migrants simply happen to stop working.

2.4.1.2 The Left Wing: Religious and Secular Globalists

In general, the advocates of this wing believe that the needs of people in the Third World have priority over the needs of people in more advanced nations on the basis that most newcomers live in conditions worse than those for the Americans. Unlike the libertarians, however, they advocate open borders only for the entry of immigrants, and not for goods. American workers must be protected from challenging global competition and goods- but not from foreign workers at lower-wage.

The open-immigration philosophy has not a strict persistence in the borders and patrolling. Taking the risks into consideration, most of the advocates treat controls at the border as a vital requirement for the determination and margins of the exact numbers of would-be immigrants in a reasonable manner, i.e. not more than that may cause a debilitating anarchy. Moreover, elimination of disease, crime, certainly military intervention, etc. necessitates a limit. But that limit comes close to a rather abstract issue with expectations far above present limits and below actuality.¹⁰

Some significant religious leaders have recently come up with sound entreaties for new variations of open borders. Their arguments affiliate the right of a country to secure the borders; but categorize those in search and need of work at top priority even if the numbers counted up to hundreds of millions. In the case of the bill of May of 2006, most notably, many national religious institutions welcomed and were pleased with the policy shift. Nevertheless, they openly appealed for a version of higher rights both in terms of quantity and quality; and came close to qualifying to open-immigration philosophy. Leftist secular and religious philosophers discussed the

¹⁰ In May of 2006, the US Senate drafted a bill that planned the entry of 100 to 200 million new foreign workers in the following 20 years but nullified “20 million over 20 years” to a minimum of 60.

overcrowding topic by signifying a theory that less populated countries with higher living standards are obliged to share the burden of the impoverished and congested countries with high unemployment rates. Global egalitarianism is the sublime aim for many open-immigration globalists who are against the borders and communities in a just world: any person must have the absolute right to migrate in order to advance his¹¹ life quality. The movement of the migrants may have a negative effect for the new country since it will certainly lose some of its life-standards. Even then, the balance will be established on the continuum that the latter will still not be worse off than the arriving migrant. The problem is that for the quadrupled immigration levels decline on immigrants' own volition, the "levels of overpopulation and poverty in the US" must practically reach to an equal level "to those of the countries from which these people are now anxious to escape" (Kennan. 1993). How to defeat global poverty and raise the life-standards of four billion third-world population high enough receives harsh pessimistic responds. D. Quinn, author of *Ishmael* observed:

We have encouraged people to think that all we have to do to end our population expansion is to end economic and social injustice all over the world. This is a will-of-the-wisp because these are things that people have been striving to do for thousands of years without doing them... They don't recognize any of the biological realities involved (1998).

Unless living standards in the US equilibrate to those of the third world-which means one-twelfth per capita- it appears far-edged that immigration of the current million level would ever go down without government-imposed limits (Beck, 1994). Therefore, it sounds as a good-will utopian but fits not to the realities of the 21st century. Needless to say, such a type of open-border model is practiced nowhere in the world. Moreover, the general public does not support open borders although the country experienced it in the early 20th century. According to the Zogby poll held in May of 2006, for instance, only %2 of Americans supported the Senate's plan to triple the immigration level. That obviously meant almost zero public feedback. With the single rationale of assisting the capital owners with cheaper labor and products spoken in the tacit discourse of free market libertarians, establishing an unrestrained nation

¹¹ Gender chosen for simplicity.

across the globe (and the US) has indeed no scientific explanation for the society; and it merits a few, if not any, positive ends for American way of life.

2.4.2 Comparing Globalist Left and Globalist Right

Within the paradigm of the globalist ethic, it is defended that immigration policies must give priority to America's poor over the even poorer workers from other countries. Namely, it has two branches: those on the left and right and they differ in handling with the touchstone of economy: (a) globalists on the right favor financial self-interest in the globalization of labor and the quadrupled level of immigration of the 1990s (Heilemann, 1996; f, 1998) and (b) those on the left disapprove plant relocation and most free-trade agreements. Both sides meet on the ethical correctness of mass movements of labor. According to Journalist P. Beinart, however, this stance sheds "distrust [over] the free movement of labor: in other words, immigration" (1998). The left supported the corporations' immigration policy because as harmful it may be for vulnerable American workers; most new comers live under economic circumstances much worse in labor market. But they generally favor federal programs of compensation expanding to the aggrieved Americans. Those on the right do not.

2.4.3 Closed-Immigration Philosophy

The general mood towards immigration is negative among the immigrated countries. Recent polls demonstrate a similar mood in the US, too: up to four to one American favors suspending immigration-not business, education and tourism but permanent relocation. This approach has been gaining adherents. The morals of closed-immigration are founded on the principle that a country has a right to ameliorate its own societal needs and prefer not to abide the negative results of immigration and sacrifice the national welfare or diminish their standards of life for the sake of non-citizens. The division between "us" and "the others," and the absence of self-abnegation does not require the US to stop aiding peoples in need, getting committed in international funding enterprise, or assisting poor countries when they need. But closed-philosophy advocates do not regard the issue of immigration simply

as a moral obligation and show affection for people in other lands. The advocates point out that the religions have tenets with dual nature: for a just society predicated upon mutual responsibilities, familial bonds should widen up to tribal or national diameter. Philosopher John Lachs of Vanderbilt University has stated that, “Throughout history, acting in self-interest for one’s own people generally has not been considered morally selfish.” He cites Roman Cicero:

*The union and fellowship of men will be best preserved if each receives from us the more kindness in proportion as he is more closely connected with us ...Nature produces a special love of offspring...To live according to Nature is the supreme good.*¹²

Jewish teaching from the middle ages also backs Lachs’ theory: “The general rule is that the poor of your town come before the poor of any other town.... As between relatives and poor strangers, relatives come first.” The strongest support belongs to Socialist Pierre-Joseph Proudhon who states: “If all the world is my brother, then I have no brother.” As the last quote suggests, the rest of the world may be in need of urgent help but since meeting the needs of the entire world is impossible, a country must limit beneficence to a *reasonable* amount of needy and closest people.

2.4.4 Restricted-Immigration Philosophy

Restrictive typology argues that fewer immigrants would mean more opportunities for low-skilled native workers but they do not convey an absolutist position. The refugees and close members of the resident families of people *must* be welcomed in acceptable numbers. A Roper poll of 1996, for example, documented 30% in favor of pulling the numbers below 100,000 but above zero annually.

The restricted-immigration philosophy is qualified by some principles. First of all, although there is not a legally recognized document that will enforce obligation in the globe, the host countries *should* ethically, traditionally and morally shelter refugees facing the risks of starvation or individualized persecution in their home countries. But that does not cover up outstripping the needs of the host citizens and

¹² Illustrations of the TAO: www.columbia.edu/cu/augustine/arch/lewis/abolition4.htm

their moral priority. The effect of the flow should not be higher than can be socially mitigated. The last principle specifically addresses and calls for the US to stop and decline the majority of the immigrants at the borders. Therefore, between the open- and closed-border philosophies, restrictionist-philosophy is nearer to the latter and again like closed-border philosophy, it focuses on a conceptual predominant nation-state solution to unionize the nation and compose fruitful incentives that will serve everybody. The majority of the social and political environments have mainly attached the restricted-immigration philosophy route to their immigration map since 1924. Polls prove that this philosophy has become the current consensus but the consensus conveys hot debates upon how to fulfill the numerical margins.

Restrictionist-border advocates have their own deficiencies as well. First, it does not have a methodology in determining the *safe level* of immigration, the sine quo non of the ethical obligation and allocation of the immigrants. Mass migration has the potentiality of reducing disparities among nations since the direction of the movement is from negative to positive state. This, in turn, may liken each nation to another. That would be valid if the widening equality could have been erased by simply sharing the burdens of the lower nations. A foremost representative of free-market economist Henry Simons (1963) of University of Chicago discussed that “free trade among nations would raise living standards in all participating nations...But major cross border movements of workers would level standards everywhere, perhaps without raising them anywhere.” Another free-market economics, M. Reder advised to Kennedy who had tripled numbers: “...free immigration would cause per capita incomes between nations to equalize, mainly by leveling the incomes of workers in industrialized countries down toward the low wages in the 3rd World.”

2.5 Concluding Remarks

The distribution of migrants highly differs today than in the past. Assuming a meeting point in the median may have a highly disappointing coordinates, and no much backlash is satisfactorily taken into account in the destructivity of the direction of the flow. Traditional gateway destinations include California, Texas, NY, Florida,

NJ, and Illinois, and the major American cities that always have been destinations for immigrants, including LA, Houston, NY, Miami, Chicago, San Francisco (Alba&Nee, 9–10). Prior to 1995, 3/2 lived in these six states but today, the percentage is falling (Anrig&Wong, 2006). Migrants are heading for destinations whose past exposure to immigration is limited, and whose experience coping with linguistic and cultural diversity is little (Suárez-Orozco, Roos&Suárez-Orozco, 1999, Waters&Jiménez, 2005). Preserving cultural diversity and uniformity, protecting tight-economy labor, balancing supply-and-demand, saving a common and/or official language and heritage, resisting congestion and sprawl, and preserving people as a community all do create tension and await to be solved.

Much of the anxiety and resentment generated by immigrants is a supposed result of the very real costs they impose on state and local governments, especially in border states. Providing education and health care is particularly expensive, and the federal government picks up only a fraction of the expense. But, again, there are countervailing factors: illegal immigrants hardly work tax-free. An estimated 2/3 paid federal taxes in 2002 for \$7 billion for Social Security contributions, \$1.5 billion in Medicare taxes, plus withholding for income taxes. They pay state and local sales taxes and property taxes alike. Furthermore, immigrants and their “concurrent descendants” are overwhelmingly productive members of the workforce. As the NRC notes, when this fuller picture is taken into account, immigrants have “a positive federal impact of about \$1,260 [per capita], exceeding their net cost [\$680 per capita on average] at the state and local levels.”

CHAPTER 3

THE IMMIGRATION AND THE POLITICS

3.1 Introduction

Today a 12-million-*unauthorized*-population is estimated to reside in, and more than 500,000 is estimated to enter to the US annually while another 500,000 fails at the borders (Passel, 2006). The majority is driven by economic motives, family reunification, political chaos and civil tumult, but some are “criminals, and some may be terrorists” (DHS, 2005; Cooper, M, 2006). The undocumented population results in procurement of fraudulent identities and documents that do not necessarily address to those living and working in the US. They still can be, and are, used “by terrorists and other criminals who desire to remain hidden from law enforcement;” otherwise, it would be “harder for unauthorized aliens, including criminals and terrorists, to stay in the US if finding a job were more difficult” (Krikorian, 2003). CIS, for example, detected that 22/48 al Qaeda foreign born terrorists operating in the US were already working in the US illegally since 1993 (Camarota, 2002). It has long been argued that the government has failed in managing unauthorized immigration because of a conflict in political will¹³; the intention to foreclose the illegal entry of ill-intentioned people including terrorists and criminals; the supply of workers for labor-intensive industrial and agricultural fields and food processing handjobs, e.g. meat packing, and in dealing with other aspects of immigration enforcement such as detention and removal, alien smuggling and trafficking, document and benefit fraud, worksite enforcement, inspections at ports of entry [POEs], and patrolling the border between ports of entry.

3.2 Immigration enforcement law

Immigration enforcement law is the de jure regulation of those who attempt to violate provisions of INA¹⁴, INA’s *civil provisions* such as overstaying in the US with

¹³ The paradox of “reluctant” policies is dated as far back as 1850s with the arrival of Irish (Reyes, 2002).

¹⁴ Codified and amended at 8 USC. §§1101 et seq.

an expired visa or working with an inconvenient one, and *criminal provisions* such as marriage fraud or alien smuggling and trafficking. Latter provision is applied both to the noncitizens and US citizens alike. Various tasks are incorporated under the banner of immigration enforcement. These include removing ones who should not be in the US, investigating smuggling, patrolling at POEs, challenging document and benefit fraud, and regulating employers. Immigration laws, on the other hand, contain some operative tasks that fall within the immigration enforcement scope. They also possess adjudicative aspects. These *services* are not necessarily enforcement. Immigration inspectors are the most characteristic example of this “dual” structural role in that they are responsible both for keeping ill-intentioned ones out while letting bona fide ones in. The piquancy is that a noncitizen whose entry is denied by an immigration inspector has not necessarily violated any provision of the INA so long as s/he has not attempted to gain entry by any means of fraud. Some are wrongly denied, so it seems a juristic flaw and thus a controversial issue of a Department of Homeland Security and a CIS adjudicator to perform an enforcement function by declining an application for a benefit to which the applicant is not entitled. The case can also be regarded as a purely adjudicative rule in that an applicant does not violate any terms of INA.

DHS suggests immigration enforcement be a part of homeland security strategy unifying formerly separate agencies such as the INS, the Federal Protective Service, the United States Coast Guard, and the United States Bureau of Census (DHS, 2004). This approach draws consistency with the Homeland Security Act of 2002 (P.L. 107-296) that abolished the INS and transferred most of its functions to various bureaus in the new DHS effective 1 March, 2003. The reason was to “set up a regime” which would lessen “time and effort in enforcement activities dealing with people who are not terrorists, who are not threats to [Unites States] national security, who are economic refugees” (Gekas, 2002). The shift on a well-functioning and coordinative anti-terrorism system is comprehensible especially after the 9/11 attacks. The Center for Immigration Study, for example, found that almost half of the al Qaeda foreign-born terrorists lived in the United States and had already violated significant immigration laws for eleven years from 1993 onward (Camarota, 2002), and even

more stringent enforcement of the immigration laws has thus been encouraged and is believed to have prevented some other terrorist plans both in the past and at present.

3.2.1 Authority for Immigration Enforcement Conduction and Coordination

INA is the primary law by which Congress legislates on immigration. Basic enforcement authority for immigration officials derives its power from INA §287 and §235. However the combined or cross-designed inspectors from Customs, the INS, and the Department of Agriculture within DHS's Bureau of Customs and Border Protection may permit the use of similar legislative and executive power depending on the circumstance. INA §287 gives any officer/employee of the former INS (now the DHS) authority under regulation prescribed by the Attorney General (now the Secretary of DHS) the comprehensive power of interrogating noncitizens, making arrests, conducting searches, boarding vessels, and administering oaths without a warrant. INA §235 also delegates "immigration officers" for inspection of all noncitizens who are applicants for admission or otherwise seeking (re-)admission or transit through the country. The INA obviously avoids any kind of distinction among the divergent employees/ officers of the former INS such as USBC investigators, and deportation officers. It is rather via that regulation under which specific DHS&USBC personnel are enacted, authorized and designated to prosecute certain law enforcement activities (8 C.F.R. §287.5).

3.2.2 Major Immigration Enforcement Legislation since 1986

Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) gave the Attorney General the option to bypass deportation proceedings for certain noncitizen aggravated felons, enhanced penalties for noncitizen smuggling and reentry after deportation, and increased appropriations for the border patrol while *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA; P.L. 104-208) added to the grounds of inadmissibility and deportability, expanded the list of crimes constituting an aggravated felony, created expedited removal procedures, and reduced the judicial review of immigration decisions in addition to the *National*

Intelligence Reform Act of 2004 (P.L. 108-458) that expanded the grounds of inadmissibility and deportability, accelerated the deployment of the entry/exit system, and increased criminal penalties for people smuggling (Garcia&Wasem, 2005).

USA Patriot Act of 2001 (P.L. 107-56) broadened the terrorism grounds for excluding noncitizens from entering the US, and increased monitoring of foreign students, and *Enhanced Border Control and Visa Reform Act of 2002* (P.L. 107-173) required the development of an interoperable electronic data system to be used to share information relevant to noncitizen admissibility and removability, and required the implementation of an integrated entry-exit data system (Bruno, *the 107th Congress*). *REAL ID Act of 2005* (P.L. 109-13) established statutory guidelines for removal cases, expanded the *terrorism-related* basis for inadmissibility and deportation, included measures to improve border infrastructure, and required states to verify an applicant's legal status before issuing a driver's license or personal identification card that may be accepted for any federal purpose (Bruno, *the 109th Congress*). *Homeland Security Act of 2002* (P.L. 107-296) transferred the majority of INS' functions to DHS, leaving the Executive Office of Immigration Review in the Department of Justice.

3.2.3 Types of Immigration Enforcement: Interior vs. Border

The INA includes both *criminal* and *civil* components: criminal charges such as alien smuggling that is prosecuted in the federal courts and for civil violations such as lack of legal status that may result in removal through a separate administrative system in the Department of Justice. Being illegally present in the US has always been, according to §237(a)(1)(B), a civil but not criminal violation of the INA, and subsequent deportation and due administrative processes are civil proceedings. A lawfully admitted noncitizen may become deportable if his visitor's visa expires or if his legal status changes. INA §243(c) (penalties relating to vessels and aircraft) and §274D (penalties for failure to depart) are other civil violations. Criminal violations of the INA, on the other hand, include felonies and misdemeanors, and are prosecuted in federal district courts. These types of violations include the bringing in and harboring

of certain undocumented noncitizens (§274), the illegal entry (§275), the re-entry of those previously excluded or deported (§276), ignoring a removal order (§243(a)), offenses relating to registration (§1306), and hiring illegal noncitizens (§274A(f)).

Although a distinction between interior and border enforcement is usually made, the pragmatic need for any distinction is questionable. Most professionals ignore the division and object to a separation of mission, since interior is a continuum of border and those skipping the border step will be apprehended and processed in the interior (DHS, 2004). But certain aspects of interior enforcement have no border component. For instance, fugitive taskforces, investigations of noncitizen slavery and sweatshops, and employer sanctions do not require close coordination CBP and ICE within DHS to fulfill enforcement mission. With the objective of illustrating that enforcement activities do not necessarily cover a border component, CBP referrals accounted for only 23% of all ICE criminal investigations in FY2004 (DHS, 2004).

3.2.3.1 Interior Enforcement Strategies

Issued in 1999, INS interior enforcement strategy had top five priorities. These priorities were the identification and removal of incarcerated criminal noncitizens from the US in order to minimize recidivism; the dismantlement and reduction of alien smuggling and trafficking operations; responding community needs and reports about illegal immigration and building partnerships to overcome local problems; combating against immigrant benefit and document fraud and prevent the hiring of undocumented workers by employers. (DJ, INS, 1999). Overall, the strategy aimed to block illegal immigration, prevent immigration-related crimes, and remove those in the US. The findings of a GAO report stated a missing formal interior strategy. The objectives were combined within a broader mission to fortify homeland security by all manners of means (20042). Two ICE offices, the Office of Investigations (OI) and the Office of Detention and Removal (DRO), are primarily authorized for immigration interior enforcement functions (GAO, 2004, p6). OI bears the responsibility for pursuing alien smuggling and trafficking, benefit fraud, responding to community complaints of illegal immigrations, and worksite enforcement. The issue of smuggling

and trafficking is followed by the human trafficking unit within OI's Smuggling and Public Safety Investigations Division (SPSID). DRO, on the other hand, is in charge of identifying and removing criminal aliens with some assistance from OI (p2). It is evident that conducting operations under complicated conditions and with finite resources, and handling with an estimated 12 million must-be-removed can not be run efficiently in the absence of established time frames for updating guidance. The frames will serve as means to identify progress and grantee accountability. That would enable officers to work with the most recent and updated progressive information. This will make the final decisions more accurate and insistent. Pooling information on officers' discretionary exercise could ultimately assure ICE that decisions fulfill the agency's operational objectives concerning apprehensions and deportations. That could also relax managers in identification of ideal attitudes or best fields requiring management action. Updating the currently used systems via operational data collection and integration will be cost-covering if regarded as part of other planned system redesigns. Without valorization, ICE will deductively not be capable for singling out and implementing an assuring vaccine approach or for recurrent or systematic issues that would not endanger its primary mission.

3.2.3.2 Border Enforcement.

Border enforcement includes inspections at POEs and the patrolling of districts among them. In 1994, the BC strategy of "prevention through deterrence" such as raising the risk of being caught and arrested to the point that would render the illegal attempts futile, called for placing BC resources and manpower directly at the areas of greatest illegal immigration in order to detect, deter, and apprehend aliens attempting to cross the border between official points of entry. Since the 9/11 attacks, the BC has refocused its strategy on increasing the security at the POEs, the entries of terrorists and weapons of mass destruction. Broader resources have conventionally been allocated to border enforcement measured in time spent. The resources almost doubled between FY1997-FY2003. The USBC has started to work in coordination and exchange intelligence with Canadian and Mexican authorities in order to circumvent terrorist entry. Despite increased border enforcement, risks and costs, and

despite more dangerous alternative vice routes and fatal results, the number of unauthorized aliens continued to increase (Cornelius, 2001).

3.2.3.3 Worksite Enforcement

Added by the IRCA in 1986, the INA §§274A-274B forbids the unauthorized-labor employment and associated discrimination within the US. The provisions aimed to prevent unauthorized immigration through a reduction in the scope of employment. The magnet of provisions cover an employer, who knowingly hires, recruits or refers for a fee, or continues to employ someone who is not authorized to be employed. The provisions make primarily employers responsible for verifying the employment eligibility terms by checking identity and eligibility documents, and for accomplishing and retaining verification forms. Employers disobeying the requirements may, according to regulations, face “employer sanctions,”¹⁵ i.e. civil or criminal punishment (INA§274A, 8 USC. §1324a). The related provisions also prohibit employment discrimination against US citizens or work-authorized ones based on national origin, on citizenship or immigration status. Fully-readied employer sanctions provisions began in June 1988 for nonagricultural sector and in December 1988 for agriculture.

Worksite enforcement is a neglected area of unauthorized immigration policy most probably because it jeopardizes the capital profit at macro-economic level. It has long been asserted that the US has not truly performed genuine unauthorized immigration enforcement policy except for allotting most of limited resources to border enforcement, and that it has not fully engaged in other types of immigration enforcement, most notably worksite enforcement (Krikorian, 2006).

3.3 Immigration Fraud

Immigration fraud can be categorized in two types: document and benefit fraud. The former fraud includes the counterfeiting, sale and/or use of id's or “breeder

¹⁵ The term “employer sanctions” is also used to refer to the provisions on unlawful employment. The ICE Office of Investigations has primary responsibility for enforcing these provisions For further discussion of legal provisions, see CRS Report RS22180, by Alison M. Smith.

documents” like birth certificates or Social Security cards, registration documents and stamps, employment authorizations, passports, visas, or any documents used to bypass immigration laws (US National Commission, 2004; Dinerstein, 2002; GAO, 2003). The latter fraud encompasses the willful misrepresentation of a material fact to obtain an immigration benefit in the absence of lawful eligibility for that benefit (US House of Repr., 1997). Immigration fraud can be viewed as a continuum of document fraud since it can turn over to be en route to benefit fraud (CRS Report RL32657). INA conducts immigration fraud in various ways: §212(c) makes “misrepresentation” such as acquiring a visa by a false representation of a material fact or entering by a false claim for citizenship, a cause for inadmissibility. And, the §274(c) includes civil enforcement provisions for prosecution of individuals and entities committing immigration document fraud apart from inadmissibility or removal procedures. Besides INA, the Criminal Code (CR) criminalizes the deliberate fraudulent commission related to identification documents (18 USC. §§1015, 1028.). CR §1546 criminalizes (facilitation of) production and use of fraudulent visas, border crossing cards, and other immigration documents covered by immigration-related statute or regulation. Furthermore, the USCR makes intentional falsification of naturalization, citizenship, or noncitizen registry a criminal offense.

Although an estimate of a pervasive edge is unavailable (GAO, 2006), the conventional wisdom is that document fraud ascended after the enactment of the IRCA of 1986 that pinned employers down for inspection of the documents of possible employees (P.L. 99-603) and it is widespread within the US. Large-scale black market enterprises supplied counterfeit and “breeder” documents provided unauthorized workers necessary papers. The case hints that brokers could be the legal residents/citizens. Many policy analysts believe that the pervasiveness of immigration fraud facilitates the entry of potentially dangerous ones threatening the state security. The National Commission on Terrorist Attacks upon the US (commonly known as the 9/11 Commission) showed that several 9/11 hijackers obtained visas through the use of forged documents. Insufficient intelligence and screening catalyzed the terrorists to enter in spite of the documental defects and past associations. The Commission (2004) maintained that interception or deportation could have been applied to at least fifteen

hijackers had more diligent enforcement and due process been conducted.

3.3.1 Investigating Fraud

Fraud investigations differentiate according to the circumstances and scope: to locate and apprehend ones selling, distributing or manufacturing counterfeit/altered documents; and to beat criminal organizations brokering large-scale illegal schemes including rings of sham marriages or offers of bogus jobs, and immigration benefit applications. Investigation of immigration fraud has descended as a priority. In FY1986 reportedly equaled 256 special agents were reported to work solving 11,316 fraud cases. In FY1995, 181 agents were left; managing only 6455 cases (House of R., 1997). Thus, the governments' struggle against fraud has generally been evaluated in negative and critical manner. INS failed to realize its agenda because INS had insufficient staff to realize its program-goals. GAO recounted that benefit fraud investigations faced a standstill due to a desideratum of integrated data systems:

The operations units at the four INS service centers that investigate benefit fraud operate different information systems that did not interface with each other or with the units that investigate benefit fraud at INS district offices... INS was not in the best position to review numerous applications & detect patterns, trends, & potential schemes for benefit fraud (GAO, 2003).

The decline in fraud investigations between FY1992-FY2003 mirrors a failure in fulfilling the expectations. Pursued ways of documents facilitators, brokering large-scale illegal organizations and benefit fraud suspects, decreased.

3.3.2 Selected Fraud Issues

There appears to be a lasting disconnection between CIS and ICE in the domains of fraud and national security investigations (Wasem, RL33319). CIS founded the Office of Fraud Detection and National Security to function via appropriate law enforcement entities to fix national security and to dart "the criminal carton;" and, to detect and eradicate inveterate systemic fraud during the applications. The GAO's report of 2004 drew an improperly and ineffectually working schema:

The difficulty between CIS and ICE investigations regarding benefit fraud is not new.... As a result, some CIS field officials told us that ICE would not pursue single cases of benefit fraud. ICE field officials who spoke on this issue cited a lack of investigative resources as to why they could not respond in the manner CIS wanted (2004).

The main focus of current investigation of the document and benefit fraud and black market is that global terror, organized-crime syndicates and human-trafficking cycles primarily depend upon counterfeiting, forgery, large-scale embezzlement and fraudulent documents for a minimized risk of detection en route to the US.

3.4 Concluding Remarks

The enforcement of immigration law is primarily the responsibility of the DHS, ICE and CBP, but a reasonable option to reduce of the unauthorized population might be closer coordination and intelligence with certain federal agencies, such as the SSA and the DL. Due to the breadth of immigration enforcement activities, any possible step to be taken requires the Congress to determine the relatively more significant enforcement task and develop the most efficient strategy for allocation of resources. Congress can expand the immigration enforcement role of federal and local agencies. Some local law enforcement agencies have used local laws to arrest unauthorized (Dan., 2005; Patrik, 2006). The alternatives may carry risks on their own accords but coming up with a single policy based on enforcement or a mere legalization program with a clean slate in hand, may not answer great expectations for reforming the legal immigration system and decreasing the illegal one. Despite the opposite views that a well-designed absolute policy can fulfill such expectations (Douglas S. M, 2005), the enforcement of certain laws proves to be controversial and enforcement against longer-term, non-criminal, unauthorized ones are often politically inapplicable because of the deep communal ties. After all, a social backlash is too probable to occur in any deportation attempt. Besides, an accelerated strategy opposing foreign labor may have touch some sectors of the economy and the US economy may get affected negatively. The extreme and reasonable approaches and practices for reducing unauthorized population with an untouched and secured economy; and, preserving resource limits and management topics in addition to the reverberating

“good will” within the nation, all render enforcement policy a complex, but not an impossible issue.

CHAPTER 4

Immigration and Education Globalization in the 21st Century

4.1 Introduction

The enrollment of immigrants and the descendants of them in schools at unprecedented numbers in the new millennium is one of the direct and explicit results of rapid globalization and resulting large-scale mobility (Suárez-Orozco, 2001). The current education, thus, must be evaluated within the differential power-relations siding beyond the nations to the new spaces generated by globalization because of the fact that this dynamic obviously shapes and is shaped by students' lifetime trajectories and future-choices (Suárez-Orozco, 2001). The turbulence that immigration and concomitant representations cause must be taken into account while esteeming the immigrants' experiences. This gains more momentum since these relations frequently find voice in political arena and affects equal opportunity in education. Indeed, schools are not disconnected to political mechanism and discourses are highly implanted within them in distinctively intense ways. As Carrasco et al. (2004) observes, schools operate as special zone of "mandatory contact" between differentially situated segments that might not gather spontaneously. These moments of contact either becomes politicized and conflicting or temper in ways that enable an inclusive societal living forms, belonging and citizenship. So, schools transform into a principal berth for hot debates upon membership, citizenship and belonging (Bejerano, 2005). Despite the fact that the arguments of multicultural contact reaches beyond the limit of the educational scope, school, as microcosm of larger society, usually configures struggle and paradox for non-majority groups who seeks for a negotiation in their inherently contradicting binaries that both "free[s] and fetter[s]" (Henry, 1963), "welcome[s] and unwelcome[s]" (Gitlin et al, 2003) and that is both "additive and subtractive" (Gibson, M. A., 1995; Valenzuela, 1999). Thus, any analytic study must figure the contentious and contradictory structure of immigration, and how education reproduce "unequal and dual forms of citizenship" (Burch, 2001; Westheimer&Kahne, 2004) even while welcoming and including them.

In the highly multicultural American society, both multiculturalism and multicultural education must be regarded as “normal human experience[s]” (Goodenough, 1971-6) and it must be accepted that the experiences can illuminate paradoxes and dilemmas within the inherent plurality (Gibson, M.A., 1976). Multicultural competencies are an asset. Schools must equip children for “world mobility” (Mead, 1946) without favoring one side and disadvantaging the other. Therefore, schools are the most significant place in practicing approaches to address the educational opportunity gap between documented and undocumented students. Performance-based and market-oriented pedagogy often causes inadvertent exclusion of the latter group. Also, the permeation of institutional discrimination and implicit racism it is generated by in the micro-politics and school settings are two factors limiting educational opportunity. Primary emphasis is heavily put on teaching and learning through tests. Educators, learners, and schools are often evaluated within the span of test-scores instead of any meaningful way set and promoted for a safe and inclusive learning environment for immigrant children. Peculiar ways for supplying a simplified access to the valued and rewarded cultural must be sought and desired for (Goodenough, 1976). The restrictions must be re-examined carefully as they are born from inequality that imposes on the acquisition of competence within school settings (Lewis, 1976), and it is also essential to question the one that exercises authority to judge competence (Hill-Burnett, 1976).

The “deficiencies” the immigrant children are accused of bringing with them actually cover a range of positive practices and “funds of knowledge” (Moll et al, 1992). Immigrants and their descendants master a diverse cultural heritage and competency in local and the global terms. Their geographic mobility, bilingualism and contextually dual identity mark them as active socio-economic and *geo-political* actors. A good share of their value lies in their capacity to indicate the numerous manners in which they manage drawing on their symbolic and material resources for navigating through educational systems in increasingly globalized world and to re-contextualize the static and hegemonic American nation and notions of citizenship and belonging. The assimilationist framework must be replaced by “additive/ selective acculturation,” and “*cosmopolitanism*” that will capture the genuine agency.

4.2 Educational Gap and School Desegregation

Education, a fundamental task of the state and local governments in the US, is traditionally regarded as the ideal social equalizer of class distinction and upward mobility in American culture. Compulsory schooling regulations and budget¹⁶ allocated to education signify educational investment within the context of democratic society and developmental of civic responsibility and ideal citizenship. As it has also been stated in *Brown v. Board*, educational opportunity is a constitutional right for every individual at the age of schooling age and all on *equal* terms. In *Brown v. Board of Education*, the Supreme Court sanctioned “[with due education] Any American can grow up to be president.” Years after “inherently unequal,” separate-but-equal schooling system introduced in the *Plessy*, the *Brown* required integrated educational units and referred to the issues limiting immigrants such as discrimination and poverty. However, the enduring “achievement gap between Black&Hispanic students and their White counterparts” (NAEP, 2003) and the re-segregation of American schools justified in a disguised racism (Kozol, 2005a; Orfield&Yun, 1999) delete the promise of *Brown*. Students are assigned to schools on racial-basis and that is exactly discrimination for its own sake, because, as clarified in *Meredith*, although an educationally fruitful and racially-balanced diversity can be an impellent governmental interest in *higher* education programs, it can not be accepted as normal, even realistic or practicable, act in compulsory education. Kozol asserts that American schools are getting more and more segregated in cities and that has caused:

[many] to set aside the promises of Brown . . . to settle for the promise made more than a century ago in Plessy v. Ferguson, the 1896 Supreme Court ruling in which ‘separate but equal’ was accepted as a tolerable rationale for the perpetuation of a dual system in American society. (Kozol, 2005a)

Notwithstanding the fact that “separate but equal” seems politically correct or at least plausible at first sight, the social realities mock the theory because *separate* characteristically settles “savage inequalities” in segregated schools. Most of these

¹⁶ The national average per pupil cost only in 2003 was around \$10,000.00 for the US government. (Standard & Poor’s, 2006)

schools are overpopulated and they naturally lack sufficient facilities, materials, resources, qualified teachers, and curricula. Emphasis is put on “basic skills” and this excludes challenging curricula enacted in affluent (and predominantly White suburban) schools (Kozol, 2005a, p. 34).

It is clear that only a corporative educational scheme can fit the court-ordered arrangement and no school must be allowed to practice or frame-even in indirect ways- the realities of children by paradigmatic transmission of the powerful elite (Kozol J., 2005). In *Successful Failure*, H. Varenne and R. McDermott defended the existence of common historical and cross-cultural findings: human beings have progressed not by the agency of “overloading either education, enculturation, or instruction with formal concerns about success and failure” but by the agency of public-stationed educational entrustments, “which earlier served the few for limited purposes, the major political task of freeing the person, equalizing chances and building a more just community” (Varenne&McDermott, 1998). Kozol critically examined and witnessed the modern educational tendencies and the dominant atmosphere taking roots for ten years prior to *Brown* -decision, and thirty years in post-*Brown* era, and concluded it is high time all the authorities to pay up on the promise assured in the Court and unbind the cause-and-effect chain of the minority children and their academic underachievement resulting from racism, disqualified teachers, living standards, home life, compelling demographic mobility, opportunistic apathy and disaffected identities have all been posited as possible causes for this.

The data feel the pulse. In an article that appeared in *The New York Times*, Monday, November 20, 2006, the findings of researchers and several recent studies showed very little progress in closing the achievement gap between minority and white students in public schools. These gaps that are present when students enter kindergarten actually widen over the 12 years minority students spend in school. “Not only have all boats stopped rising, but the boats that are under water are sinking further down,” Bruce Fuller, a professor of education at University of California, Berkley, and contributor to the study, was quoted as saying (Dillon, 2006). Although there can be slight betterments from time to time, on the pervasive economic frame

and political climate, the gap, referred to as “intellectual inferiority, will rest implacably anchored as a byproduct of public education in American psyche. As Justice Powell cautioned in 1978 in *Regents of University of California. v. Bakke*: “[p]referring members of any one group for no other reason than race or ethnic origin is discrimination for its own sake” and that race could be regarded as a *contributive, but not decisive, factor* to diversity (438 US 265, 307).

4.3 The “Culture of Poverty”

The “culture of poverty” refers, in this context, to the intergenerational poverty that the poor suffer in American nation. This theme is underpinned in *A Framework for Understanding Poverty* (Payne, 2005); a work that focuses on the cultural bases of intergenerational poverty so that teacher can develop coping mechanisms with the low academic achievement of poor students. Payne’s work asserts that there is a self-promulgating “culture of poverty,” set upon “hidden rules,” blocking the poor from climbing out of poverty (Payne, 2005). Those rules are “the unspoken cues and habits of a group” and many are tied to economic class (p. 37). Learning those rules is an adaptive skill required for fighting against the material circumstances of poverty and achieving in school and business (p. 3). Poor people have generationally regarded the “present as most important [and] decisions are made for the moment based on feelings or survival” (p. 42). For the middle class, on the contrary, it is the “future [that] is most important [and] decisions are made against future ramifications” (p. 43). The “driving forces” for poor people are “survival, relationships [and] entertainment” (p. 42) while these forces are “work [and] achievement” (p. 43) for the middle class. Poor people value education abstractly “but not as reality” (p. 42); the middle-class views it as “crucial for climbing the success ladder and making money” (p. 43). Deciphering the waves of “culture of poverty” and its trajectories on the daily routines of the poor can streamline educational pavement to success of poor people. Payne describes a number of traits of poor people typifying a culture of poverty. In poor peoples’ lives, the knowledge and abilities intensify around having firearms; viewing prison as a part of ordinary life; being in constant move; knowing “which grocery stores’ garbage bins have an abundant thrown-away food” (p. 38); having common law marriages; living

in disorganized, crowded, noisy, violent, and nonverbal houses. Payne also indicates some common point in the familial structure of the poor families which lack men and in which single mothers survive through frequent and casual sexual relationship. The discourse reflects the culture of poverty with domineering daily speeches like alcohol-drug, domestic/gang violence, sexual abuse, prostitution and teenage pregnancy.

The rhetorical force of Payne's work is undermined by serious deficiencies such as the absence of scientific touch. The judgments about the lives of poor people repeat a-hundred-year-old stereotypical poor characterization without adding anything unknown to the known. The poor are portrayed as pathological, cognitively deficient and emotional who needed to escape poverty and move into the middle class. Yet, the sensationalist caricatures seem to have achieved¹⁷ a great popular support from relevant authorities and can level up an average understanding.

4.4 The Language of the Poor

One prejudice for accusing the poor for their poverty is implicated in the (deficient) language they use as one of the chief cause of their respectively lower academic and vocational achievement. Scottish philosopher George Campbell as far back as 1776 claimed that lower-class members were linguistically inferior to the upper class ones since "the ideas which occupy [the minds of the poor] are few, the portion of the language known to them must be very scanty"(cited in Nunberg, 2002). Black children living in poverty were even claimed to have hardly any language at all (Bereiter&Englemann, 1966). Five years later, in *Class, codes, and control* (1971), Bernstein defended that children living in poverty communicated with a "restricted code" that circumscribed their capability for coping with abstract knowledge and formal schooling terminology. Hart&Risley (1995) argued that *War on Poverty* put in the term of president L. Johnson managed lifting "barriers [to upward mobility] . . . and a boost up was provided" (p. 2) to poor people. On the other hand, they objected

¹⁷ A *Social Science Citation Index* indicated about 400 journal-references from various interdisciplinary perspectives; cited by popular press, it is recommended as "essential reading" in a report on the teaching of reading in US colleges of education for future teachers to gain insight for the language of poor children and their families (Walsh, Glaser, & Wilcox, 2006; Keller, 2006)).

the notion that “a concentrated dose of mainstream culture would be enough to raise intellectual performance and lead to success in mainstream schools” pp. 2-3) because most drop out of school and fall into unemployment or onto welfare in a culture of poverty (p.2).

Hart&Risley also analyzed the vocabulary acquisition and intergenerational poverty and specifically worked on the language children from different backgrounds acquire via parental interactions. The data collected from upper/middle-class, working /welfare families shed lights upon the dichotomy and highlights myriad linguistic alternations used in both classes and family-types. One finding, for instance, was that a three-year-old-welfare child uses an average of five hundred daily words actively; yet this number doubles in professional families who are more disadvantaged in terms of access to books and other print materials before starting the school (Neuman, S.B., 1996, 1999; Neuman, S.B.&Celano, 2001) and more often ignored to be read to by their parents and/or siblings (Adams, 1990; Come&Fredericks, 1995) compared to the middle-class children (Vernon-Feagans, et al, 2001).For example, a well-educated, middle-class mother tends to “give more feedback and information to their children and ask more questions that orient the child to the specifics of the [literacy] task” than a poor and uneducated mother would do (Lesar, Espinosa, & Diaz, 1997, p. 164). This gap widens even more when children enter school, try to develop vocabulary or comprehend reading passages in subsequent grades because by the time they start school “low-income children [generally] appear to . . . have had less experience with books, writing, hearing stories, learning and reciting rhymes, and many other types of experiences that promote literacy learning” (Goldenberg, 2001, p. 216). The quantity and quality of language also matter in this context because some researches (Purcell-Gates, 1993) indicate that the quantity and quality of literacy interactions of children of different backgrounds often differ, too. Parental interaction with their children at home becomes a definite implication of varying rates of vocabulary learning. For instance, the children of the professional parents, according to Hart&Risley (1995), heard more words and “by age 3 [they] would have heard more than *30 million* words [compared to] the children in welfare families *10 million* [Italics added]” (p. 132). The language is not only of higher quantity but also of higher quality. The professional

parents displayed “longer and multi-clause sentences, past & future verbs, declaratives, and questions of all kinds; and more affirmative feedback and responded to them more often when together” (Hard&Risley, 2005pp. 123-4).

Differing vocabulary acquisition in families can ultimately be related to the diverse cultural practices. Integration into life in a “culture of poverty” may not put linguistic demands in high ranks; however, the cultural heritage and values transmitted via language may not suit or may even conflict with the needs of the academic achievement and vocational success. Connoting “hidden rules” in Payne’s work, Hard&Risley believed that poor children learn the most basic vocabulary only to survive and communicate in their homes and community but do not come across with the ones essential in schooling. They reached the conclusion that:

the differences...between families seemed to reflect cultural priorities parents casually transmit through talking. In the professional families...parents seemed to be preparing their children to participate in a culture concerned with symbols and analytic problem solving....In the welfare families, the less amount of talk with its more frequent parent-initiated topics, imperatives, and prohibitions suggested a culture concerned with established norms.... [Latter] seemed to be preparing their children realistically for the jobs likely to be open to them, jobs in which success&advancement would be determined by attitude [and] how well the children presented themselves. pp. 133-4)

Yet, Hard&Risley fell into a methodological and analytical deficiency by experimenting with only black families. First of all, it must be kept in mind that poor families have diverse ethnics, languages, and races (BC, 2003). Second fact is that almost half (%46) of the thirty-three million Americans living below the poverty line are non-Hispanic whites, and only a quarter is Black (BC, 2003). Third fact is that an ethnocentric bias can be felt throughout the book because the welfare family was interpreted from the self-assertive middle-class criteria. For Hard&Risley (and for many other scholars such as Bernstein, 1996; Delpit, 1988; Heath, 1983), the indirect requests are symbolic for a more polite and affirming (middle-class) culture giving children choices and encouraging problem solving. The direct ones, on the contrary, are accepted as negative, impolite, and restrictive; and this form is used

overwhelmingly in poor families. Hard&Risley observed that “Just as the children in the professional families at age 3 shared the prevailing affirmative tone of family interactions, the children in the welfare families at age 3 shared the prevailing negative tone” (p. 177), and they ironically predicted that “it will take thousands of hours of affirmative feedback even to begin to overcome what [a welfare] child has learned about herself in her first three years” (p. 188). Linguist J. Gee (2004), for example, asserted that linguists are aware of the fact that

...all children -including poor children- have impressive language ability. The vast majority of children enter school with vocabularies fully fit for everyday life, with complex grammar and with deep understandings of experiences and stories (p. 17).

But many scholars (Cho&Bracey, 2005, Miller, 2003; Jackson&Roberts, 2001; Goodwin, 1990; Heath, 1983; Michaels, 1981; Labov, 1972) put an emphasis on the richness and complexity of language used by people living in poverty and that tendency has left a deep prejudice in the minds of the teachers, schools-managements, students and parents. The biased-practices and evaluation have widely been used to discriminate the students at the first meeting- those who spell “mother” as “mummy” and those who wrongfully spells as “momma”. Unfortunately, that has also been used to label latter group as having almost “no” language at all and as “uneducatable” before beginning education in the first grades.

4.5 The Family Literacy Movement

Academic failure in “troubled” (urban) milieus is related to parental deficient commitment in education. The case ignites political debates upon problems in urban schools. Parent’s interaction with children includes “elements of teaching that greatly influence child’s readiness for school” (Lesar, Espinosa&Diaz, 1997, p. 163), specifically in reading comprehension (Green, 1995; Stevenson&Baker, 1987). The “common sense” is that prolific early literacy programs must compromise “a home-school connection component that links the school’s efforts with children’s home experiences and enlists parents in supporting their children’s academic development” (Goldenberg, 2001, p. 215). It can be said that as long as a “child’s success in school

literacy programs...depends on the experiences s/he has at home” (Morrow&Young, 1997, p. 736), it can be inferred that certain literacy skills can not develop because due the absence of rich and diverse parental experiences.

The family literacy movement emerged right at this point, and aimed orientating of the parents and presenting myriad alternatives and necessities critical for the academic achievement of children. The initiatives targeting these programs covered a large spectrum such as comprehensive programs or projects like community-, school- and class-based programs and adult literacy project (Purcell-Gates, 1993); the initiatives also possessed an advisory approach expounding the parents the practical (local) and ideal (global) reasons for the continuation of children’s education and the parental accompaniment meanwhile (Morrow&Paratore, 1993; Purcell-Gates, et al, 1995); teaching parents themselves to label visual (print) objects (Pelligrini, 1991); the benefit of family journals (Harding, 1996); reading incentive programs (Morrow&Paratore, 1993); book samples (Darling, 1992); school lending libraries and “tips” for motivating children to read (Come&Fredericks, 1995); inciting parents to watch children’s programs like *Sesame Street* or *Reading Rainbow* together (Purcell-Gates, et al, 1995); and, book bag programs (Cohen, L. E. 1997). A body of research (e.g., Darling, 1992; Gamse, et al, 1997; Lesar, Espinosa&Diaz, 1997; Neuman, S.B., 1996; Pelligrini, 1991; Shanahan and Brown, 1995) favors the enumerated initiatives even though the net gain for participation in such programs may not be grand (Purcell-Gates, 2000) since intervention programs aiming particular strategies for reading/writing prove to be effective in rising children’s school success in relevant fields (Purcell-Gates, 2000).

The movement addressed non-middle-class parents lacking crucial literacy experiences. This tendency implements a deficit-oriented paradigm and labels the low literacy rates among non-middle children as “family problem”; thus, family is the one that must be either “fixed” (Taylor, 1997, p. xvi) or “re-socialized” for compensating the presumed deficiencies in the first hand (King, 1994). Many defendants of the family literacy movement –e.g. Hart&Risley and Payne- pathologies families living below the poverty line and situated wide margin of academic failure among poor

and/or minority members in their intellectual capacities, homes, and environments. However, “print poor” and “differently literate” portrayal of poor families is believed not to have a great impact upon the school and home relationship (Rogers, 2003; Goldenberg, 2001; Fishman, 1988; Taylor&Dorsey-Gaines, 1988; Heath, 1983). Despite the readiness of schools and social for assistance, it is the non-middle class families that hold the real power for adopting the linguistic, cultural, and parental practices of the successful middle-class families (Taylor, 1997).

“Cultural deprivation” has thematically emerged once again in the context of a current act, *No Child Left Behind Act (NCLB)* and through the re-segregation of US schools. The act has emphasized academically “left behind” children- especially poor Black and Hispanic children sometimes in exaggerated ways. The testing and accountability mandates of the act polemically assure that *separate* could be *equal*. The indication is clear that the primary influence upon the “left behind” students is a narrow-minded, skills-based “pedagogy of poverty” (Haberman, 1991) “alleged to be aligned with governmentally established goals and standards and . . . suited to what are regarded as ‘the special needs and learning styles’ of low-income children” (Kozol, 2005a, pp. 63-4). The “special needs and learning styles” peculiar for low-income members of the community are actual codes for their presumed linguistic, cultural and experimental deficiencies (Hart&Risley, 1995; Payne, 2005). But a “pedagogy of poverty” may prove dangerous by restricting educational opportunity among low-income students’ and ignoring a rich, engaging curricula applied in more affluent districts. This negative attitude contributes to transformation of “intelligent, creative, cultured children . . . into seemingly ‘slow,’ deficated, acultured beings” (Smith, M. K., 1999). NCLB undoubtedly benefits from a “deprived” or “deficient” stance and “proto-militaristic” curricula dominating the schooling experiences in urban districts (Kozol, 2005b). The point is that the deficit model as pedagogical discourse per se does not seem problematic, but the results do in that they share much of the primary responsibility for disproportionate rates of failure among “others.” The “deficit” perspectives that create “other” side of the educational paradise pathologize each unit in the chain of individual-family-community stratum, and its instantiation in pedagogical methodologies and assignments stands as problem for its own sake.

4.6 The Deficit Model and its Sociological Consequences

When President L. Johnson declared a national “war on poverty” (Johnson, 1964) against the racial and economic gap severing the US in the 1960s, some earlier educational programs, i.e. *Project Follow Through* and *Head Start* programs, had already been realized and they had indicated a federal engagement in “giv[ing] people a chance” to benefit from the national welfare by improvement of schooling of disadvantaged children (House, et al, 1978). Most recent programs have been strongly tied to the theory of *cultural deprivation* (Ladson-Billings, 1999), and they have tried to explain “disproportionate academic problems among low status students as largely being due to pathologies or deficits in their sociocultural background” (Valencia, 1986, p. 3). The deficiency of the poor people emerges from their own lives in which access to opportunities for acquiring “the knowledge and ability which are consistently held to be valuable in school” is quite limited (Bereiter&Engelmann, 1966, p. 24). Some theorists perniciously link inequities to genetic differences (Hernstein&Murray, 1994). Severely criticized for pathologizing the poor and working class (Labov, 1972; Ladson-Billings, 1999), *NCLB Act* has revived the deficit model as a short-cut explanation of Black and Latino failure.

Cultural deprivation theories coincided with a time that some remedies for desegregation of separated *black* schools and “equal” education. Deficit-oriented explanation for the higher rates of school dropouts and lower academic achievement within poor, African-American and Hispanic groups have emerged again when re-segregated and unequal school formations have been lessening the educational opportunities within these groups (Gee, 2004; Kozol, 1992, 2005a). The symmetrical depression that the deficit model generates has been signified in construction of demographic and public policies as well. D. Stone, examining the artistic creation part of decision-making in politics, asserts that political reasoning sources itself from and is also about “metaphor-making and category-making...strategic portrayal for persuasion’s sake, and ultimately for policy’s sake” (1997, p. 9). Framing disproportionate Black and Hispanic success within “personal troubles” (Mills, 1959) or a cultural deficiency conveys public policies and puts emphasis on self-interest and

personal responsibility; but it leaves no room for consideration of the socio-economic disadvantages and discriminatory-deteriorating facilities the poor and minority groups have been facing.

The deficit stance is shaped by a behavioral learning model. In this model, an operational and hierarchical cluster of discrete skills define learning and learning process. Low-achieving students are required some de-contextualized and sub-skills. This construction needs a wider period of time and more efficient methods to overcome students' deficiency in possessing the "right" skills and eliminating "frills" ones like art and music. In general, "methods fetish" (Bartolomé, 1994) reduces the learning process to the individual techniques, and a student to a test score in which student turn out to be "a predictable and standardized product" (Kohn, 2000). Background knowledge, lived experiences and social and cultural values become irrelevant and/or risk factors and their contextual isolation from the curriculum, makes meaningful learning much less accessible. Isolating students from "their culture, language, history, and values," transforms students "[in]to the status of subhumans who need to be rescued from their 'savage' selves" (Bartolomé, 1994, p.176), and their depiction as deficient is the paramount cause of alienation and academic failure in non-middle-class members and students (McCarthy&Crichlow, 1993). A de-humanizing, soulless, mechanical and dismal "proto-militaristic" (Kozol, 2005a) curricular can obviously sustain no meaning or pleasure. An illuminating example can be seen in the excessive emphasis on "best methods" that detaches *learning to read* ability from *reading skill*, and blocks many critical authentic and connected texts (Allington, 2005; Gee, 2004). Skill-obsession causes impoverished curriculum that gives no chance for a rich and meaningful learning practiced in most often more affluent communities (Anyon, 1980; Bartolomé, 1994; Kozol, 2005a). Ironically, the differential curriculum contributes to even higher rates of failure within poor minority groups (Gee, 2004) and it proves to feed a rich-gets-richer system. Held in many poor and most often urban districts, it is clear that such a limited "pedagogy of poverty" (Haberman, 1991) somewhat "manages to transform children who are good at learning...into children who are not good at learning, if they are poor or members of certain minority groups?" (Gee, 2004, p. 10).

Entering the appropriate middle-class paradigmatic framework is, according to social anthropologist J. U. Ogbu (1999) a prerequisite for but too high a price to pay for academic achievement besides setting deficient gaze imposing the image of the dominant, middle-class model. Respect for children and their parents, communities and cultures are quintessential features of the successful teachers of African American students (Ladson-Billings, 1994). On the other hand, portraying students' experimentation with words and verbal worlds as deficient is disrespect for its own sake. G. Smitherman argued that "[W]hen you lambast the home language that kids bring to school, you ain't just dissin' dem, you talking 'bout they mommas!" (Wheeler&Swords, 2004, p. 472). Reshaping poor and/or minority students according to middle class criteria are antithetical to, even destructive for, fundamentals of American participatory democracy. One website of Department of State argues how the diversity is related to democracy:

Democracies make several assumptions about human nature. One . . . is that any society comprises a great diversity of interests and individuals who deserve to have their voices heard and their views respected. As a result, one thing is true of all healthy democracies: They are noisy. (State, IIP).

C. Mouffe, a political philosopher welcomes the necessarily-noisy and messy nature of democracies; and he defends that democratic traits are intense and vigorous intellectual diversities among myriad and even conflicting ideas and values (2006). Disguised as academic achievement, leveling (cultural and linguistic) differences "up" to middle-class standards and ignoring a rich and an engaging curriculum actually diminishes the quality of schooling of poor and minority children while also wounding democratic participation.

4.7 Jurisprudential Justification for Racial Discrimination

Many Supreme Court decisions¹⁸ have clarified that the object of public schools is to give fundamental values crucial to perpetuate a democratic society. It has also been noted that the education in public schools "is inculcation, not exposure"

¹⁸ *Bethel (Sch. Dis. No. 403) v. Fraser* (478 US 675, 681) (1986)

(Welner, 2003), teaching citizenship and “equal protection” prompted in the Constitution. Nonetheless, expansive racial and/or ethnic discrimination in local board of schools an obvious contradiction to that object. Indeed, implying that the most significant determinant in educational (and socio-cultural and vocational) choices is race, and that race puts advantage upon one and disadvantage upon another creates a fake world. The two-dimensional prospective creates more delusional learning environments for students once it is meant that racially diverse composition is the single available strategy for sustaining diversity in the classrooms. Such practices unintentionally bears perverse affects in the way of abrogating discrimination.

Under the 14th Amendment of the US Constitution, the Equal Protection Clause and the Civil Rights Act¹⁹ undisputedly makes “racial discrimination by public entities” as unconstitutional. However, the evidences indicate that Supreme Court can not always achieve to make decisions based on constitutional authority and sources while handling with segregation. In *Brown v. Board of Education*, for example, the Supreme Court affirmed that *de jure* segregation was unconstitutional, but *de facto* segregation was not. After approximately sixty years of *Brown*, the racial makeup of classrooms still matters and segregation is still a self-renovating phenomenon in American public school systems for such reasons as socio-economic, gender, racial and ethnic composition in either *de jure* or *de facto* forms. Abstract instructions simply praising tolerance but devoid of a meaningful contact in schooling of various races are not sufficient. Different arguments have been brought forth by experts defending racially balanced learning environments and schools. Some observe that isolating students on the racial basis has an adverse attitudinal impact upon isolated minorities and isolating majority alike. It is also instructed that the consequences get bitterer when certain minorities are dwindled in size. Furthermore, both legal scholars and social scientists- citing many branches of social sciences such as developmental psychology, underline the fact that racially diverse environments benefit races. Moreover, some defend that no matter what the motivation is, an imbalanced face in education can have neither a social nor a racial use, and requiring any criteria for determination of eligible students on any racial or ethnic basis is a definitely

¹⁹ 42 USC. § 2000d (Title VI), and 42 USC. § 1981

inconvenient act that harms all students in the short run, and it does not fit the socio-economic structure of the US and fulfill the lifelike appearance of education in the long. Regardless of the fact that re-segregation can have its own motivation and/or be justified in “excellent” way(s), it should be kept in mind that any attempt for racial discrimination, specifically in compulsory education, is not just and is exactly unconstitutional. Yet, courts have deviated from constitutional guidance at many lawsuits. Racial preferences in public education, for example, has been grappled with and even justified numerous times.

4.8 *Grutter and Gratz and Racial Preferences*

From 1978 up to 2003, no racial-based admission system in public schools had been issued in the Supreme Court. Yet, the judicial stagnation concerning educational eligibility was disrupted in 2003 and 2006. In *Gratz* (*Gratz v. Bollinger*), the Michigan University made use of a point system in admissions of BA programs and automatically added 1/5 of the requisite points for those from underrepresented racial and/or ethnic minority groups. The Supreme Court, however, repeated that “all racial classifications are subject to strict scrutiny” and that “the classification must be narrowly tailored to achieve a compelling government interest” (270). The Court finally found “the University’s policy . . . not narrowly tailored to achieve the interest in educational diversity” (275). Justice Powell, in *Bakke; Wygant v. Jackson Board Of Education*, emphasized the necessity of a subjective and individualized consideration in order to be successful in diversity. And in *Grutter* (*Grutter v. Bollinger*, 539 US 306, 308 (2003)), the Michigan University was once challenged since its Law School admission-policy had been favoring historically-discriminated ones against present-minority members. It should have been determined whether enriching ethnic diversity in *higher* education was a really compelling government interest “triggering narrowly tailored policies to achieve that interest” or not. The Court “endorsed the law school’s stated interest in obtaining the benefits of viewpoint diversity-not racial balance for its own sake.”

4.9 Racial Discrimination as a Tiebreaker in School Choices

The City of Seattle has searched for few remedial antidotes peculiar to de facto segregation. A student-assignment and admission system has been planned on the base of the existent racial make-up in relevant schools-a subject plan that permits prospective 9th grade-level students to choose the high-schools. Arguably, when a specific school begins to get subscribed beyond its physical capacity, “tiebreaking” regulation based on the racial make-up is adopted to eliminate surplus. The balance limit is %15 for each race and the rest becomes ineligible. Considering only two racial categories as races (non-white: %60 and white: %40), the District Court defended the system conformed the *Grutter* decision as it complied with the compelling interests of “educational and social benefits that flow from racial diversity,” and protect balanced-public schools from “the harms resulting from racially concentrated or isolated schools” (539 US 244 at 322r 2003). After a complex historical procedure, the 9th Circuit Court of Appeals affirmed and legitimized the decision and further ruled that

the District’s interests in obtaining the educational and social benefits of racial diversity in secondary education and in avoiding racially concentrated or isolated schools resulting from Seattle’s segregated housing pattern [were] clearly compelling [and] narrowly tailored to achieve the goal of diversity and racial condonation (PICS, 426 F.3d 1162, 1171 (9th Cir. 2005)).

4.10 The Bounds of Constitutional Authority and Social Sciences

Historically, Courts have tried to regulate reasonable use of racial determinants in figuring an applicant’s eligibility. Nowadays, the social science literature and its findings- are widely cited in justifying racial & gender factors for assigning decisions. Many expert studies and reports were used as tampons by The Law School. The studies defending that diversified environments promote learning outputs and equips students with more effective materials for the business, social, and vocational life, were largely referred. In *Grutter*, The Court cited that “diversity promotes learning outcomes and ‘better prepares students for an increasingly diverse workforce and society’” (Brief of Amici Curiae American Educational Research Association, 330). Justices Scalia and Thomas objected any benefit derived from diversity is out in the

law school setting (347-48). Justice Scalia, in the same case, believed that diversity is “a lesson of life rather than law” (347).

At the point of reaching a decision, judges are limited by the constitutional authority. But the persuasive authority- a kind of extra power- bound by such documents as law review articles and reports, treatises, and practice materials widens the individual credits of the courts which they can use in their own discretion. Therefore, it is quite convenient to assert that a judge becomes an experimentalist of the *facts* rather than the *law* once s/he transgresses the judicial limits of their authority. The Supreme Court has finally reinforced the idea that the “elementary” obligation of a due process is that “the decision maker’s conclusion... must rest solely on the legal rules and evidence adduced at the hearing.” Indeed, a judge is not an expert in education and can not be professionally well-equipped to determine a detailed and particular identification of a well-designed curriculum that can ensure that a student will receive a sound fundamental education (*Leandro v. State*. 346 N.C. 336, 354, 488 S.E.2d 249 (1997)). In *PICS* and *Meredith*, however, the judiciary saw no excuse in backing their ideas about the ideal educational benefit the schools are supposed to give to students via voluntary integration programs and cited those positive social science studies favoring educational benefit thesis. But the court made no reference to negative study of the evidence that criticized (politically incorrect) benefits existing on racially-based factor(s). Expert G. Orfield voiced in neutral tone. In his testimony, Orfield commented that racial integration openly posits a substantial benefit for blacks. Yet he also added that he felt uncertain for how far the policy of an integrated school system could contribute to the future success of the students (Trent, 2001). In *PICS* (426 F.3d 1162, 2005), for instance, the judiciary referred additional sources (a few law review articles and social science studies) to bolster up the plurality opinion. The Supreme Court reiterated its opinion that the judiciary was unauthorized to support any decision with additional citations and references to social science studies, and that any decision arrived at by an appellate court is bounded merely to the existing evidences presented during the suit. Indeed, including non-judicial authorities such as social science studies into the trials and citations of them by the counsels violate the stance of a neutral court.

School authorities are conventionally ascribed to the formulation and implementation of educational policies and they can reason that schools must prescribe the ratio of the black to white children mirroring the proportional share of the district to the surrounding society if the ultimate aim is the adaptation of children into the American pluralistic society. School authorities hold (an increasingly) capacious discretionary power for achieving such educational policy. The Supreme Court first intimated the legitimacy of (voluntary) integration in the case of *Swann v. Charlotte-Mecklenberg Board of Education*. However, desegregation did have a very fractional positive impact on school success only when it was started at the beginning the school-year (Crain, R. L. and R. E. Mahard, 1983). Furthermore, some researchers found no net gain that would enable narrowing academic gap among the races over a fifteen-year period (Armor, 2002, 83). Additionally, a few current studies even find totally no correlation between racially diversified learning environments and school success unless disparities in socio-economic status of the students are controlled (Armor, 2006). Such limitation of insignificant relations was not taken into consideration by the Court.

In *PICS* 426 F.3d, the 9th Circuit objected the race-neutral socioeconomic option over racial integration: “Although there was no formal study of the proposal by District staff, Board members’ testimony revealed two legitimate reasons” (at 1188) for rejecting the socioeconomic alternative: “[first] it is insulting to minorities and often inaccurate to assume that poverty correlates with minority status;” and students might not be willing for revealing their socio-economic status among their peers (1188-9). It was dissented, “such analysis seems far from the ‘serious, good-faith consideration of workable race-neutral alternatives’ demanded by *Grutter*” while Judge Bea argued, “without formal studies (or strong alternatives), there is no way of knowing whether the District actually seriously considered, and rejected for valid reasons, less-restrictive race-neutral alternatives.” (1214, n.23). Such arguments are useful for fulfilling the “narrowly tailored” necessities put forth in *Gratz*. Moreover, judicial neutrality is strengthened by presenting all the ideal alternatives typifying the current effective arguments.

4.11 Demographic Transformation²⁰

The 2000 Census signaled the changing dynamics of the demographic mobility in the beginning of the new millennium. The share of Latino movement increased %60 compared to pervious decade and Latinos became the most crowded minority in the US. The overwhelming share of African-Americans in schools as a minority was first overbalanced in 1998 by Latino students in Hawaii, then New Mexico and finally California. Between 1970 and 2000, the most extreme growth in student- enrollments in total was in California- from 700,000 to about 2.7 million; and of the highest rate was in Florida- a %614 increase. The Latino student-enrollment increased in total and/or per centum in many other states as well: Texas (1,000,000), Arizona (200,000), Colorado (75,000), New Mexico (50,000), Illinois (% 300), NJ (%240), and NY (%68).The states of Nevada and Maryland also demonstrated Latino increase.

4.11.1 Latino Participation in School Desegregation Efforts

The dominant panorama peculiar to school desegregation within the American educational system has often been colored with two colors: black and white (Bowman 2001); while the Latino reality, on the other side, has often been under-estimated and even obscured. The case of Latinos is indeed one of the best exemplary segregative practices in American history and geography. This argument has been revived by many historicists who locally pinpointed a comprehensive history of segregative approach held in (a) *the Southwest* (Grebler, L., Moore, J.W., and Guzman, R. et al, 1970; Donato, R., Menchaca, M., & Valencia In Richard R. Valencia ed. *Chicano school failure and success: Research and policy agendas for the 1990s*, 1991), (b) *California* (Wollenberg, 1978), (c) *Texas* (San Miguel, G, Jr 1987), (d) *Los Angeles* (Caughey, J., 1973) and *San Jose California* (Arias, M. B., 1992). Furthermore, many historians (Wollenberg, 1978; Gonzales, 1999) have also revealed that Latino populace had already been attending racially-segregated schools since the beginning of 20th century, and school boards have been sued first in the 1910s and many more times aftermath.

²⁰ Data presented in this section is largely taken from Frankenberg, et al, (2003).

As Carter, T. P. pointed out (1970), Mexican-American children were expected to *benefit* from those “[all-]Mexican” schools because they were separated from Anglo-students and their linguistic needs were addressed more effectively. This approach was openly criticized because it had *forgotten* to take the inferior facilities, unfitting teachers and crowded classrooms allocated to Latino students into consideration. The children that had a Spanish surname were directly enrolled in Mexican school and this mandatory practice was applied even when a child could speak English fluently (Carter, T. P., 1970). The Mexican protests were not late. In 1931, Mexican community finally defied the system of segregation in Lemon Grove, California. But despite the fact that the de jure segregation was abolished in the case of *Mendez v. Westminster* (1947), the de facto segregation is a still well-known reality of many of Mexican parents and children. As Frankenberg have noted (2003), the segregation has been on such an increase over the past few decades that at the present Latinos have become the most segregated minority group among the others.

*Cisneros*²¹ (1970) and *Keyes*²² (1975) were two cases of particular significance in terms of focusing on districts where Latinos constituted the majority. Because, in these cases, the Court held that Latin population must be put into a category different from “other than White” label within the context of desegregation. Therefore, specific remedies pertaining to Latino education must be set (Bowman 2001; San Miguel, 1987). Previous stance of the Supreme Court and district courts included the desegregation of solely black population and used to ignore the Hispanic-segregation, even when it was absolutely apparent (Orfield, 1978).

In *Cisneros*, almost half of the Corpus Christi school district was Latino populated and the other half was White and only a %4 African-American. It was held that the *Brown* decision was protecting Latinos and that the segregation of nonwhite groups caused an unconstitutional and impermissible duality in schooling. Pre-*Cisneros*, Mexicans were identified as “raced.” In the *Cisneros*, Latinos were finally recognized as an “identifiable minority” rather than “other white.” This enabled

²¹ *Cisneros v. Corpus Christi Independent School District* (324 F. Supp. 599, 606). Texas.

²² *Keyes v. School District Number One*, Denver, Colorado.

desegregation remedies for the combination of Mexicans with Whites and catching the standards. In the *Keyes*, the Court had to reach a pedagogic consensus upon applicable remedies to Mexican-American students. The Court ambiguously argued *Keyes* must put African-American and Latinos in the same basket would it address desegregation:

...there is also much evidence that in the Southwest Hispanics and Negroes have a great many things in common...Though of different origins,Negroes&Hispanos in Denver suffer identical discrimination in treatment when compared with the treatment afforded Anglo students... petitioners are entitled to have schools with a combined predominance of Negroes&Hispanos included in the category of “segregated schools” (Keyes v. School Distr. N. 1. Denver CO, 413 US 189. 1973).

This interpretation confused the minds even more because the court attributed an inaccurate “sameness” to two oppressed groups of disparate backgrounds, “The conclusion that a group facing linguistic barriers and less interested in desegregation was the same as the local black population was simplistic” (Orfield, 1978 p.203). Bowman, too, supported (2001) the *Keyes* decision that paralleled the Latino and African-American suffering in education. However, both the Court and Bowman did not specify the symmetry between the discrimination that the African-Americans experienced and the one Latinos did. Also, no competent remedy was suggested for desegregative refinement to the limited access to English in schools and in education as a whole. To some extent, certain findings are contributory to the complex remedial designation of multiracial districts and runs contrary to currently applied practices.

The recognition of the different backgrounds and origins of segregation endured by the African-American and Latino population is a significant step for the courts in terms of gaining the potential profits from the *Brown* decision. Although the Latinos have partaken in desegregative movements nationwide, they have not managed to design adequate and specifically-arranged sets of integration plans to challenge the segregative face of the education. Many school desegregation projects in multiracial settlements have usually tended to overlook a specific remedy for addressing the distinctive requirements of Latino students. That is also partly because the civil rights movement was inclined in dualistic context: educational opportunity

for African-Americans and Whites. The activists were quite sensitive in suggested remedies that could call for a variation of “separate but equal” decision for the Latinos, newly identified minority. The *Keyes* decision was not able to guide a developmental remedy against the isolated Latinos. In the subsequent years, a lot of largely Latino-populated districts planned integration programs as desegregative designs ordered in court. However, inconsistent approaches have been held in different districts and at different points of time. As for bilingual education, for example, some districts do not include bilingual education while some other permitted it as a part of the remedy. LA. Unified School District implemented a plan allowing a certain amount of Latino ELL students to be transferred to the bilingual-programmed schools in 1978. In San Jose, California (1986) ELL-programs were not excluded. In 1982-desegregation plan of Chicago special educational ELL-programs were not taken into consideration, but Boston (1974) arranged protective bilingual programs.

4.11.2 The Black Student Achievement Gap in Public Schools

Between me and the other world there is ever an unasked question: unasked by some through feelings of delicacy; by others through the difficulty of rightly framing it. All, nevertheless, flutter round it. They approach me in a half-hesitant sort of way, eye me curiously or compassionately, and then, instead of saying directly, How does it feel to be a problem? they say, I know an excellent colored man in my town; or, I fought at Mechanicsville; or, Do not these Southern outrages make your blood boil? At these I smile, or am interested, or reduce the boiling to a simmer, as the occasion may require. To the real question, How does it feel to be a problem? I answer seldom a word (Du Bois, W.E.B. 1897, p.194).

With %50-%75 dropout rates, African-American children reportedly constitute the most endangered students. Even after graduation, many can not still qualify for proficient reading or cope with basic mathematical problems. Levitt and Dubner²³ shocked the nation by saying that since they would have lived in poverty and in single- or teenage-parent households, most of the aborted fetuses would have become

²³ The authors of *Freakonomics* (May 2005) in which they controversially tied legalized abortion to a reduction in crime rates.

criminals. One further step was taken by the former US Secretary of Education, Bill Bennett. Bennett, in MediaMatters.org, experimented with the margins of the social consciousness and related crime rates to the disaccordred blacks-but in a quite racist tone this time:

But I do know that it's true that if you wanted to reduce crime, you could -- if that were your sole purpose, you could abort every black baby in this country, and your crime rate would go down. That would be an impossible, ridiculous, and morally reprehensible thing to do, but your crime rate would go down (Bill Bennett, former US Secretary of Education, 2005).²⁴

Admitted by all authorities, students and parents, Black Student Achievement Gap has become a conceptually-ingrained theme in collective social consciousness and marked many arguments about reforming and ratings of the schools. But behind its existence, generality and permanency lays a design and a history of poverty (Berliner, 2005). *Race and Education*, for instance, supplies an interpretation of the socio-political process and a carefully planned and implemented system used in developing early education of blacks (Watkins, Lewis and Chou, 2005). In The Lake Mohonk Conferences held on June 4–6, 1890, and June 3–5, 1891 in NY, significant White educators discussed the “Negro question” and decided that the principle educational aim should be the morality and the dignity of labor for blacks- i.e. to work for and serve to White folk (p. 43).

Socio-economic disadvantage, dysfunctional family-structures, parental neglect and apathetic environments are among a few factors which are affecting and assuaging institutional/social guilt. In the absence of the middle-class interracial neighborhood factors, individual-centered phenomena are suggested as explanations: inefficient study methods, inadequate attention to assignments, countering cultural identities, absence of nearby (ethnic) role models, and the narrow vision to perceive education as a successful future. Psychology professor of Virginia University, T. Wilson states that: “The achievement gap is surely caused by multiple factors, including poverty, racism, and lack of parental involvement.” (Monastersky, 2006).

²⁴ Media Matters exposes Bennett: “[Y]ou could abort every black baby in this country, and your crime rate would go down”. 2005. Retrieved February 28, 2007. <http://mediamatters.org/items/200509280006>.

Massey&Denton (1992) also showed that in 1992 1/3 of all African-Americans faced intense racial segregation.

A prominent pedagogist, D. Berliner (2005) is highly cautious of educational system since politically-promoted residual supports the “privatization and corporate modeling” and “reformation of schools” and affects the arguments around the achievement gap. According to Berliner, instead of investing in these “impoverished” issues, socio-economic parity should primarily be invested to understand the causality between poverty and underachievement (Berliner, 2005). Many scholars have extensively studied for that end: Claude Steele, John Ogbu, Gary Orfield, Richard Rothstein, Lisa Delpit, Ron Ferguson and Jean Anyon are just a few to count. *The Chronicle of Higher Education* (Sept. 15, 2006), on the other hand, commented upon the experiments searching the correlation between stereotypes and school success as well. The study reported that seventh-grade black students achieved interestingly much better when a fifteen-minute- period was spent by touching upon about their identities and values at the beginning of the lessons.

4.11.3 Increasing Segregation

For the last four decades, Latinos have experienced escalating segregation, and no remarkable desegregation initiative has been taken outside a handful of large districts (Orfield&Lee, 2004). The Latino rates of enrollment have tripled since 1968. Orfield and his colleagues also show that black and Latino students have experienced the most racial segregation in comparison to their white counterparts in most of the school districts since 1986. In the 1980s, the Latinos in minority schools steadily rose and exceeded blacks (76% for Latinos, 72% for Blacks). And by the beginning of the new millennium, they were the most segregated minority in the Western and Northeast areas by many measures. Statistically speaking, an average Latino student of today attends to a school in which only a slightly more than quarter of the population is white and joins African-American racial isolation in the US.

The most comprehensive segregative practices take place in the big central cities. According to Orfield (1996), 15/16 of African-American and Latino student is attending to schools whose population contains a very few white students. This shift in enrollment percentages has also been felt at the school district level-NY, Prince George's County and Miami-Dade heading for the Latino segregation in 2000. Latinos increasingly (%37 by 2000) feel compelled to attend intensely segregated schools. Minority schools are largely being related to high-poverty, low parental involvement, lack of resources, less experienced and credentialed teachers and higher teacher turnover-all of which exacerbate educational inequality for minority students.

4.12 English Language Learner (ELL) Programs and Linguistic Isolation

The explosion of Latino share in the total population has also caused an unprecedented rise- %76.9 of all ELL students- in the English Language Learner (ELL) population. The ELL populace increased %72, about four million students in grades K-12 between 1992 and 2002. ELL students constituted about %8.5 of the total school population in 2002 (Parrish, et al 2006), and approximately %40 of the Latinos. Latino ELL students attended schools in which Latinos constituted the majority (%60 of students are Latino) which was six points higher than an average Latino student attending at schools in which they constituted %54 (Orfield, 2004).

4.12.1 Concentration in Urban Schools

A current study by Cohen et al. (2005) asserted that Limited English Proficient (LEP) students were mainly gathered in certain schools: "Nearly %7 of K-5 LEP students are enrolled in %10 of elementary schools." Such intense LEP schools were probably located in urban centers, with higher rates of enrollments, crowded classes, more intense racial and ethnic diversity, higher poverty, health problem, teacher vacancy, unqualified teacher and unsatisfactory parent commitment. Compared to Low-LEP schools, high LEP schools succeeded better in offering educational service, remedial program, nonschool activities and summer-school program, etc. Moreover, increasing ELL population in schools meant decrease in the number of fully-

credentialed teachers. For instance, the share of those teachers with less than %20 ELL students in Californian schools was %95, but declined to %87- with %61 or more during a five-year period after Proposition 227 was implemented:

When looking at the ratio of teachers...we observed a significantly higher ratio in schools with less concentration of ELs. The disparity in teacher resources is even greater looking at ELD and SDAIE credentials. (p 17).

4.12.2 Linguistic Isolation on the Increase

Coined during the 1990 census, the concept of “linguistic isolation” was developed for estimating the number, the linguistic qualification and communicative skill of every household to find out whether the members of the minorities were capable of communicating with government and/or social services, i.e. following instructions from FEMA (Federal Emergency Management Agency) during a disaster (Siegel, et al 1999, Siegel 2000, Siegel, Shoaf, and Bourque, 2000). The Census reported approximately three million households and almost eight million individual to be residing in *linguistically* isolated households. In the proceeding decade, in 2000, the number boomed to almost 4.5 million households and twelve million individual. The states that reported the highest numbers in this decade included: California, Illinois, Arizona, Florida, NY and Texas. The sum of Spanish-speaking children aged between five and seven and found to be residing in such households approached to 1.5 million. Among the +100,000 populated communities that also kept the highest sum of *isolated* people aged between five and seventeen were East L.A., Miami and Hialeah (Florida); El Paso, McAllen, Brownsville and Laredo (Texas); Elizabeth (NJ); Santa Ana and El Monte (California). Portes&Rumbaut (1996) have framed out the dynamics of linguistic isolation as a concomitant of immigrant (self-selected) settlement policies and patterns:

Working-class immigrants who cluster in certain areas give rise to homogeneous ethnic neighborhoods that help preserve mother-tongue monolingualism among adults. Their children are likely to be limited bilinguals because they are insufficiently exposed to English, as is the case with recent arrivals, or to full use of the mother tongue, as is the case with the U.S born. p 227.

A few but predominantly significant challenges are defined in terms of access to school and education and future career (success) of the descendants of immigrants. These challenges can be paraphrased as following: (a) the pervasiveness of racial discrimination, (b) the bifurcated labor market and the growing/widening inequality and (c) the act of consolidating a marginalized population in the inner cities.

The escalating linguistic isolation of Latino students is undisputable, and to make it worse, the educational consequences are far-edged. Cohen et al., affirmed that “the segregation of LEP students results in their isolation from the educational mainstream and the attendant loss of the benefits of interacting with English-speaking classmates: and a loss for English dominant students” (p 16). They openly assert that:

The extremely high concentration of LEP student in urban schools forces us to define ...urban context. ...it is difficult to separate the effects of urbanicity and its attendant demographics-poverty, racial and ethnic diversity, teacher shortages, large enrollment –from the effects of LEP students and their needs. It is a two way street: LEP students’ special needs may exacerbate educational challenges in urban schools, while the conditions present in urban schools may complicate the educational opportunities of LEP students (p 16).

A lot of school districts fabricated by Latino students at enormous numbers have answered the issue by implementing desegregation plans incapable of serving provisions for ELL students. Some other districts such as San Jose (2003) and Denver (1995) have abated their desegregation plans- which simply means further acceleration in the trend toward empowering segregation against Latino population specifically and on racial and linguistic terms in general (Lee C., 2006). It is quite clear that once most of these Latino ELL students are gathered in inner cities and schools of ill repute due to poverty, underachievement, and limited resources; it can be concluded that an apparent and a somewhat politically desired return to a de facto practice of “Mexican schools”²⁵ is what is wished for most.

²⁵ These schools were practiced first in 1930’s. Latino ELL students struggled hard to acquire English, but it was too difficult-as it is at the present, since they are isolated from their (native) English speaking peers in ESL ghettos (Valdes 2001).

4.12.3 *Lau v. Nichols* and Language Rights

Desegregation order ignited Asian and Latino interests in the issue of equal educational opportunity and fueled the struggles in the Bay Area that paved the way of the Court-mandated educational opportunity to Chinese children (Kirp, 1982). The *Lau vs. Nichols* (1974) was the first step to question what equal educational opportunity specifically meant as applied to linguistic minorities (Salomone, 1986) to decree that public schools bore the responsibility of providing a comprehensible educational framework for LEP children. As English is the most fundamental tool of instruction in the adaptation&orientation,access to a meaningful learning environment and educational experience was systematically eradicated by the English-only classes and standard teaching material. Furthermore, an education conducted exclusively in English is indeed not fruitful&effectively precludes the participation of many Latinos. The Court pointed out that since mastery of English is a required part of the school:

there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum...we know, that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful (Lau v Nichols, 414 US 563 at 566 (1974))

This decision had an enormous impact upon all minorities. For the first time in its history, the country focused upon the content of instruction in measurement of equal access. Yet, the Justices failed both in reaching a consensus for identifying the permissible/mandated educational approaches and specifying a remedy and:

Teaching English to the students of Chinese ancestry who do not speak the language is one choice, giving instruction to this group in Chinese is another. There may be others. Petitioner asks only that the Board of education be directed to apply its expertise to the problem and rectify the situations (Lau v. Nichols at 565).

Reforming education up to Latino needs was soon to follow after the *Lau v. Nichols* decision (1974), and the spotlight on remedying school desegregation of Latinos transformed into remedies having access to bilingual education and educational services. Taking advantage from desegregation cases previously brought by African-

Americans as a vehicle for winning a bilingual and a bicultural curriculum, MALDEF (The Mexican-American Legal Defense and Education Fund) had to change²⁶ strategy and switched to another one: the *Fund* litigated for bilingual education reform and stopped putting two issues in the same basket. Yet, as long as the door of bilingual education remained open for the language rights of Latino children, it was getting indefinite how a desegregation remedy would run in favor of Latino population. There were conflicting comments, but no common vision that would encapsulate the relevance of language rights and equal educational opportunity. One side defended that the two issues -bilingual education and desegregation- were incommensurable; another side believed that segregation for the sake of bilingual education could cause an adverse affect and aggravate isolation. For the upcoming years, bilingual education became a widely-applied reference for the remedying civil rights of Latinos²⁷ to which high hopes were attached. And as Crawford pointed out, bilingual education was taken as a matter of autonomy and ethnic pride besides a pedagogical approach:

Wherever language minorities were concentrated, school officials began to feel ... to adopt bilingual methods. Several districts became the target of lawsuits by parents, who argued that failure to address students' language needs meant failure to provide them an equal opportunity to learn. (2002, p 8)

Between 1975-1981, more than five hundred school districts that violated the civil rights of ELL children mandated bilingual education. Yet its “remedial” side has been severely criticized. Gandara et al. (2004:38) objects the critics and points out that:

Most schools were no more prepared to provide high-quality bilingual programs overnight, than they had been to desegregate their student body 20 years earlier. And yet social scientists began testing students after they had been involved in bilingual program for a few months to measure whether achievement gaps had closed. When it was discovered that English learners-- often immigrants and among the poorest of children in the schools-- had not caught up to their English-speaking, middle-class peers, the “experiment” was deemed a failure.

²⁶ This strategy failed in the Keyes remedy phase, when the court held that bilingual education was not a substitute for desegregation

²⁷ This was mandated and supported by the Federal Government in Title VII of the Elementary and Secondary Education Act and later as Title III of NCLB (2001)

After thirty years of program evaluation, the debate over bilingual education is still hot for the experts it has lost its popular interest. As Crawford observed (2004:13):

Whether bilingual instruction provides an antidote for school failure, whether it teaches English effectively, whether it safeguards children's rights under Lau...these question are usually left to specialists...few members of the public seem interested...

Despite the maximum attention paid on the efforts for bilingual education, its benefit upon ELL students has been disappointingly to only a small share. Wiese and Garcia's (2001) estimations are noteworthy since they calculated those granted bilingual education service sourcing from the limited coverage of Title VII programs were about half million-that is 1/7 of total eligible ELL students on national level. Therefore, it is a widespread incident to observe that many ELL students could not receive special instructional service. Olsen (1987) pointed out that in California alone %75 of the LEP students were not able to receive any instructional assistance in their native language at minimal level.

The saliency of bilingual education in political arena was handicapped and then ebbed with the strong opposition of the "English Only" movement. The simultaneous mandatory tendency towards desegregation debilitated the *Brown* decision. In their book *Dismantling Desegregation*, Orfield and Eaton defined this process in a negative tone: "Brown has been stripped of much of its power and reach by subsequent Supreme Court decisions, by political maneuvers, and by the cumulative effects of uninformed, but often intense, public debate" (1996, p xv). According to Orfield and Lee (2004), the ELL (Latino) students were, as they are now, the most rapidly increasing and most severely segregated minority groups in the US. In today's America, the rising segregation of Latino students both in schooling and community life renders access to English a problematic issue.

4.13 Concluding Remarks: Addressing Segregation and Educational Reforms

Learning English is a concern of utmost significance and priority for Latino ELL students; however, the conditions of their environmental sphere and schools

effect the preclusion of their optimal exposure to and ideal interaction with English. Gifford&Valdes (2006:126) have recently studied upon the ELL students in Californian schools and observed that by only acquiring a language can students

become full participants in their community. We are not suggesting that all Hispanic students are ELLs; in fact, many have sufficient proficiency in English to participate in all-English mainstream classrooms. However, in instances where such fluent English speaking Hispanic students attend schools populated mainly by Hispanic ELLs, they face a burden [of] functioning as English language informants, models, & mentors to their classmates while performing as exemplary students themselves.

Gifford&Valdes mainly focused at the dispersion of the Hispanic student population. They worked on almost six thousand selected samples of Californian elementary schools and ranked their order on the basis of the percentage of Hispanic enrollment. An ELL student was more likely to be attending in a segregated school than an average Hispanic student would. Their finding illuminated that about %24 of Hispanic elementary students were attending Californian schools that already had +%85 Hispanic students, while approximately %30 of the Spanish ELL students were attending school that possessed similar circumstances. The majority of Latino ELL students were less exposed to English compared to their non-ELL peers:

The exposure of ELLs to even the most familiar words and expressions in English is shallow in comparison with that of most native speakers. Their (native speaker) knowledge of English reflects a wide range of common experiences and is based on a deep foundation of thousand of encounters with language used in meaningful contexts over the four to five years before formal school begins (Gibbons, 2002, p 106).

Access to English is undoubtedly crucial for children of non-English background because their future is simply tied to the acquisition of and proficiency in English. As it has been noted, the quantity of successful students and quality of acquired English by them is in the primary responsibility of the schools since it is the schools that can design and provide meaningful contexts for access to English (Valdes, 2001). It is clear that being able to communicate with appropriate English in and out of the schools depends upon interaction with native English speakers.

It will also be noteworthy to measure how many times a Latino ELL student is exposed to English in daily life. For such a Latino ELL student, it is highly probable to be a resident in an urban and linguistically isolated household. S/he probably would have *less*, if not any exposure to a socio-cultural setting providing interaction with a native English speaker. However, learning a language is not a separate activity from social life. Rather, the social interaction and process, occurring in cultural and situational contexts, is a great contribution to learning process and language acquisition. Thus, the schools and classrooms are the first and primary environments for learning English because learners are “apprenticed” into a wider understanding and language of the curriculum. The “apprenticeship” idea into a culture has particular relevance in the ESL context since social participation requires learning to navigate through the dominant genres and modes of thought a culture is constructed upon (Gibbons, 2002). In this regard, preparation of ESL classes, according to Gibbons, must primarily stress the significance of talking for ELL student. Gibbons, like many other like-minded pedagogists, emphasized that in teacher-directed instructions, ELL students have much less opportunity to talk, and even when they talk, they utter few words:

But allowing talk is not enough. Productive talk does not just happen-it needs to be deliberately and systematically planned...[this] can have significant effects on how the discourse is played out. It is not an exaggeration to suggest that classroom talk determines whether or not children learn...Talk is how education happens! (p 38)

Another significant expert of the late 20th century, Fillmore (1991) stressed that one of the essential parts for language acquisition is “a social setting which brings learners and target language speakers into frequent enough contact to make language learning possible” (p 52). However, the ideal does not correspond to the realities of the Latino ELL students: isolation in home community, neighborhood, school and classroom. The consequence is that restoration of access to English-the very medium for succeeding in the present and future alike- is presented in quite limited ways. Gifford&Valdes concluded that:

Our analysis of the hypersegregation of Hispanic students, and particularly Spanish-speaking ELLs, suggests that little or no

attention has been given to the consequences of linguistic isolation for a population whose future depends on the acquisition of English...For ELLs, interaction with ordinary English-speaking peers is essential to their English language development and consequently to their acquisition of academic English. (2006, p 147)

Educational reforms centered upon whether desegregation strives or bilingual education for Latino ELL and other minority students should assure an explicit focus in terms of the opportunities offered for access to English. Therefore, it will be a useful step to consider how the language policies of the schools address the issue of access to English. In one his elaborative studies stressing the significance and utility the schools would have to illuminate the necessity for setting language policies, Corson reasoned that language policies are helpful for schools to identify the language problems and to reach on solutions. Such language policies could be used as a vehicle for fact-finding process. A few “found-facts” could include (a) a better understanding of the dispersion of languages within varying communities, (b) a wiser handling of students’ linguistic repertoires, (c) to design a developmental agenda professionally and (d) to orient the students with purposeful and meaningful ways. In this context, Corson, for example, observed that:

A language policy at elementary or middle school level might mention the kinds of oral language methods that teachers agree to use in their work with individuals, groups, or whole classes....some language policies list the key activities, or setting in the school., where oral language work become central to learning. (1999, p 125)

For Corson, language policy equaled learning policy in schooling for a number of reasons. Language itself is (a) the medium, (b) the instruction, (c) the content of instruction, and (d) the pedagogical means to realize instruction in school. So, the success and product of schools depend upon the English language proficiency level of the students. It is significant to identify the linguistic contexts the students experience:

The language all around students teaches them who they are, what their place is in the world, and what they need to do to become autonomous and valuable citizens. If they are unable to interact with those discourses with critical insight, they will be

*less autonomous and so they will become a burden to others.
Language development is empowering for people.... (p. 133)*

Any opportunity for a well-structured and systematically-designed modes language acquisition should be closely examined. Schools and schooling sets of arrangements should be decomposed in such a way that they contribute to downward mobility in linguistic segregation of ELL students. The schooling practice must not eliminate the pedagogical definition of the classrooms as a community of learners. Termed as “pedagogy of empowerment” (Garcia, 2005), a competent pedagogy can respond and extend the students’ scope of “knowledge beyond their own immediate experiences while using those experiences as a sound foundation for appropriating new knowledge” (p 76) via visions valuing diversity in schools, and via professional collaborative (teacher) practices focusing on linguistic development and meaningful interactions and communications. It has also been put forth that a “critical pedagogy” for ELL students in which they gain more insight towards their lives, aims and the possibilities presented to them can be effective (Valdes, 2001). As Valdes pointed out, too, the teaching-learning cycle of English has been politicized; and before making any contribution to the global-local education in the US, “ESL ghettos” and the isolated (ELL) minority students must first be seen in a disadvantaged position. Any remedial attempt to reform education and educational practices must consider and elaborate the fact that the status quo will not be able to undergo a radical change so long as any possible neutrality within the web of power-relations and ideological-processes and programs is impossible to be realized.

CHAPTER FIVE

Immigration, Americanization, and Civic Education

Schools will provide instruction and activities necessary for students to acquire the skills to enable them to be responsible citizens in their homes, schools, communities, state and nation.
(Sect. 33-1612, Idaho Code)

5.1 Introduction: The Evolution of “Americanization”

In the beginning of 20th century, “Americanization” referred to the process of immigrants’ acculturation and interiorization of English, the dominant American ideals and traditional values, and the ability to join the American mainstream both terminologically and in terms of ideological expectations. Many educational reformers considered civic education as essential in helping immigrants on the “way to citizenship in the Republic [to] offset the feudal heritage brought from Europe” (Beard, 1944) and public schools were viewed as the most central step in orientation of the rights and wrongs of a democratic citizenship. According to Mann, H. (2002) the most prominent name of public school education, a corresponding education is the natural right of all children: “The common school was conceived as a place where students, including an enormous and ever growing immigrant community, could learn about the roots of American democratic and republican ideals” (EdSource). To that extend, the First Amendment Center asserts that “The future of the American republic depends upon instilling in young citizens an abiding commitment to the democratic first principles that sustain our experiment in liberty” (Haynes, 2003). Yet, the dominant governmental approach upon citizenship education²⁸ was its relegation to a single semester-course “compared to as many as three courses in democracy, civics, and government that were common until the 1960s” (Carnegie, 2003).

When the US was pulled into World War I, in the vehement spirit of nationalism, the Federal Bureau of Education (FBE) and Federal Bureau of Naturalization (FBN) supported ad hoc Americanization public-displays of patriotism such as “Americanization Day” rally- 4th July celebration, patriotic-spirited and/or

²⁸ The terms “citizenship education” and “civic education” will be used exchangeable throughout this chapter.

themed course, and naturalization ceremony. During the war, FBN published “Course on Citizenship” auguring the first official policy towards Americanization. Some states began to establish a relationship between the civic education and Americanization of the foreign born population and the martial conditions and efforts, and they began to pass due legislative regulations. As heavily foreign born populated they were, most of them had already implemented campaigns in English-only classes stressing American history by the early 1920s. These campaigns also achieved full institutionalization owing to support from governments, civil societies, and presidents including T. Roosevelt and W. Wilson (Fonte, 2001). The attempts for making new Americans out of foreign-born population were substantially impeded by the Economic Depression of the 1929 and the following decade because Congress began to spend its fund in bordering, deportation, and the immigration-related (and heightened) regulation. The fruits of Americanization would have been collected in the long run if the nation was more patient. But, Americanization class existed as a mere course and at the simple level providing foreign-born people with equipment adequate for “[passing] citizenship exam” (Schneider, 2003). D. Schneider notes that:

Work and community were at the center of immigrant’s lives and their perception of America. Politics and one’s life as a political citizen, always at the center of the earlier Americanization movement, was of secondary importance. Democracy, the right to vote, the rights of common citizens were often mentioned as ideals that, at least initially seemed attractive about America and an important part of becoming a naturalized citizen. But the connection between the abstract ideals and concrete issues was rarely made (Presented at the Institut fur Migrationsforschung und Interkulturelle Studien 2003).

The Commission on Immigration Reform (CIR) reported to Congress that if the US wants to succeed in the 21st century, schools –as significant educational institutions in the institutionalization of Americanization- must assume primary and critical role in educating immigrants by which they become

become part of our communities &by which our communities and the nation learn from & adapt to their presence. Americanization means the civic incorporation of immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity (1997).

A law-professor at St. John's University School of Law, Jamaica, NY, R. Salomone (EdSource, 2002) defends that the "common schooling" model must conceptually be switched to a new "commonality" in the following statement:

education must develop shared values, principles, and political commitments to promote stability, coherence, and justice for free and equal citizenship. In the name of diversity, it must recognize legitimate demands of pluralism and encourage understanding and tolerance.

5.2 The Impact of Immigration on Education

The 2000 Census, exemplifying the changing structure of the US immigration history bets, counted a total of about 30-31 million foreign born documented (legal) and undocumented (illegal) population- of which approximately %40 had arrived in the preceding decade alone. Almost an eight-million school-age children (5-17) of the total 53 million were constituted by the descendants of immigrants as a result of three preceding decades (Camorato, 2001). The newcomers were diverse in terms of racial and ethnic origins, linguistic structure, socio-cultural heritage and economic backgrounds. It was reported that nearly %80 migrated from Latin American, Asian, and the Caribbean countries. Immigrant children spoke nearly 160 languages in American schools, of which the majority (%75) belonged to Spanish speakers (Suarez-Orozco, C., 2001).

The problems of the new millennium had been augured by the previous decades. More than six million children at school age were found to be English-as-second language (ESL) students; that is, they spoke a language other than English at home (BC, 1990). The CIR urged a renovated connection to the acquisition of English and the vitalization of instruction in the "common civic culture that is essential to citizenship" from kindergarten through grade 12. As Pereira has noted:

Learning English is an essential part of the civic education process. Language is both the vehicle and the most profound expression of culture...ESL students can achieve higher levels of language development while learning subject matter for effective civic participation (1993, p.2)

California Literacy, for instance, was donated with a governmental grant from Department of Education, in May 2000. This grant aimed to combine the developmental attempts of ESL-curriculum with the civics education with students' experiences with acquired-English skills in problem solving and applying content beyond their schools. Uniting diverse groups and individuals with acquisition of English, according to Pereira (1993:1), gain increasing momentous, because

Nowhere is (the) acculturation process more essential than in the area of US civic culture - government, laws, criminal and civil rights, and civic values. In their home countries, however, ESL students and their parents may have experienced political systems very different from our own. Some have come from tiny villages where the official law or justice system rarely intrudes. Others arrive from nations where government is repressive and omnipresent. Thus, the need for good civic education is urgent for those new to this culture. To live in any kind of harmony ... and to make a productive contribution to national democratic life, students from other cultures need both information about and experiences in the political system of the US.

Many states designed accountability plans to fulfill the federally mandated proficiency and literacy of foreign born population in English. Yet, the US education systems constantly faced the negative effects of growing number of immigrants (more than 3.5 million ELS enrollment) (Suarez-Orozco, M, 2001). Immigration grew in NY, Fl, Tex, and Illinois. The assessment of standards in Texas is low in respect to civic responsibilities, (voluntary) personal participation, the diversity of points of view, and the significance of leader characters. The Illinois State Board of Education tested the fourth and eighth grades in the social sciences. NY, Florida, and Idaho required the civic education, but excluded the civics, civic education and social studies in their *assessment* at state level (ECS, 2003). Cal. was leader (%26) in the national share of total number of immigrant students in 2002-2003: 1.6 million ELS (%84.3 Spanish-speaking students) within the total population (about 6.25 million). It assessed civics, civic education and social studies on the California Standards Test.

The financial cost of per-pupil expenditure necessary to level limited English skills up to average performance (additional \$10,000 per student, Camarota, 2001) tighten the budgets of educational systems. The CIR still outlines the basic

requirement of teachers as being experienced with immigrant children, and this leads extra funding and costly performance outcomes in LPS. The Commission states that “federal and state funding incentives should promote– not impede– expeditious placement in regular, English-speaking classes” (p.4). As J. Dewey advocated in the 1950s, the ultimate aim of education is to operate as a “vehicle for breaking down barriers between groups of people&instilling in them common values&shared sense of purpose, which would ultimately lead to a more democratic society” (EdSource, 2002).

5.3 Civic Education

The Education Commission of the States (ECS), in a policy brief (Torney-Purta&Vermeer, 2003), observed an increasing demand for the schools to orient citizens with civil issues (i.e. the knowledge of process of legislation), the disposition of the importance of citizenship, and the skilled students supplied with a “sense of efficacy and a commitment to be active, principled citizens.” Civic education is supposed to help students feel themselves as “worthy” of democratic US-citizenship.

It requires that students adopt the shared cultural traits of their society, including a knowledge of its commonly agreed to (social, economic, and political) systems, technologies, values and beliefs, standards of appropriate and acceptable behaviors, and the general consensus on the nature of a fair and just society (Dyngneson, 1999:23).

The reference points of ECS (2003) as a comprehensive approach are crucial:

State civics or government standards, which guide instruction in nearly every state, generally describe the knowledge needed for a basic understanding of government and the rights and responsibilities of citizenship such as voting. Citizenship education is a more comprehensive approach aimed at instilling in students the knowledge, skills, and dispositions necessary for effective civic participation (p. 2)

Salomone discussed that citizenship education programs were projected to guarantee that students will more likely to become well-informed and moral citizens, and educators must simultaneously “broaden their discussion of how to develop character or teach civics to include the concept of school as a democratizing

institution and the notion of education for democratic citizenship” (Salomone, 2000). Similar demands were voiced by from the National Conference of State Legislatures, the Center on Congress at Indiana University and the Center for Civic Education. All called for the revival of the schools’ civic mission by reinforcing both civic education and engagement at state- and local-level and implored that “schools must fulfill that responsibility through both formal and informal curricula beginning in the earliest grades and continuing through the entire educational process” (Quigley, 2003).

The designation of curriculum must hold onto certain positive attributes of effective programs such as those framed in the report of ECS and National Center for Learning and Citizenship. Drafted in November 21, 2003, that report rightfully recommended interlinking threads of citizenship preparatory exercises in designation of courses and through the curriculum, school systems and relevant community experience. The report also suggested the process to include pertinent didactic instructions, experiential-learning, issue focused discussions in the classes, interaction among the peers in and out of the schools, and to put emphasis upon meaningful learning environments. Moreover, the report urged differing opinions to be expressed and various subject areas to be linked.

Both NCLC and ECS also encouraged that civic education must begin “simply but sensitively in the early years of elementary school and become increasingly complex, so that by the time students are fourteen or fifteen they see citizenship as part of their identity” (Torney-Purta&Vermeer, 2003). A designed foster of civic identity constructed in educational policies must carefully be accredited with genuine, not artificial, respect and regard them as the fellow citizens of the future (Fonte, 2001). However, the valid educational systems provide, according to Suarez-Orozco, M. (2001:9), a “mindless and pointless” routine:

The little teaching that goes on is neither culturally relevant to the immigrant students’ backgrounds nor pertinent to the realities of the global culture and global economy these youth will eventually have to face. Consequently, unacceptable numbers of immigrant youth, especially those coming from poor backgrounds, are leaving school before acquiring the tools needed to navigate today’s bitterly competitive global economy.

5.4 Identity constructions and schooling

Much of the debates upon identity constructions heavily rely upon an assimilationist perspective. The philosophical origins of this perspective dates as back as the work of Robert Park, who was an immigrant himself. The sociologist of Chicago University between the years 1914 and 1936, Park was among the first researchers of immigrant-communities in the US. He coined the key terms such as the well-known metaphor of *melting pot*, the notion of *marginal man*, and the cultural hybridity. He asserted that all societies were somewhat melting pots, in which diverse populations were merged, acculturated, and eventually assimilated into the host culture, albeit at varying ways and ranges (1928). Nonetheless, he continued that immigrants were often *marginals* since they were between two cultures: they were mired in “inner turmoil and self consciousness” (1928, p. 893) while marginality paradoxically stood for the socially innovative and culturally sophisticated group within a nation. It was them who had “the keener intelligence, the wider horizon, and the more detached and rational viewpoint [than an indigenous person did]” (Park, 1950, p. 375-376). From the concept of “marginal immigrants melted in the pot,” however, developed a common-sense which has equated transient and/or conflicting identities to immigrant reality for many years.

Today, comparative and international educationalists elaborate the extent to which immigrants, schools, and families need the adaptation and accommodation of the need of each other. The assumption of the adaptive, accommodative and assimilative approaches must be re-considered to evaluate the charged process of immigrant students. Immigrants have various experiences. And all immigrant children are directly confronted with linguistic and cultural difficulties and should learn balancing or reconciling their previous world with the new one (Kaprielian-Churchill and S. Churchill, 1994). J. Fonte, in *Americanization Now*, asserted that “a sizeable number” of newcomers could achieve to acquire English and develop economically, but this might not necessarily be valid in assuming the American identity. Citing the studies (2001) of Russell Sage Foundation upon five thousand children (mainly of Mexican and Filipino origins), Fonte commented that after a four-year study at high

school level, “patriotic assimilation or self-identification with the American nation actually decreased” (Fonte, 2001, p. 1).

Individual decisions have a deep root in identity factor. (Elliott et al, 2000). Developmental psychology views identity as a developmental dynamic within a linear range of stages. These stages have varying emphasis on an accomplished assimilation or adaptation of a target group into the US cultural norms (Broughton, 1987). However, when an individual of the target groups does not commit in the multiple variations of presented mechanisms and responds to the assimilative and adaptive sets in a negative attitude, such sequential stages theories fail, too. In an era of accelerated “cultural hybridization” (Appadurai, 1996), immigrants may tend to use their own experiences, aspirations, and personal/cultural hybridity, rather than their adaptive or assimilative *ability* into mainstream culture, as merits while navigating between the issues of nationality and identity. Thus, immigrant (minority) identity can heavily be constructed upon experiences and expectations.

Education has a crucial role in the identity construction process (Jones&Rutter, 1998). As a social and economic leveler, academic achievement signals institutional success (Popkewitz, 1998) in cultural formation and understanding in the US (Foucault, 1977). Immigrants’ academic achievement is overwhelmingly regarded as an indication compliance with mainstream culture and values. Furthermore, the successful students find room abstracted from exotic attribution, misunderstanding and prejudice, and they re-gain the control of a secured present and future. Some critics however object the grades-only evaluation of the immigrant students. According to “Masks of Achievement” hypothesis of Mosselson (2007), this is because even academically successful immigrant students, let alone the unsuccessful ones, are sometimes found to be using success just to *mask* their deeper depression and adjustment problems. Above all, while the limited number of successful immigrant children was over presented, or *inflated*, in social and political spheres and advertised via prestigious academic awards; the majority “demonstrate[d] disturbingly high dropout rates-overlooked and under-served when they enter US schools at the secondary level” (Suarez-Orozco,C.,2001)

5.5 The Role of Gender in Immigrant Children's Educational Adaptation

The academic performance statistics of the new profile of post-1965 immigrants have indicated a consistent gender gap between the girls' high school success and the boys' high dropouts. This gap suggests that gender can be a significant determinant in the integration and new mobility of the next generation but as "one of the fundamental social relations anchoring and shaping immigration patterns," gender has not been focused in early researches upon immigration (Hondagneu-Sotelo 2003, p.3; Passar, 2003).

Throughout the 20th century, men had larger educational rates than women and scholar conducted studies mainly upon experiences of (adult) men. The experiences of immigrant women began to be researched only after the 1980s (Simon&Brettell, 1986). Subsequent researches broadened the scope to "gender as a social system," and its trajectories upon the arrival of immigrant women and men's and their integration into the new culture (Hondagneu-Sotelo, 1999). The unprecedented shifting role of gender in directing educational evaluation has finally come to its own in the field of education and it is specifically renewed in immigrant and minority student populations (Lopez, 2003). Today theorists re-conceptualize gender as "an organizing principle in all social systems, including work, politics, everyday interactions and immigrant children" (Suarez-Orozco&Qin, 2006). A better understanding and a fuller appreciation of the role of gender in immigrant children's adaptation and experiences and the answers of "how, when, and why it makes a difference to be male or female" (Eckes&Trautner, 2000, p.10) intersect with cultural differences and wield a strong influence on re-shaping experiences of various locales, i.e. families and schools. The studies upon the role of gender also dictate culturally-differing socialization processes of immigrant boys and girls (Portes&Rumbaut, 2001). The role of gender also signs the embodiment of normative and practical expectations in adaptation of immigrant girls and boys in the new cultural context, i.e. at school (Williams et al, 2002). Gender formats the identity "both in a process of labeling from the outside and in the construction of a subjective identity" (Prieur, 2002).

Gendered tracks followed in the researches of many scholars (Gibson, M. A., 1988; Brandon 1991; Waters, 1996; Lee M., 2001; Qin, 2004; Faliciano&Rumbaut, 2005) are particularly significant and consistent in that their findings sign that boys are academically behind the girls in several ethnic groups. At pre-collegial level, for example, researches have often identified a gender factor (favoring immigrant girls) in completing grade- and high-school, academic engagement/activities and further aspirations. Portes&Rumbaut's report (2001) upon second-generation teenagers with assorted Latino and Asian groups exemplified that the girls simply did better than the less-engaged immigrant-boys that had much lower grades, almost no educational aims, and of course lower career. Other studies of children from immigrant families (Kao&Tienda, 1995; Rumbaut, 1995; Qin 2003) established a broader consensus with similar findings. Faliciano&Rumbaut (2005) tracked the academic achievement of the Californian share in the Children of Immigrants Longitudinal Study for more than ten years, and they found that gender had a significant role in educational aspiration and expectation in all levels of schooling, and boys often were not inclined to pursue further education. Olneck&Lazerson (1974) evaluated early-20th century studies at levels of secondary school gains in four cities, and they resolved that among most ethnic groups, immigrant girls accomplished more years of high-school at total than immigrant boys did. The male dominance at collegial level data in 20th century also changed over time; the girls caught up and were not late to outperform the boys in most ethnic groups except for Asian American students. The 2003/4 data, for example, showed that college-enrolled percentages consistently favored girls: %54 white; 57% Latinas and 60% African-American females.

Educational outcomes are significant determinants of the future socio-economic mobility of the next generation in the US. The educational outcomes have particular relevance in today's cyclical labor-market because most opportunities will be either restricted or broadened by the level of attained formal education. Many ethnic-based researches suggested that immigrant girls tended to attach education to their future mobility. Cammarota's study upon Latino students (2002) showed girls' supremacy over their male counterparts in terms of graduation and enrollments colleges while male students had much higher rates of dropout and were employed in

lower-paid work. Ginorio&Huston's (2001) reviews had previously evidenced that Latina students with a BA degree were paid %82 higher than those without a BA; while Latino male students with a BA were paid %60 higher than their peers with high-school diplomas. Brandon's studies upon Asian-American high-school senior students (1991) indicated higher levels of educational female engagement, while Rong&Brown's findings (2001) showed African- and Caribbean-American immigrant black females managed to outperform the males in schooling attainment.

Elaborating the reasons of the *gendered* academic achievement can have deeper pedagogic connotations. Setting forth the positive faces of immigrant female experiences can shed light upon reforming educational policies and inciting intervening target- programs, and promotion of the academic achievement of *all* immigrant children can be realizable. Mainstream-based researches upon white students (Kleinfield, 1998; Connell, 2000) indicated that the existence of gender gap was justified by sticking to the perception that schools are often largely constituted by female teachers, and that such "feminine" institutions favored female student in classroom settings. For immigrant children, however, the case can prove to be more complicated. It is noteworthy recalling that the underlying mechanism for gender gap could be affected by experiential factors quite different from mainstream students' due to linguistic handicaps, acculturation anxiety, discriminative environments, and certain immigrant-related traits.

5.5.1 The mechanism beneath the "Gender Gap" in Immigrant Education

As a part of the Harvard Immigration Project by Marcelo&Carola Suarez-Orozco (1991), Longitudinal Immigrant Student Adaptation Study (LISA) studied the adaptation experiences of the Chinese, Mexican, Dominican, Haitian and Central American immigrant students for five years. The target group was constituted by nearly four hundred recently-arrived immigrant boys and girls enrolled in various schools in San Francisco and Boston districts and managed to chart the implemented acculturation and adaptation templates. Based on the LISA, Qin (2003:14) pointed out that boys were

significantly less likely than girls to identify with their culture of origin...the immigrant girls were more likely than boys to choose 'additive' or 'hyphenated identities'...to bridge the two cultures..

The immigrant boys' and girls' academic achievement is often improved by an understanding of a well-balance between the two cultures: to anchor in their original community ties and to chart a strategy of "selective" (Philips, 1976; Portes&Rumbaut, 1996) or "additive" acculturation (Gibson, 1995)- influenced by parental expectations.

5.5.2 Parental Expectations after Migration

The shifting gender roles pre- and pro-migration appears to be another significant impact upon parental expectations of children and the educational gender gap in particularly patriarchal countries of new waves, e.g. China. In such immigrant sending countries, gender discrimination and inequalities are "historically deeply rooted" (Kwong, 2000, p. 37), and the cultural norms often favor boys especially in rural areas, where middle-school girls can not enter high-schools. An older daughter's education is *normal* to be sacrificed for the sake of her brother(s) and sisters' working for supporting the brothers' schooling is a common practice (Cheung, 1996).

Despite the negative background, gender discrimination and structured roles get inclined to disappear to some extend in educational expectations of parents' pro-immigration era in urban and rural areas alike. This change is either because mainstream US society has a relatively higher opinion of gender-equity and equality, and there are more available jobs for women and more allocated female sphere in the economic life; or it may be resulting from the fact that parents have realized that a daughter can support her parents in their senescence and home economy as much as a son would. It may have been affected by both as well. However, it can be said that international mobility produces a relative equality between sexes, at least in parents' educational expectations and schooling. Many researchers (Gibson, M. A., 1988; Zhou 1992; Lee C, 2006; Olsen, 1997; Dasgupta, 1998) have also pointed that parents feel freer to support their daughters' education in the US than in their homelands; and

that the parents increasingly get used to the American ideal of “making it” via a good education, hard work and future vocational opportunities. Although the raised expectations are not necessarily signs of a total rejection patriarchy; they still expedite gender-free participation in and parental realization of the opportunities and necessities for receiving education in post-2000s (Zhou&Bankston, 2001).

5.5.3 Gendered Socialization at Home and at School

Gendered socialization process taking place at immigrant children’s homes sounds to be a feasible agent underlying the educational outputs. Ethnographic researches (Gibson, M. A., 1988; Waters, 1996; Lee, 2001; Sarroub, 2001) have discovered that among most of the ethnic groups, immigrant parents usually monitor and control their daughters much more strictly than their sons in regulation of outdoor activities. The LISA findings also point out that girls face much stricter supervision in the daily activities out of the house and/or dating than their brothers do. Children have a deep perception of the double standards in parental supervision and they are not pleased with their state. Here is what a fifteen-year-old Chinese girl, Lili, believed:

[Were I a boy] I [could] stay out late at night. They would not be as strict to me... they would not be as nosy... they always want to know about me and my things... I probably would have more freedom (Qin, 2004, p. 106).

As restrictive by mainstream US-standards, the heavy parental monitoring has paradoxically unintended but benefiting results in girls’ schooling both psychosocially (Espiritu, 2001) and educationally (Smith, 2002) because it enables minimizing female exposure to violent environment, especially in inner-city context (Smith, 2002). Due to strict parental control, girls tend to stay at home after school and focus on study. Zhou&Bankston’s work with Vietnamese female students (2001), for example, clarified the relationship between parental controlling and school success. Smith’s studies with Mexican-American New Yorker women (1999) also concluded that heavy monitoring benefited and protected female students since monitoring kept them focusing on relatively safer activities. Some researchers had similar findings that immigrant girls were able to develop positive attitude toward school than boys

(Waters, 1996; Lee, 1997, 2001; Sarroub, 2001), a female advantage which Olsen (1997) based on the fact that girls regarded the school as a “liberating social space” free from parental heavy monitoring; and Keaton (1999) based on the girls’ instrumental attitudes towards education as “empowerment against tradition.” From these vantage points, a good education can pay ways to leverage in girls’ schooling and marriage for the future.

Schools themselves are also highly-gendered institutions (Alvarez&Hauck, 2002) in which girls and boys are treated in different manners. Boys are usually more rumbustious while teachers are less understanding and have harsher disciplining methods for boys than for girls (Gillock&Midgley, 2000; Ginorio& Huston, 2001; Lopez, 2003). A relevant difference also exists in terms of social relationship and support. Girls tend to befriend those who hold positive thoughts towards schoolwork and academics. Furthermore, they are able to establish better relationship with the teachers and get more support in the schools than their male counterparts do. Stanton-Salazar, for instance, showed (2001) that Mexican-American male adolescents’ relationship was less supportive at school level. As a reaction to their negative experiences at their schools, boys are often superseded by stronger peer pressure and fell into problem-behaviors, i.e. gangs and fights, than girls do (Gibson, M. A., 1988; Qin, 2004; Smith, 1999; Waters, 1996).

5.6 The Role of Gender in Acculturation and Ethnic Identity Formation

Immigrant-based researches have also suggested that acculturation process, ethnic identity formation, and immigrants’ adaptation are interrelated issues, and the gendered patterns in these processes have a considerable impact upon educational outcomes. The traditional “assimilation” models that had no vision and depth were heavily relied upon experiences of immigrants of European origins in the early 20th century (Parks, 1950), and put a significant emphasis upon immigrants’ “unilinear, nonreversible, and continuous” effort to accomplish their acculturation and enjoy the structural assimilation of “the middle-class, white, Protestant, European American framework of the dominant society” (Suárez-Orozco, M. 2000, p. 8). In other words,

ethnicity is relegated to have a “symbolic” (Gans, 1992) and “optional” (Alba&Nee, 1997) implication. Nonetheless, these theories have been intensely criticized by many scholars (Alba & Nee, 1997; D. B., 2001; Suárez-Orozco, M. et al., 2002; Rumbaut, 2005). It has largely been argued that such models must be re-framed in the peculiar needs of the post-1965 circumstances that the immigrants face. That is because most of the new immigrants have much less common points, much more different cultural values and conflicting social lives than their earlier European counterparts had. Low paid as they were, earlier immigrants had vast economic opportunities lying in American lands. However, today’s “hour-glass” economy-models make it far more difficult for immigrants -arriving in the US with little exchangeable dexterity and with an inefficient education- to reach an achievement in social and economic (upward) mobility over time (Suárez-Orozco et al., 2001).

In contrast to the previous assimilation-based models, new models emphasize synchronizing ethnic preservation of parental languages, cultures, and bounds with developmental skills. Such a shift can expedite immigrants’ adaptation to and upward social mobility in the mainstream American society. Indeed, Gibson M. A.’s twenty-year-old findings hinted the benefits of the suggested shift. Gibson’s work upon immigrant students of Punjab origin (1988) showed that certain students achieved better in their schools as a result of the fact that they managed to “accommodate” to the mainstream life by adopting select values of host cultures and preserving their own simultaneously. Fully-assimilated students, on the other hand, were alienated from their home cultures and bore negative adaptation outcomes. Additionally, Suárez-Orozcos’ researches focusing on Mexican immigrants (1995) reported perplexing data: the longer they resided in the US (and get assimilated), the more downward their social and economic mobility often was. Indeed, it can be proposed that immigrants’ attitude in balancing the new culture with their own is a considerable factor in directing the new lives of post-1965 immigrants at one point or another. In their segmented assimilation model, leading immigration scholars Portes&Rumbaut works (1996, 2001), for example, summed up that the most affective and beneficial combination (at least for the immigrants of this age) will be to adopt a selective-

acculturation process, which incorporates the economic mobility dynamic with a conscious conservation of solidarity and values of the home and host cultures alike.

During the adaptation process, gender differences make certain contributions to different adaptation outcomes and patterns as well as school success of the immigrant children. Some scholars (Waters, 1996; Schwartz&Montgomery, 2002; Lee, 2002; Qin, 2003) have documented the active touch of gender during the children's attempts for (a) acculturation- flexibility to acquire bicultural identities that tend to provide better adaptation outcomes and (b) ethnic identity formation-maintenance of original ethnic and native identities. In this sense, immigrant female students have been verified (Olsen, 1997; Waters, 1999) to be more successful in attaining flexibility in the construction of ethnic identity than their male counterparts have. Waters (1997), for instance, showed that in the process of identity formation, Caribbean-American girls were more likely to have "leeway" and construct healthier identity whereas the boys were more likely to be exposed to harsher pressures, discrimination, and unjust treatment from the mainstream American society, and thereby formed race-based identities. As noted, immigrant female students frequently chose "additive" and/or "hyphenated identities" that indicates their effort and will in bridging the two cultures.

Gender roles and expectations vary among cultures. The complex and dimensional experiences of immigrant students from different ethnicities and cultures usually preponderates over the broad processes. As researches (Gibson, M. A., 1988; Canedy, 2001; Sarroub, 2001) have shown, some female students from certain cultures are more highly exposed to considerable challenges in leveling their academic success and expectations up to higher educational institutions and social mobility. Conflicting messages received from school and parents about educational issues confuse the girls' cognitive development. For instance, a Latina female student was constantly urged to continue her education, grow up to be an independent woman and have a high career by her mother while she was also warned to look more "feminine" –e.g. with long hair, makeup, and marrying a good man- by her grandmother (Canedy 2001). One Latina told that "everybody is changing the rules;

we're supposed to be independent, but you still have that machismo factor in your brain" (Canedy, 2001). The daily messages may have a negative impact and impede educational progress. The studies of Olsen (1997) and Sarroub (2001) have shown that a lot of immigrant girls from traditional cultures and ethnic groups somewhat feel themselves deprived of autonomy and having a say upon their own future-a case which certainly diminishes the success motives in post-secondary-school period. Indeed, the post-secondary-level education of the immigrant girls raised in traditional families becomes possible only when their parents permit. Some strict families regard too much education as "dangerous" for girls because too much education can make them "too independent" (Sarroub, 2001). Therefore, many girls do not know what will happen to them after secondary schools and can not make any decisions to secure their near futures. They are not allowed to go to colleges- especially when they are too far- and that is the case even if they had a perfect performance and highest levels of educational achievement (Wolf, 1997). The absence of higher academic attainment and a secure future are later accompanied by teenage pregnancy statistics, endless home-responsibilities, and few role-models in and around the lives of the repressed girls (Sarroub, 2001; Lee, 2001; Canedy, 2001;).

5.7 Concluding Remarks

Male students are usually less mobile and less permeating while drawing the boundary between ethnic identities. According Waters (1996) and Portes&Rumbaut (2001), they are more likely to resist bicultural-competency and bicultural-adjustment. This is partly related to the attitude and practice of the dominant society in that the mainstream American society openly makes the immigrant boys feel that they are unwelcomed and "racially othered". The educational outcomes of this exclusion are low-levels of (future) educational aspirations. Girls, on the other hand, are related more firmly to their ethnically-configured and culturally-gendered identities. This helps them to construct alternative identity against the "popular girl" image at schools.

Gibson M. A., studying the bifurcated expectation and manifestation of classic "femininity" and "masculinity" theory of gender roles of patriarchal immigrant

cultures, found that West-Indian immigrant female students regarded obeying the rules and to be a “good girl” at their schools as the expression and requirement of their “femininity” while boys tried to prove their masculinity through violent physical demonstrations –e.g. transgressing the regulations. One way or another, the role of gender has today become a crucial immigration-related issue having a strong voice in the educational field. As a result of the fact that 1/5 children at public-schools is a member of immigrant families, it is high time to measure the patterns of immigrants’ and immigrant students’ (gendered) adaptation into new cultural setting. These patterns, according to Rumbaut (2005), have a “transformative effect” in the mainstream American society while gender affects the adaptation trajectories and experiences of immigrant children in powerful way. As Portes&Rumbaut contend:

gender enters the picture in an important way because of the different roles that boys and girls occupy during adolescence and the different ways in which they are socialized....We expect...gender differences to affect important adaptation outcomes such as language acculturation, aspirations, and academic achievement. Because of the different roles that adolescent boys and girls are expected to play in American society, we can also anticipate significant gender effects on various dimensions of psychosocial adaptation, including self-esteem (2001, p. 64).

It is significant to elaborate the gender-education structure while evaluating the process and consequences of adaptation, because invaluable data can be found in the gender-education structure- a consistent phenomenon that favors girls’ academic success and adaptation skills. Uncovering the unique challenges that the immigrant girls and boys have faced respectively can, and will, make great contributions to the further scholar studies upon children’s various post-migration adaptation-processes and it can also help designing more effective curriculum and intervention programs. The benefits of addressing the hidden challenges of children may go beyond the expectations and extend to a fuller (public) appreciation and a better (academic) understanding of immigrant communities and more meaningful policies. In an era of globalization and large scale immigration, that is a “must” because the well-being of immigrants and immigrant children are directly connected to the well-being of American society as a whole.

CHAPTER SIX

POLITICS, PATRIOTISM AND EDUCATION

“You are either with us or you are with the terrorists.”

G. W. Bush²⁹

6.1 Introduction

In November, 2001, Nebraska’s state board of education signed a “patriotism bill” modifying 1949 statute -the Nebraska Americanism law – and the content of social studies curriculum in high schools. According to the bill, social studies must give “instruction in . . . the superiority of the US form of government, the dangers of communism and similar ideologies, the duties of citizenship, and appropriate patriotic exercises.” The board also added that instructions at middle-class level “should instill a love of country” while the social studies curriculum must specify “exploits and deeds of American heroes, singing patriotic songs, memorizing the ‘Star Spangled Banner’ and ‘America,’ and reverence for the flag” (Nebraska State Board of Education, 2001). Nebraska was joined by many other states within a few months after the terrorist attacks on the World Trade Center. State legislatures rapidly adapted by either amending previous bills or introducing new ones in order to encourage or mandate patriotism for all children in schools. About half of the states have enacted pledge laws or resurrected the policies of the 2002-3 legislative sessions alone (Piscatelli, 2003). The rest holds a positive attitude and on the way to similar ends. So, it is highly probable that by the end of the current decade, every state will have adopted patriotic exercises at their schools.

The role or better to say, the support of the federal government has largely encouraged the patriotic passion. For example, the White House openly collaborated with the conservative Celebration USA in its call to millions of school-age children to

²⁹ White House, Office of the Press Secretary, “President Bush Addresses the Nation on Immigration Reform,” May 15, 2006.

join the mass recitation of the Pledge of Allegiance on 12 October 2001. On 16 October 2001, the House of Representatives unanimously (404-0) passed a proposal encouraging school boards for displaying the words “God Bless America” for reinforcing national pride. A few months before the Iraq War in 2002, the federal government took the initiative of history and civic education to raise the national identity and pride. President G. W. Bush, among the initiatives, declared that history and civic education would “improve students’ knowledge of American history, increase their civic involvement, and deepen their love for our great country.” He emphasized that in order to produce patriotic young Americans, the youth must be taught that “America is a force for good in the world, bringing hope and freedom to other people” (whitehouse.gov, 2002). A sum of \$120-million-support was allocated in the 2005 federal budget to grant the teaching of “traditional American History” while the National Endowment for the Humanities sought to fund the celebration of folkloric “[all]American heroes.”

The patriotism itself may not give harm to the US in global sense, yet the particular forms of desired patriotism (by a considerable number of school boards, city/state legislatures, and the federal government) may. A monolithic relegation of patriotism to solely “America-can-do-no-wrong vision of patriotism,” as M. Nussbaum cautions, is “perilously close to jingoism” (2002). Indeed, the rising patriotism within the context of education has severely been criticized by numerous educators, and the attempts have been regarded as legislative assaults upon genuine democratic values in curriculum. The drumbeats of terrorism, wars, and fanatical encamping have also been condemned as they result in impeding the evaluation of democratic citizenship. The consequent intolerance may indeed threaten the (need for) conflicting opinions and debates, the notion of plurality and the natural complexity of human circumstances and inclinations and inevitable basic human experiences and expectations. An opposing patriotism can undermine the very cornerstones of genuine patriotism, social participation, political engagement, school policies, realistic curriculum and an ultimately ideal civic education.

As the topic leads, two umbrella terms of patriotism seem to exist in the wake

of determining the American students' understanding of patriotism, civic commitment, and democracy. First type is highly imperious and authoritarian and held more often on the right and conservative side: this type of patriotism will be called as "dictatorial" patriotism that can neither be tried on nor used in the American land. Second type of patriotism is more humanitarian and collective and more often held by the left and/or democratic wing: this type will be called as "matured" patriotism as it better addresses the unique American conditions.

6.2 Dictatorial Patriotism

As political scientist Douglas Lummis argued, patriotism in democracies must instill a type of a unifying love towards *people* rather than the *institutions*. The dictatorial patriotism "is a resigning of one's will, right of choice, and need to understand to the authority; its emotional base is gratitude for having been liberated from the burden of democratic responsibility" (Lummis, 1996). So, the dictatorial patriotism requests one to be unquestioningly loyal to a certain cause brought forth by a centralized leader. Historian H. S. Commager, in *Freedom and Order*, argued that "Men in authority will always think that criticism of their policies is dangerous. They will always equate their policies with patriotism, and find criticism subversive" (Commager, 1966). Dictatorial patriotism asks for an unconditional allegiance to the governmental cause and naturally dismisses dissent voices. The social structures of dictatorial patriotism depend upon deliberate and complicit populaces. In the wake of September 11, the American nation buckled down to flags in virtually cities, suburbs, towns, and rural districts in the country. The flags undoubtedly bore the message of a reasonable public solidarity in a time of crisis; but certain forms of expression- fierce and jingoist statements on stickers and TVs, in sentimentalized news, politics and education- went beyond the issue of national pride and connoted worrisome messages.

Education has significantly been revised since 9/11. One sample included a video attached to thousands of e-mails called "Patriotism and You"³⁰ by government-backed Committee for Citizen Awareness and sent to public-schools and colleges in

³⁰ At <http://archive.columbiatribune.com/2005/feb/20050201news003.asp>

2004. This video was regarded as an exemplifying propaganda of a sort of patriotism that respects authority by which Americans manifested philosophical unity, especially in times of war. Yet, the expression of patriotic dissent is either disdained or totally absent throughout the film. Moreover, schools were implicitly asked to punish the teachers who attempted to deviate from unified message and allowed or offered dissenting perspectives.

6.3 Matured Patriotism

Social historian H. Zinn, in a radio show program upon “Teaching Patriotism in Time of War,” criticized dictatorial patriotism and suggested a possible counter stance. “Patriotism,” Zinn asserted, “means being true&loyal-not to the government, but to the principles which underlie democracy” (2003). It is a matured form of patriotism that emphasizes to pursue these principles. Senator Margaret Chase Smith in *The Declaration of Conscious* of 1950 (quoted in Hentoff, 2002) said that:

Those of us who shout the loudest about Americanism are all too frequently those who . . . ignore some of the basic principles of Americanism- the right to criticize, the right to hold unpopular beliefs, the right to protest, the right of independent thought.

A large number of educators, policy-makers, and ordinary citizens feel closer to a three-dimensional vision of patriotism that welcomes the true democratic ideals and citizenship. Pete Seeger had similar way of expressing patriotic sentiments in McCarthy’s House Un-American Activities Committee (HUAC). He stated that:

I have never done anything of any conspiratorial nature, and I resent ...very deeply the implication . . . that in some way because my opinions may be different from yours . . . I am any less of an American than anybody else. I love my country very deeply (US House of Representatives, 1955).

African-American performer, actor, and All-American football player Paul Robeson, in his addressing to HUAC, stated that: “You gentlemen . . . are the nonpatriots, and you are the un-Americans, and you ought to be ashamed of yourselves” (US House of Representaive Committee on Un-American Activities,

1971). As mentioned by a former Attorney General, John Ashcroft's, government opponents must not be regarded as "ammunition to America's enemies" since dissent itself is patriotic" in democratic nations.

A historical analysis of the original 1892 Pledge of Allegiance will also reveal the matured patriotism. Its author, Francis Bellamy contained no reference to "God", and it was openly against of many components in the late 19th century including unrestrained capitalism and increasing individualism. The wish of likeminded scholars and reformers (K. L. Bates, Bellamy, Lazarus, Bates) for America was a reflection of fundamental democratic values and ideals such as freedom of speech, civil rights, fuller engagement in politics, and social and economic equality (Dreier&Flacks, 2003). Some national icons held similar democratic vision of patriotism as well. For example, Emma Lazarus, the poet of the inscribed words upon the Statue of Liberty: "Give me your tired, your poor / Your huddled masses yearning to breathe free." Many scholars based their understanding of patriotism upon these words.

Conserving substantive ideals underlying democracy in the US is the hallmark of matured-patriotism. However, this is not to say that symbolic displaying of support and solidarity have little for democratic patriots but it is ensured that "liberties and justice for all" becomes more than a slogan and guides politics, curriculum, programs, and laws. The ideal patriots, then, must transcend the nation, symbols, and centralized leaders and reach every citizen and their welfare.

6.4 Increasing Dictatorial Patriotism in Schools

An overwhelmingly authoritarian and dictatorial sense of patriotism is felt in many schools and schooling process. One sample is the "Courage, Patriotism, Community" at the Library of Congress website advised widely by educators. Founded "in celebration of the American spirit" and including "patriotic melodies" and "stories from the Veterans History Project," the domain has largely been attributed to prowar-materials. A similar approach was assumed by the Fordham

Foundation. In *Terrorists, Despots, and Democracy: What Our Children Need to Know*, it fabricated patriotism based upon *good v. evil* to impose *indisputable* facts.

Following incidents are helpful in portraying the rising dictatorial patriotism in the US school and classrooms:

- In New Mexico, five teachers were punished with suspension and disciplining for conniving discussions about the Iraq War and for letting different perspectives, including antiwar sentiments, to be expressed in their classes.
- One teacher from Albuquerque, Alan Cooper, was suspended for declining to cancel students' art posters that since posters were, as the school principal stated, not sufficiently pro-war.
- Carmelita Roybal (suspended and pay-docked) at Rio Grande High School, Ken Tabish (suspended and pay-docked) at Albuquerque High School, and a teacher (disciplinary leave-out) at Highland Hills School were punished solely for their antiwar and/or anti-military attitudes which were realistic such as recruitment-posters and soldiers' photographs in Iraq (Manzo, 2003).
- Another suspension took place in West Virginia-this time against a student. Katie Sierra (suspended for three days) Sissonville High School was punished for her T-shirt on which the Pledge was modified as: "I pledge the grievance to the flag...With liberty and justice for some, not all." A type of "West Virginia justice" was justified with "disrupting school activity." The principal, Forrest Mann said:

Indeed, at least one of Katie's classmates felt that the shirt disrupted her studies, writing that Katie's actions 'greatly saddened me and brought tears to my eyes. I watched as a young lady was permitted to walk down the hallways of Sissonville High School wearing a T-shirt that spoke against American patriotism.' No students were disciplined for wearing shirts emblazoned with the American flag (Va., 2002).

- One similar student suspension happened in Broomfield, Colorado. David Dial, a seventeen-year-old student was punished for posting fliers of “International Student Anti-War Day of Action.” Dial told that his intention was “just a peaceful protest against the war in Iraq” and he added that his punishment was hypocritical in that new curricula actually promoted students’ civic/political participation in school environments (Frates, 2003).
- In Florida, one teacher delivered copies of the following citation of Benjamin Franklin in his class: “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety” and opened the meaning to debate. When the students discovered the original writer of these words, then they tried to understand the intentions of the Founding Fathers, constitution, and suchlike matters. The incident ended with the punishment of the teacher by the school principal on the basis of deviating from the same “hypocritical” mandated civics curriculum standards.

6.5 Patriotism as a Substitute for Politics

Dissenting voices are the underlying components of democratic inquiries. Yet, the restrictive approach renders “politics” as something malapropos in educational environments. The reason under much of the disciplinary punishments at public schools is that patriotism is beyond partisan politics and dissenting ideas are implied as threats to patriotism. Such a way of thinking conveys a negative tone on partisan terms because the profiles of candidates for public-offices are depicted as self-interested, hypocritical people. In other words, being political equals to cutting the public-good up to personal and/or partisan needs. The mission of education, meanwhile, is not advancing politics or facilitating dissent; its mission is reinforcing a single officially-accepted and conceptualized truth.

This concern of education is explicit in the discourse of Senator Lamar Alexander, secretary of education during the term of President R. Reagan. Senator Alexander suggested an act for the course entitled American History and Civics

Education in which “the key persons, the *key* events, the *key* ideas, and the *key* documents that shape democratic heritage [*Italics added*]” would be thought and civics would be restored into its “rightful place in our schools, so our children can grow up learning what it means to be an American” (National Coalition, March, 2003).

The Bush administration and the conservative members of the Congress were not late for welcoming such perspectives. They contended that the primary aim of education was to convey a monolithic range of significant historical happenings embedded within context of the civic-unity, duties, and of course the national pride. Senator Alexander and some other politicians suggested that in spite of different cultures and diverse backgrounds, all Americans shared a single, unified, common and easily-identifiable creed in the US. Quoting openly from consensus-historian Richard Hofstadter, Senator Alexander believed that “it has been our fate as a nation not to have ideologies but to be one” (Lamar, 2003).

However, those asserting that the American history can have a single interpretation –and that is the one in which the US is always right, are either too naïve or make dispositions for the dictatorial patriotism while such a perspective is too hard to be applied in schools unless an extraordinary things happen. Right at this intersection, the 9/11 attacks facilitated the teaching of formal patriotism-one unified American creed- in formal education while they also prevented the schools from being labeled as “being political.” Upon the curriculum developed by the National Education Association -titled “Tolerance in Times of Trial” that focused the 9/11 attacks, many politicians, policy-makers, and parents got anxious asserting that the curriculum had a discouraging tone in terms of American engagement in world affairs. The curriculum was also attacked by Laura Ingraham, a conservative talk- show host as being indoctrination and permitting students to “discuss instances of American intolerance.” Curriculum of the LA-based Center for Civic Education was similarly criticized for its emphasis upon “controversial” issues such as multiculturalism and diversity. It is not surprising to read hash criticism upon a currently developed lesson plan examining socio-economic and political results of Hurricane Katrina.

6.6 What does Politics actually mean?

In *A Different Kind of Politics: John Dewey and the Meaning of Citizenship in the 21st Century*, Harry C. Boyte contended that politics created semidetached spheres in which people of diverse socio-economic, cultural and ethnic groups “work together to solve problems and create common things of value” (Boyte, 2002). In this regard, politics is related to the process by which different interests and ideas are negotiated and conflicting places are clarified. Boyte largely borrowed from Bernard Crick who in *Defense of Politics*, called politics “a great and civilizing activity”. For Boyte, recognizing the significance of politics is a step for engagement in deliberate and plural opinions rather than a historical, political, and domestic (unified) paradigm. “Being political” must embrace controversial and ideological arguments for instilling a matured patriotism to the US citizens because dissent is the sine qua non in progressive democracies and in reviving the educational institutions with a social spirit.

The pedagogical activation of the schematic politics is quite controversial and perhaps the most threatening factor in that it pulls students into arguments upon being patriotic in US democracy. And that is the precise point that the many educators struggle who, like Boyte, regard educational process as a good opportunity for teaching the crucial and deliberative skills that draw consistency with a mature patriotism and provide students’ effective participation in controversial public debates while others regard dissenting perspectives and criticizing current policies as threats. For instance, the Iraq War and the following “reconstructive” process have reinforced many policy-makers and educators in favor of dictatorial patriotism to celebrate what George W. Bush has insistently alleged “the rightness of our cause.” But some curricular attempts still try to design deliberate political-engagement as a must-be embodiment of the diverse views, driving forces, and aims that construct the basis of a mature patriotism.

A few attempts targeting plurality were as following: During the time when Operation Iraqi Freedom began (March 2003), Sandra Childs, a teacher in Oregon,

wanted students to comment upon the link between patriotism and the First Amendment in the light of the discourse of Senator John McCain (R-Ariz.): “The time for debate is over.” One school in Chicago decided to rearrange the inter-disciplinary curricular themes within the web of contentious frameworks of civil liberties, duties and security. Some efforts even covered all of the units of schools inasmuch as the visionary innovations were softened into almost every curricular aspect including extra-curricular and the spatial ones. One exemplifying program among others³¹ was the El Puente³² Academy for Peace and Justice, founded in 1993 co-partnered by the NY City Board of Education. El Puente Academy was a community-based organization with a very high academic success -%90 graduation rate which was higher than the average graduation rate (%50) of nearby schools. Its most radical distinction was its unbending commitment in militating the poverty and violence in favor of positive educational ends for the good of whole community. In that academy, the love of country was tantamount to the love of and care for the all the US residents. With all its educational units such as its curriculum, its formation, and its colleagues, the Academy embodied an active stance of a mature patriotism. As the words of the principal of the Academy, Héctor Calderón illustrate: “Williamsburg reads like a ‘Who’s Who of Environmental Hazards’” (Capellaro, 2005). The report was the first report that was published by a community-based organization in a medical journal. The idea that all human beings are born on equal rights and that this idea is self-evident for urban students as well as other community members are empowered in this academy. Because this dynamic, along with liberty and the pursuit of happiness, signals the healthy way of social life. For the academy students, patriotism is, and must be, the love of American-ideals, even when it requires debating upon the current socio-economic.

On 12 September 2001, a fifth grade student asked to his teacher, Peterson, the founding-editor of Rethinking Schools and the 1995 Wisconsin Elementary Teacher of the Year: “What would you do if terrorists were outside our school and tried to

³¹ Some other are: Rethinking Schools (www.rethinkingschools.org); Educators for Social Responsibility (www.esrnational.org); New York Times lessons (www.nytimes.com/learning); American Social History Project: Center for Media and Learning (www.historymatters.gmu.edu); and Teaching for Change (www.teachingforchange.org).

³² El Puente stood for “The Bridge” referring to the bridge in Brooklyn’s Williamsburg neighborhood

bomb us?” The answers most often extend to dictatorial patriotism. For example, G. W. Bush admonished the world and Americans that “you are either with us or you are with the terrorists.” White House Press Secretary Ari Fleischer’s direfully warned Americans to “watch what they say and watch what they do” (Carter, B. & Berringer, 2001). Modeling upon a curriculum Peterson designed in *Rethinking Schools* that focused on 9/11 attacks, (global) terrorism, and democracy, Escuela Fratney teachers developed democratic forms of patriotic engagement reflecting freedom of speech, social justice and equality, and the significance of tolerating differences and dissenting opinions. They urged students to ask and seek answers for critical questions, to search alternatives of news, and to be able to evaluate the fear, hope, and dream as a natural reality of the US. In short, the teaching process should clarify the connection between life of a student and the life that goes on outside, between his/her community at microcosmic level and the larger national community at macrocosmic level, and of course between the national (local) and international (global) concerns.

6.7 Concluding Remarks

It is quite evident that most of the students in the educational institutions are exposed to dictatorial patriotism. A poll held in a high school students discovered that %43 of the Californian senior students, after finishing the courses of American history and American government, were either positive or neutral in that: “It is un-American to criticize this country.”³³ Another poll showed that many students were idealistic about a mature (democratic) patriotism, and also a few (28%) believed that those who attended the protests against American military-involvement in Iraq are “unpatriotic” (Gilbert, 2003). In an atmosphere of dominantly dictatorial patriotism, dissent is rapidly decreasing and disappearing. Yet democratic nations can be best served by democratic means and form of patriotism. Ensuring the institutional strength of democracies and fostering a mature patriotism nourishing the American ideals-most significantly the ideals of equality, compassion, and justice- the American nation must strive against any single form of authoritarian and dictatorial patriotism that easily succumbs to chauvinism and that must be done in all available democratic platforms.

³³ See the article by Joseph Kahne & Ellen Middaugh, page 600.

Attempts at forging a national consensus upon a single (and most often authoritarian) kind of patriotism are openly futile attempts. Therefore, in order for serving the public interest best in democratic American nation and reinforcing a mature of patriotism, educators and pedagogist must recognize the significance of embracing, not denying, the controversies, differences, dissenting voices and multicultural structure of the US..

CHAPTER SEVEN

THE MYTH OF IMMIGRANT CRIMINALITY AND REALITES

7.1 Introduction

Linking immigrants to crimes has created considerably contentious debates since 1900s. It is self-evident that the latest waves in the new millennium have been of the utmost concern for the US (Suarez-Orozco 1998; Brimelow, 1996). The general public still tends to relate immigrants -especially Mexicans stereotypically depicted as young and little-educated bulk- with high rates of crime and incarceration on the mere rationale that they enter or stay in the US via unauthorized means. Historically, this linkage has particularly resulted from none-empirical stereotypes (Espenshade& Belanger 1998; Simon 1985). Similar biased attitudes that lacked a solid foundational scientific data (Sellin, 1938) were also held during the early 20th century policies. Immigrants' mere violation of "the rule of law" reinforces that immigration and criminality go hand in hand. The relationship has been drawn more heavily during 9/11 events and aftermath; a period the fear (terrorism) and ignorance (undocumented immigration) are usually bracketed together.

However, public impressions and perceptions can not be substitute for science and scientific findings. The data the census and many sources provide indicate lower rates of incarceration among the immigrant young men in *all* ethnic groups. And that is particularly valid for the majority of the illegal immigrants: Mexican, Guatemalan and Salvadoran population. The supremacy of immigrants in criminality has long been spotted in a historically consistent line of decennial censuses- especially of the last three decades of massive mobility. Of course, the crime rates do not directly result from the immigrants themselves, regardless of their legal status. But the political and public inclinations persistently ignore considering different structures in access to equal opportunity, different approaches in different cultures, and the issue of social disorganization within the immigrant groups vs. the formation of mainstream culture (Bankston, 1998) and the process naturally undermines a better understanding and a fuller appreciation of both crime and immigration.

7.2 Immigration and the Population Growth in the US

Until the 1960s, immigrants and immigration had gone almost unnoticed in the population growth in the US. Only ten years later, however, it turned out to be the chief reason for increasing fertility rates and began to shape federal immigration policy. The public mind and federal policy had to face a dilemma: stabilization would have been pursued through reduction, or it would totally have been left. *Statistical abstract of the US* indicated that the annual documented immigration rates since 1950 had been approximately 200,000- which was below the historical average of annual 250,000 (USBC, 2000). However, the 1965-act that “modified” immigration caused an inadvertent snowball of migration by extended-family formulation during the 1970s. As volumes of reports from governmental institutions such as the BC, The National Center for Health Statistics and the INS emphasized, all aspects of population growth have dramatically changed from 1965 on.

In many developed countries, the (low) mortality rates increase only in small numbers and even that depends upon by factors such as the quantity and fertility of immigrants and natives. The demographic stabilization can get possible only when a replacement-level rate³⁴ is maintained. But that was certainly beyond the capacity of 1965 Act of Immigration. Then president of University of Notre Dame, F. T. Hesburgh directed *Select Commission on Immigration Policy* in 1981. In that federally-backed commission studying immigration policies and relevant issues, Hesburgh cautioned that immigration would increase due to strong political interest-groups which included conservative-business interests desiring lower wage down and the consumer market high; and liberal lobbies desiring votes of different ethnicities. The subsequent and current numbers vindicate his prudence and prescience. The Congressional and administrative policies have resulted in increase in annual immigration numbers. In 1980s, annual rates doubled the traditional level and reached 500,000. In the subsequent decade, annual *documented* immigrants exceeded one million and *undocumented* ones ran between the margins of 200,000 and 500,000. In

³⁴ Replacement-level is accepted around 225,000 immigrants a year -equal to the number of emigrants- which is just slightly below the traditional US average for in-migration.

the turn of the 20th century, %70 of the population growth was the direct result of immigration (Camarota, 2002). Relevant official statistics illustrating the 1990s evidenced that the total fertility rate of the native born population suited stabilization and much below the replacement-level (2.1 babies per woman since 1972) and remained steady (at about 1.9). If the fertility of native born Americans continued at this pace, there would be zero population-growth once the children of Baby-Boom age went through their child-bearing years. The statistics also revealed that it was the immigrants who were raising population by a rate-%400 far above replacement-level ready to add ever-larger numbers to population growth (Grant, 1992). The BC projects that fertility rates will rise population up to 400 million in the by 2050.

7.3 Crime Rates and Immigration

Notwithstanding the fact that the undocumented population has doubled to twelve million in the last two decades, the total violent-crime rates have decreased to %34.2 (Figure 1) and the property-crime rates have declined %26.4 (Figure 2). Today, statistics show that crime rates decline simply as immigration rates increase. Another interesting and shocking finding is that immigrants and pan-ethnic groups have lower incarceration rates than their native counterparts in the US (Figure 3 and 4) including heavily immigrant-populated cities such as LA, NY, Chicago, and Miami.

The bulk of the prison population is compromised by the males between 18 and 39. According to statistics of 2000, the rate of incarcerated native born men was five times higher than that of the foreign born men (%0.7 to -%3.5). And that %0.7 represented an overwhelmingly small share compared to that of native born non-Hispanic white male (%1.7) and that of the native born black male (%11.6). *Native* born Hispanic males had higher (almost seven times) risk to be in prison than compared to *foreign* born Hispanic ones. The incarceration rates, too, ran against the *native* born males. In the same year, it was found that incarcerated native born non-Hispanic white males were about three times higher than that of *foreign* born white males. Also, *foreign* born Mexicans' incarceration rate (%0.7) was interestingly eight

Figure 1 US VIOLENT CRIME RATES, 1994-2005

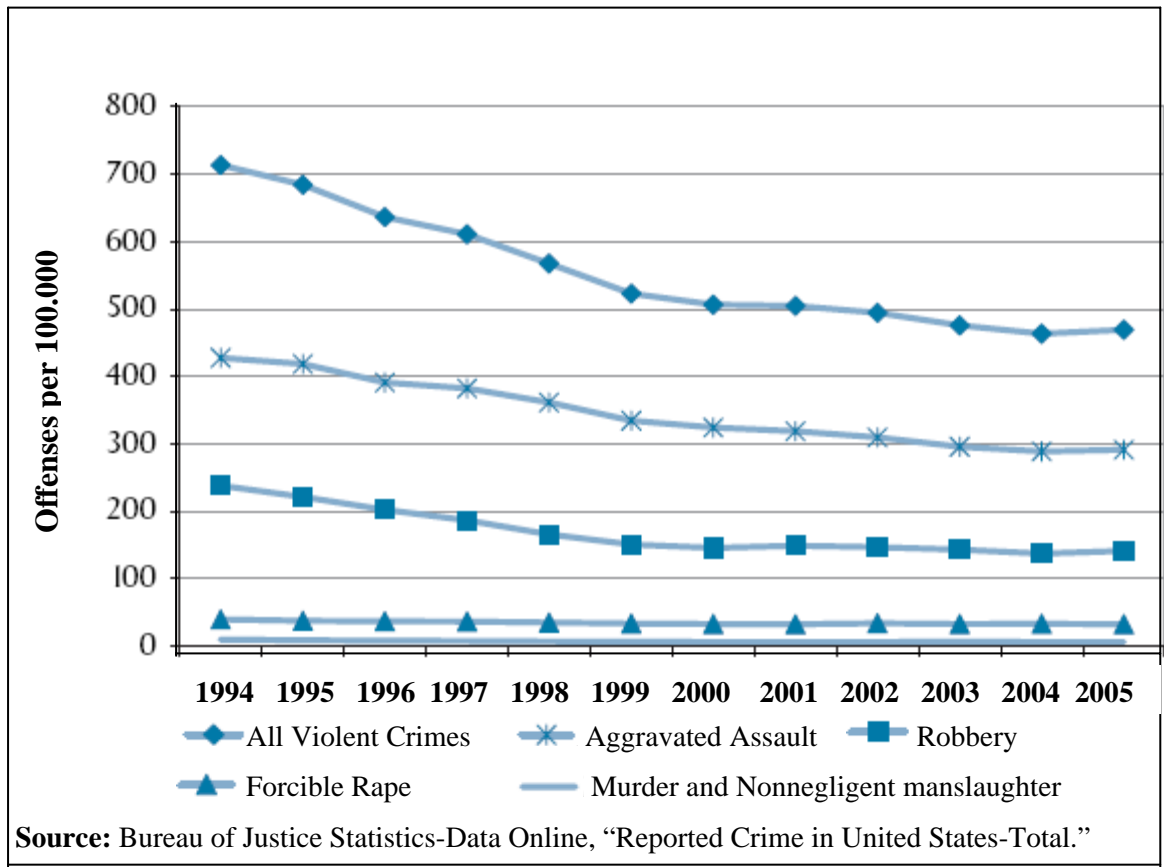


Figure 2 US PROPERTY CRIME RATES, 1994-2005

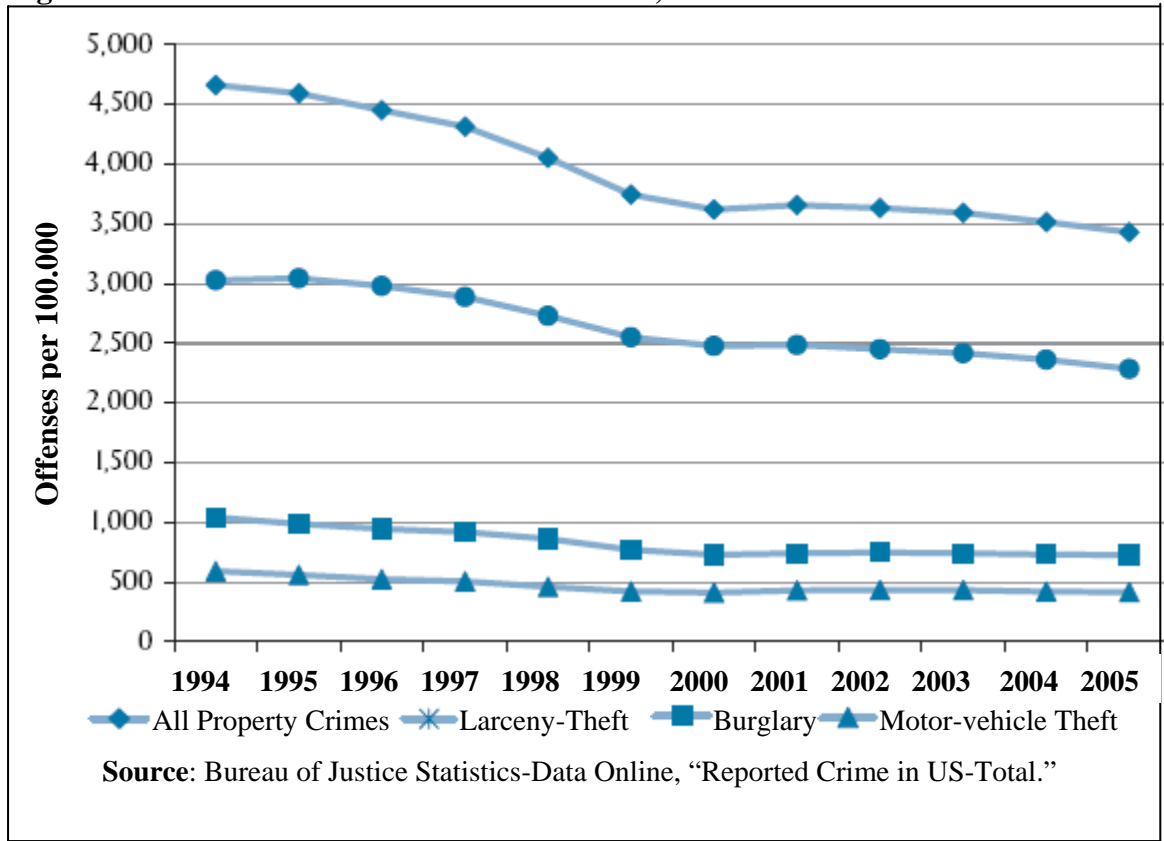


Figure 3 INCARCERATION RATES OF MALES AGE 18-39 BY PAN-ETHNIC CATEGORY AND NATIVITY, 2000

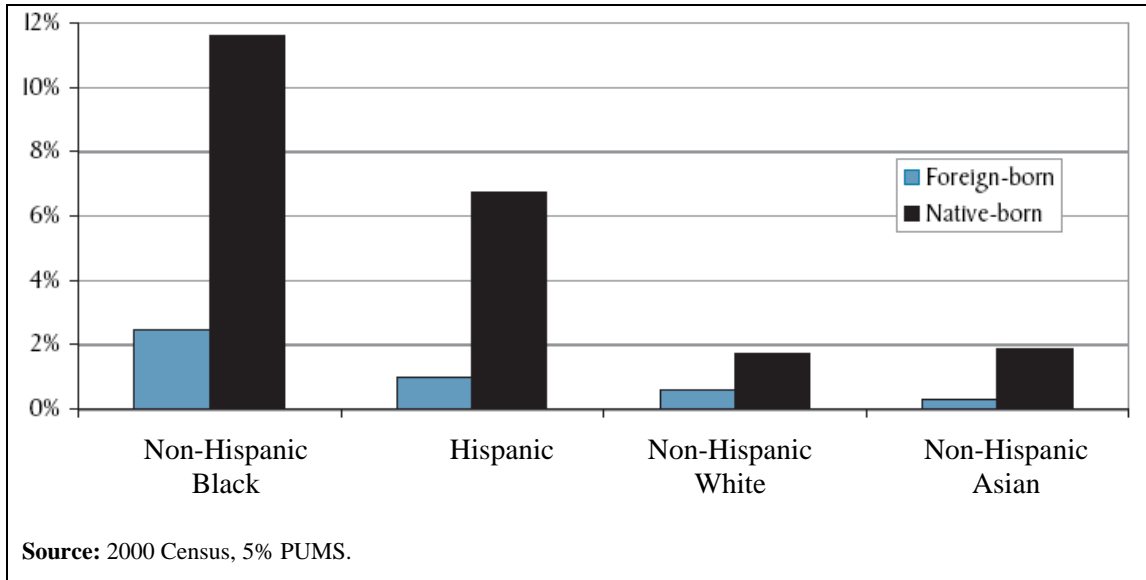
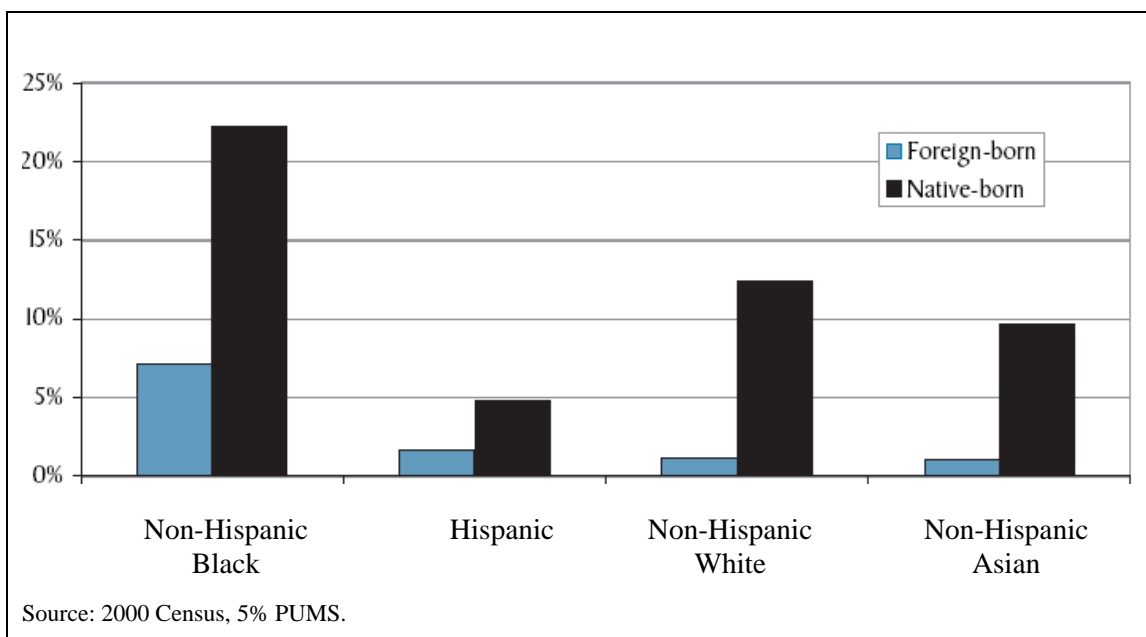


Figure 4 INCARCERATION RATES OF MALE HIGH-SCHOOL DROPOUTS AGE 18-39 BY PAN-ETHNIC CATEGORY AND NATIVITY, 2000



times lower than that of their *native* born fellows (%5.9). The anomalous link between the native and foreign born males proved to be valid for other ethnic groups as well. For example, the rates for foreign and native born males of Salvador and Guatemala were respectively %0.5 against %3.0. And that was %0.2 against %0.7 for foreign born Chinese and Taiwanese males, and %0.9 against %7.3 for foreign born Laotian and Cambodian men who are reputed for holding the highest incarcerated Asian immigrant group. Besides, all the foreign (and native) born Asian males -except for Laotians and Cambodians males- had also lower incarceration rates than Latin American males. One crucial message the last statistic convey is that numbers are not coincidental in that Indian, Taiwanese, Chinese, South Korean, and the Philippine immigrants are at the top the most-educated groups in the US, while Cambodian, Laotian, Mexican, and Central American immigrants are among the least.

7.3.1 Public Perception

Mythical and stereotypical linking of immigrants with criminal activities provides the underpinning for public mind and policy. As Ramiro pointed out, such enduring biases are projected and imposed via mass media (Martínez and Valenzuela, 2006).³⁵ The immigrants from Ireland, Poland and many other countries were pervasively stereotyped in the previous centuries (Alba, Rumbaut and Marotz, 2005). Today, the media relegates the Italians to *mafia*, Cubans to “*marielitos*”, Colombians to “cocaine cartels”, Japanese to “*yakuza*”, Chinese to “*triads*”, and Central-Americans to gangs, i.e. the Salvadoran to “*Mara Salvatrucha*” (Rumbaut&Alba, 2003). The projections of the stereotyped immigrant images have proved to be very dense and affective in American society. The National Opinion Research Center’s held General Social Survey (2000) in which many interviews with people from diverse background were done. The goal was to find the limits of power of mass media in agitating the public mind and attitudes in terms of the immigration phenomena in a “multi-ethnic US.” The results were sensational. One question was that whether they agreed the idea that “more immigrants cause higher crime rates.”

³⁵ Movies and TV series, i.e. *Miami Vice*, *Scarface*, *The Untouchables*, *The Godfather*, and *The Sopranos*, cause the most of the public disquietude stemming from the “immigrant-criminal chain.”

%25 replied “very likely” and %48 “somewhat likely.” The majority in the surveyed group also believed that there was a casual link between the available jobs and the numbers of immigrants: %60 replied that “more immigrants were likely to cause Americans to lose jobs;” while %56 believed that “more immigrants were likely to make it harder to keep the country united.”

Native-born Americans have historically felt threatened by and been on alert against the immigrants- especially during economic downswings or national crises, i.e. 2000-2 economic recessions and the “war on terror” in the 9/11 climate. The reactions have usually got tougher when the masses had substantial religious, linguistic, and physical differences and emigrated from different regions of world (Fry, 2006). California’s Proposition 187, for example, claimed that “the people of California...have suffered and are suffering economic hardship [and] personal injury and damage caused by the criminal conduct of illegal aliens in this state” (Section 1, 1994). Although the Proposition was passed with the votes of the %59 of Californians, it was refused by a federal court as being unconstitutional. The “Illegal Immigration Relief Act Ordinance” of 2006 by the Hazleton city council, Pennsylvania, declared that “illegal immigration leads to higher crime rates” and securing “the [legal residents’ and citizens’] right to live in peace free of the threat of crime” was getting increasingly difficult among “crime[s] committed by illegal aliens” (City Council of Hazleton, 2006-18). The similar thoughts have been widely applauded and supported by political leaders. While addressing to the nation upon immigration reforms (May 15, 2006), President G. W. Bush asserted that: “Illegal immigration puts pressure on public schools and hospitals; it strains state and local budgets, and brings crime to our communities.”(White House, Office of the Press Secretary, 2006).

The misconception that the foreign born residents- particularly illegal immigrants- have the lion share in higher crime rates is a much ingrained bias in public opinion. It is sustained by media anecdotes and popular myths. Yet the bias lack empirical support. Actually, the statistics and scientific findings refute the preponderant prejudices. Past and current investigations have systematically reiterated the fact that immigration is associated with lower, not higher, crime rates and that

crime rates declines immigration increases. Besides that, at the time that immigration and particularly the undocumented one has reached unprecedented numbers, crime rates have increased- LA, NY, San Diego, El Paso, Chicago, and Miami. The Uniform Crime Reports that FBI release annually also verifies the decline of violent/property crime when the foreign-born population grows. According to statistics drawn from *Reported Crime in US-Total, 1960-2005* released by Department of Justice, the violent crime level between 1994 and 2005 declined %34.2- that was the lowest rate ever in 2005. Homicides particularly declined %37.8- which was the lowest level since 1960s; robberies dropped %40.8, and assaults fell %31.9. Furthermore, the share of serious violent crimes committed by the juvenile declined (*Key Crime and Justice Facts at a Glance*) while the property-crime rates decreased %26.4 during these years. In particular, burglaries have finally reached stabilization as a consequence of continuous decline, thefts managed to reach the lowest levels, and motor vehicle thefts began to decline for the first time since 2000 (US Department of Justice).

7.3.2 The 9/11 Attacks

It is beyond doubt that the terror attacks of September 11, 2001 outraged the US nationwide and affected the public view toward immigration negatively. Although the arrival of many more foreign born people causes negative attitudes to some extend, the survey by National Public Radio/Kaiser Family Foundation/Harvard University's Kennedy School of Government recorded that among the 1,888 respondents, %41 believed that the number of legal immigrants must be lowered- and that rate was lower than the %59 in December 2001 and the %50 in 1996. Enrique Baltierra, the chairman of the Workplace Diversity Panel for the Society for Human Resource Management put it that it is a sensible change in that the time has passed and somewhat softened the feelings, and the negative sentiments have begun to be slightly replaced by more positive inclinations. Baltierra added that it was no use for people connecting the religious concerns inflating the anti-American feelings with 9/11 attacks "and lumped [them] together with immigration as a whole." Stephen Pelletier, Harvard's assistant director at Opinion Research Program, had a similar

thought. He believed that “Part of it is simply related to the fact that the events of 2001 are slightly more distant.”

7.3.3 Incarceration Rates

Today, the incarceration rates in the US have reached the highest of any country in the world. The number of prisoners at total exceeds China and India-both of which are about four times more populated than the US (Walmsley, 2005). And according to Bureau of Justice Statistics, the incarcerated adults jumped to quadruple population of 2.2 million between the years of 1980 to 2005. That means the amounting of 139/100,000 to 491/100,000 in twenty five years. 2/3 is in federal/state prisons while 1/3 is in local prisons and the greatest group was young males aged 18-39 (DJ, Harrison, 2005). A study held by the National Center on Addiction and Substance Abuse at the University of Columbia showed almost %80 of inmates violated drug/alcohol rules, committed property-theft to afford drug, were experienced in drug and alcohol abuse/addiction, or combination of them (National Center, 2003).

It has long been indicated that new-immigrants tend to reside in urban and characteristically poor environments with poor living and schooling standards and high-crime levels (Thomas&Znaniiecki 1984; Taylor 1931; Shaw&McKay, 1969; Hagan&Palloni, 1998). And it is asserted that so-called immigrant-criminality is a direct cause of pre-existing socio-economic structural factors such as poverty (Yeager 1997); a preponderant youth of mainly unattached-males (Taft 1936; Gurr 1989); or the available alcohol and drugs (Alaniz, et al., 1998). The currently available DJ rates of 2005 indicate that the rates are not raised by nativity or generation; they are mainly raised by gender, ethnicity, and educational level. Today, the majority of prisoners were high school dropouts (Harlow, 2003). Gender also hinted that the criminality was *gendered* as well: according to DJ statistics, almost %93 inmates were males, leaving only %7 for female inmates. Ethnic origins also were determinative in rates. There were about 3,200/100,000 non-Hispanic black males; about 1,250/100,000 Hispanic males; and 470/100,000 non-Hispanic white males (Harrison, 2005, pp. 4, 8). In certain minorities, and especially among the native born blacks, imprisonment has

become a way of life for males beginning in the early adulthood. A great share of the black generation that was born in the 1960s had experienced prison records until the beginning of 2000; and those records openly exceeded military/collegial records: %60 of high-school dropouts had spent time in prison (Pettit&Western, 2004).

7.4 Immigrants' Rates and the Conventional "Wisdom"

Traditional linking of crime with the crime often suggests high levels of incarceration for minority adolescents and little educated adult males –and the conventional predictions reach higher proportions for the foreign born population than of the native born, especially illegal immigrants. However, Butcher&Piehl (2005, p. 2) analyzed the data drawn from 2000 census and revealed that the findings proved to be just opposite to the conventional wisdom. Leading in illegal population and the least educated ethnic group, the foreign born Mexican males comprised merely 1/3 of all immigrant males age 18 to 39 behind the bars. From the vantage point of conventional wisdom, however, the top three would be Mexican, Salvadorans and Guatemalans-which is not the case.

At the time of the 2000 census, for example, %3 of the more than 45 million males between the ages of 18 and 39 were behind bars of the federal, state or local jails. But, the imprisonment proportion of foreign born males (%0.7) was surprisingly five times lower than that of native born (%3.5). The incarceration rate for the foreign born non-Hispanic white males, for instance, was about %0.6- a rate much lower than native born non-Hispanic white males (%1.7) and a rate far much lower than native born non-Hispanic black males (%11.6). The pan-ethnic curvature of crime goes on like that and no ethnic group is an exception. To illustrate, the risk of imprisonment for native born Hispanic males was about seven times higher than that of foreign born Hispanic males; and the native born non-Hispanic white males were nearly three times more likely to be incarcerated than foreign born white males. The gap also existed between native and foreign born males within certain ethnicities. Foreign born Mexican males, for instance, were eight times less incarcerated than native born at the same category: %0.7 vs. %5.9. Similar findings were accessed in 1998 and 1994

studies conducted by U.S. Commission on Immigration Reform which had concluded that the levels in border-cities, e.g. El Paso and Texas, were lower in general than those non-border. It was clear that crime was “lower on average in border areas than in other U.S. cities when the characteristics of the urban population are held constant” (1994, 20) in 1994, while “no consistent or compelling evidence at the SMSA³⁶ level that immigration causes crime” (Hagan&Palloni 1998, 380) was found in 1998. The persistent and *unexpected* results have been refuting the conventional wisdom and reinforcing the consequence that the ethnic (foreign-born) groups ranking at the bottom of *educational* level rank at the top in the *illegal* immigrant-sending countries.

In this regard, Asian males are no exception. The foreign born males of Asian descents showed lower rates in comparison to their native born counterparts. The rates that favored foreign born males were as following: %0.5 vs. %3.0 for Salvadoran and Guatemalan males; %0.2 vs. %0.7 for Chinese/Taiwanese males; %0.9 vs. %7.3 for Laotian and Cambodian males. Except for Laotians and Cambodians, both native and foreign born Asian males had lower levels than Hispanics. But this is not a surprise for Portez&Runbaut (2006) who reckoned that Indian, Taiwanese, Chinese, South Korean, and the Philippine males were among the most educated groups whereas Cambodian, Laos, Mexican, and Central American males were among the least. But 2000 census showed proved that California³⁷ portrayed the shadows and the facts of incarceration best. The census reported that the number of people behind the bars were more than the rest of the country. However, the most unexpected result was that the state had the highest incarceration rate among the males aged 18 to 39; *native* born rates were higher -actually the highest- compared to the average rates of the other states (%4.5 v. %3.4) and lower for *foreign* born (%0.4 v. %1.0).

7.5 High-School Dropouts and “Nativity”

The risk of incarceration for all ethnic groups, without an exception, is the highest for males who dropped out at high schools. Yet, the statistics indicate that

³⁶ Standard Metropolitan Statistical Area.

³⁷ California possesses the most crowded documented and undocumented population alike- particularly Mexicans, Salvadorans, and Guatemalans. This also presents over a quarter of the total US population.

even that educational gap paving way for imprisonment was quite narrow for foreign born male immigrants in comparison to the native born ones.

In 2000, the highest imprisonment rate among *native* born high-school dropout males belonged to non-Hispanic black males: %22.3- but even that rate far higher than that of *foreign* born black males (%7.1). There are similar findings for other ethnic groups: the rate for *foreign* born Hispanic descended males, it was %1.1 vs. %12.4 for *native* born; %0.7 vs. %10.1 for Mexicans; %0.6 vs. %4.7 for Salvadorans and Guatemalans; %0.9 vs. %16.2 for Vietnamese; and. %0.3 vs. %6.7 for Indians.

7.6 The Paradox of Assimilation

The higher rates of incarceration for *native* born males than foreign born males highlight a three-dimensional evaluation to the famous assimilation model commonly held by at political and public level. The conventional wisdom has imposed the idea that assimilation entails immigrants' acquisition of English and wider educational participation at higher levels. These requisitions were crucial if the immigrants were to gain vocational dexterities, and achieve similar attributes on the way to a more successful and idealized adaptation into the American society. As it is implicated, the immigrants' economic success is highly related to the time spent due to American social and economic norms. Nonetheless, many perspectives of assimilation are out-of-date, non-fitting, negative or propellant. For example, public health experts have demonstrated the existence of an "epidemiological paradox" within ethnic groups, and particularly among Hispanics. The paradox is that on the one hand, immigrants hold low levels of adult/infant mortality and underweight babies in spite of their high levels of poverty and limited access to health care. Yet, on the other hand, their health-status, along with their descents', gets paradoxically worse so long as they reside in the US and adopt "American" diet habits in which food mainly replete with additives and high in fat, cholesterol and sugar. The health problems such as obesities, diabetes, and high blood pressure tend to reach to the levels of native born Americans (Escarce, Morales&Rumbaut, 2006; Rumbaut&Weeks, 1996)

Additionally, assimilation usually involves incorporative face that draws the lines of the “minority” statuses, especially among the immigrants below poverty line who have no European origins. The fact that the longer they live in the US, the more disadvantageous they get in socio-economical terms and the more likely they get exposed to criminal behaviors surrounded by other natives. And that is especially valid in impoverished ethnic groups because in those groups, divorces, alcoholism and drug addiction reach alarming levels for the native born immigrants (especially recent immigrants) (Martínez, Lee, and Nielsen, 2000).

Time runs against the good of immigrants. Actually, a single year passed in the US is in detriment to the average life of an average foreign born immigrant in many ways. That is particularly true for the risk of incarceration that increases over time for immigrants. The 2000 Census, for example, similarly showed that the risk was getting higher for immigrants the longer they resided in the US. Such were the incarceration rates of the foreign born Hispanic males: The 2000 Census showed that Hispanic males who had been five-year residents had lower rates than sixteen-year residents: %0.6 vs. %1.7. The rate favored five-year non-Hispanic white and black male residents. Yet, the rates of incarceration of the sixteen-year immigrant-residents were far lower than their native born counterparts in each pan-ethnic category.

The rising likelihood of imprisonment among foreign born males depending upon the years they reside differed among various nationalities within the pan-ethnic categories as well. Among foreign born Mexican, El Salvadorian, Guatemalan, and Cuban males who were in the US for five years, the overall risk of incarceration was twice lower than for at least sixteen-year-residents; the same rate was three times lower than for Colombian, Ecuadorian, and Peruvian males; and it was five times lower for Chinese/Taiwanese and Indians.

7.7 Similar Results from Other Studies

The 2000 Census is not the one and only source that demonstrates the lower levels of imprisonment for immigrants. This social reality had already been further

supported or confirmed by various studies in the previous decade. For example, the study of economists K. Butcher and A. M. Piehl (1998) based upon the 1980-90 Censuses gave consistent statistics. A current analytical work of Butcher&Piehl (2005) demonstrated that their findings resulted neither from escalated deportation of noncitizen criminals nor from the stricter immigration laws that aimed to deter immigrants from committing crimes. They defended that during the 1990s, “those immigrants who chose to come to the US were less likely to be involved in criminal activity than earlier immigrants and the native born.” Many studies have amply been adding logical thesis and compelling evidences for almost forty years: It is clear that imprisonment levels of immigrants from *every* ethnic group have been much below the national norm both in the past and at the present, and that is true even though most try to survive in poverty and with little education.

Surveying adolescent immigrants at various “waves” since 1994, the National Longitudinal Study of Adolescent Health found more inter- and intra-generational differences in delinquent adolescents exposed to various risk-behaviors. Basing upon this strategy, sociologists K. M. Harris (1999, pp. 286-347) and Bui&Thingniramol, (2005) analyzed further data that illuminated that the second generation native born youth were far more inclined to get involved in risk-behaviors- i.e. delinquent and violent crimes the first generation foreign born youth. In their analytical works, Harris and Bui added that the first generation experienced considerably less health-related anxiety and had lower rates of engaging in risk-behaviors than the native born non-Hispanic white population. Another scholar, sociologist R. J. Sampson, issued the insubstantial link between immigration and crime. He asserted that the escalated immigration was one of the most prominent contributions in low crime levels of immigrants. R. J. Sampson, Morenoff and Raudenbush, studied almost two hundred Chicago neighborhoods for seven years-from 1995 to 2002- and they showed that although foreign-born Latin-American immigrants lived in denser community and higher poverty, they had lower level of crime levels than native-born. Sampson and his colleagues illustrated that the crime rate of a first generation immigrant was %45 less than it was for a third generation of hyphenated Americans. The rate of second generation was %22 lower than the third/higher generations (Sampson, Morenoff&

Raudenbush, 2005: 224-232)³⁸. The CIR (1994) also reported that immigration has no association with high rates of criminality. Furthermore, it was reported that the general crime levels in US-Mexico high-immigration border cities, i.e. El Paso, were lower than cities elsewhere (p. 20). Current empirical studies conducted by many sociologists (Martínez, Lee & Nielsen, 2004: 131-157; Martinez, T.P. & Martinez A.P., 2001: 559–580) have reached to similar conclusions which have refuted widely-held connection between immigration and crime. R. Martínez&M. Lee, for example, studied the homicide rates in three border cities (San Diego, El Paso, and Miami); drug violence (Miami and San Diego) and debilitated the public mind that still equals immigrants to criminals. Many other studies have additionally been concerned upon the Cuban refugees who escaped from their country during the 1980-political upheavals in the term of Mariel Boatlift. Called “*marielitos*,” they were given the image of “prolific criminal” and even of “murderer” by the media. However, they were exceeded by their earlier counterparts who had come to Miami before the M. Boatlift. The misconception sources from the high homicide rates in south Florida and Miami but the missed point is that the rates for these states had already been at peak *before* the arrival of the Mariel Cubans. Homicide levels declined in general in the 1980s in spite of continuous inflows of Latin-American immigrants.

Actually, the findings historically report nothing *new* or *secret*. Many government commissions had already found similar results during the most massive era of the 20th century- the Great Wave. The major of these commissions were (a) The Industrial Commission (1901), (b) the Immigration Commission (Dillingham, 1911), and (c) the National Commission on Law Observance and Enforcement³⁹. All three examined the presumed link between immigration and crime. What they found, however, was the supremacy of foreign born immigrants upon their native born counterparts (Tonry, 1996).⁴⁰ As Dillingham Commission reported long ago:

No satisfactory evidence has yet been produced to show that immigration has resulted in an increase in crime disproportionate to the increase in adult population. Such

³⁸ See also “Do immigrants Make Us Safer?” *The NY Times Magazine*, Eyal Press. December 3, 2006.

³⁹ For further data for “Wickersham Commission” visit:<http://www.comparativelaw.org/Wickersham.pdf>

⁴⁰ For a summary of these reports, see Tonry, 1996; and R. Martínez, Jr. and Lee, July 2000, pp. 495-8.

comparable statistics of crime and population as it has been possible to obtain indicate that immigrants are less prone to commit crime than are native Americans.”⁴¹

7.8 Concluding Remarks

Simply basing on the fact that the majority of the immigrants, particularly Hispanics and Central Americans, have been little-educated young males since 1960s, the popular images and criminological standards have been liable to relate illegal immigrants to further illegal activities and crime and incarceration levels. The single fact that most gain entries via unauthorized means has surpassed its violation of “rule of law” and has reinforced the unscientific linkage. This tendency has intensified in the aftermath of 9/11 attacks. But despite the irrational associations, and despite fear and ignorance, terrorism/higher rates of crime do not scientifically follow the righteousness of the fears. Science has evidenced just the opposite to be the case for many times- and the findings except no ethnic group even within the least educated/acclimated youth such as Mexicans, Salvadorans, and Guatemalans. Moreover, the case has drawn a consistent historical line since 1960s and been verified by the decennial consensus and government commission reports. Taken together, immigration actually decreases the crime levels in the US and the casual linkage has no scientific support. Yet, politicians, policy-makers, the mass media, and the public in general tend to hold on opposite views, and the persistent misconception undermines a healthy and rational formation of responsive society in the U.S.

⁴¹ *Reports of the Immigration Commission*, 61st Congress, 3rd Session. Washington, DC: GOP, 1911, p. 168.

CHAPTER EIGHT

TOWARDS A PUBLIC AND POLITICAL CONSENSUS

8.1 Introduction: The New Face of Immigration

The first mass immigration to the US took place in the 19th and 20th centuries. The former century created the frontier myth while the latter century ended up with the Great Wave. Between 1860 and 1960, the US experienced the peak of foreign born US population percentage (higher than %13) which was verified by the decennial censuses during these decades (Campbell&Jung, 2006). Then the numbers subsided between the 1920s and the 1960s due to restrictive policies and stricter quotas. After 1960s, however, it re-accelerated considerably but this time, the profiles of immigrants- especially those from Latin and Asian countries, were quite different than the previous decades. Also, the sum of documented and undocumented population *at total* exceeded the total of whole immigrants then far. Yet, the historical records remained behind in term of the share in the foreign born US population. According to CPS (March, 2006), in 2006 the foreign born people comprised nearly 38.2 million, which was almost on the edge of %13.

Another problematic point is the unauthorized immigrants. The number of unauthorized immigrants has doubled in the last quarter and reached twelve million. That means that 1/3 of every immigrant has been in the US illegally for varying but short periods. PHC demographer J. Passel estimated that by the end of the 2005, about 2/3 (%66) of the illegal immigrants had been in the US for 10- years, and % 40 (equaling almost 4.5) 5- years. %16 (1.8 million) of them were unauthorized children. Additionally, more than three million US-born children had been living in families whose heads or one spouse was undocumented. Within this group, around %56 were Mexicans; %22 had other Latin American origins and the rest were Asians, Africans, Europeans, Canadians, and from other minor places (Passel, 2006, pp. 2- 7).

For the last fifteen years, despite the increasing military patrolling of the Mexico border from every direction, the tripled agents and the quadrupled budget,

these precautions have failed in deterring the flows. Moreover, several experts have analyzed that this has boomed a new branch of professional and an organized smuggling industry headed by “*coyotes*,” who brings illegal immigrants through deserts, causing the deaths of hundreds annually. Furthermore, today illegal immigrants know newer destinations, e.g. Hazleton, in addition to former ones such as California and Texas. The temporary *sojourner* worker has become the *settler* who brings his family and stays, as the risk and cost⁴² of hazardous border-crossing has climbed. But the majority still is overwhelmingly poor-young-males seeking low wage jobs that require little education. Actually, these migrants respond to the increasing demand of the US-economy. Yet, as the fertility rates of native born people decline and workers get retired, the US labor force growth will face potential demographic challenges.⁴³ Congressional Budget Office (2005:25) reported that:

The baby-boom generation’s exit from the labor force could well foreshadow a major shift in the role of foreign-born workers in the labor force. Unless native fertility rates increase...most of the growth in...labor force will come from immigration by the 2050.

8.2 Politically Correct Ways

Pre-1970 polls most often manifested great public support for the programs welcoming immigration (Beck, 1996) partly because the Great Wave was too far for later generations and partly because the absorbable numbers. Yet immigration has quadrupled and the positive atmosphere has waned away. The nation has become more reactive to stronger personal identity commitment at ethnic level who seeks greater material prosperity with a “bad English, poor appearance and little formal education.” The National Academy of Sciences claimed that immigration significantly declined real-wages for less educated workers (Smith&Edmonston, 1997). In the 1995, Barbara Jordan, chairing the CIR, declared:

The Commission decries hostility and discrimination against immigrants as antithetical to the traditions & interests of the country. At the same time, we disagree with those who would

⁴² A *coyote* charges a single Mexican migrant around \$3,000 (Cornelius, 2006; Massey, 2005).

⁴³ See Immigration Policy Center, *Economic Growth and Immigration: Bridging the Demographic Divide*. Washington, DC: American Immigration Law Foundation, November 2005.

label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interests” (Comm.94).

8.3 The Conventional Wisdom v. The Global Wisdom

The process of global integration affects the governmental approaches in the lawmaking mechanism and the ways they are used to reshape American society. One of the most prominent regulating trends is the employment of local/state policies framed to take immigration under control and to illustrate immigrants’ access to governments and their association in the private spheres. In the first half of 2007, almost 1500 bills that addressed the immigrant “problem” were examined by state legislatures, and about 1/7 became law which were grouped as “Illegal Immigrant Relief Acts.”⁴⁴ These Relief Acts have deepened media questioning and have risen to high profile lawsuits that has invalidated the local ordinances such as in *Lozano v. Hazleton* and *Reynolds v. City of Valley Park*. Neuman S. B. pointed that “perhaps the most fundamental function of immigration law has been to impede the movement of the poor” (1996). But the Court articulated that controlling immigration is under the mere responsibility of federal government.

The contradictory placement of discourse and realities in the jurisdiction can be ameliorated by evaluating the relevant regulations at every level of government. Scholars addressing immigration-federalism, or *federal exclusivity*, widely have approached to the dilemma on pragmatic terms: will the national-government and/or a particular state benefit from protection and/or advancement of immigrants’ interests or not- a question of which the responsive evidences are mixed. Spiro, developing a new understanding in federal exclusivity at a reasonable level, articulated a “steam valve theory.” His theory was designed to prove that desired harsher laws would manage to

pursue that objective without imposing their preferences on states in which immigration might be considered neutral or

⁴⁴ For further information, see National Conference of State Legislatures, 2007 Enacted State Legislation Related to Immigrants and Immigration, available at <http://www.ncsl.org/programs/immig/2007ImmigrationUpdate.htm> (last visited Aug. 24, 2007).

positive [posing] a net benefit for aliens as it would be...healthier for them “to be driven from a hostile California to a receptive NY than to be shut out of the US altogether. (2004).

Spiro was not alone. H. F. Chang (2003) said that they “might just as plausibly view federal authorization of divergent state policies as creating laboratories of generosity toward immigrants;” P. H. Schuck (2002) added that, after 1996 welfare-reforms, “race to the bottom” did not happen; while E. Cooper (2004) stressed the significance of improving welfare-interests of immigrants at the state-level by modeling upon California’s “smaller scope: the ability of advocates to respond to the unique political environment within the state.” Neuman, G. (1995:1425), however, objected that:

Local anti-foreign movements may have difficulty enlisting the national government in their crusades, in part because emotions are not running so high in other states at the moment, and in part because aliens have some virtual representation in Washington by means of the foreign affairs establishment.

Lacking parts of the actual debates, on the other hand, are the functional accounts that explain the reasons of tapering state v. local dimension, and the ideal way of reshaping a conceptual understanding of immigration regulations. The states as well as federal government and local governments build an integrated-regulatory-structure that renders immigration flows absorbable and the inevitable socio-cultural changes manageable. States and localities are functional in this structure in terms of immigrants’ integration into the body politic. However, it is conventionally held that the federal government alone possesses the responsibility for coping with migratory mobility but in reality, the regulations show that government at all levels has significant commitments in working the mechanism.

8.3.1 Conventional Wisdom

The immigration federalism has repeatedly and elaborately in many federal Supreme Court decisions: “power to regulate immigration is unquestionably exclusively a federal power [that] has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of government.” De

Canas v. Bica (1976), Galvan v. Press (1954) and League of United Latin American Citizens v. Wilson (California, 1995) were only a few to mention among many others. The last case ended litigation over Proposition 187, and the trial court stated that: “the State is powerless to enact its own scheme to regulate immigration or to devise immigration regulations which run parallel to or purport to supplement the federal immigration laws.” California lobbied for the IIRA and enforcement funds, widened the scope of “removability”, limited public service and rose the penalty of immigrants violating the laws. In short, California federalized its preferences.

8.3.2 The global shadows

Cities such as NY, LA, Miami and Chicago have become global cities of the US, and have deep powerful interests in recruitment and incorporation of immigrants at many levels of the labor-market. They are the financial stations of convergence for the trans-national elites depending largely upon low skilled immigrant-labor (Sassen, 2005). Therefore, they become hubs of the immigrant diasporas pp. 300–02). The nationally incompetent immigrants possess de facto dominance in overwhelmingly immigrant populated cities (p315). Indeed, the nation-state’s resulting “loss of monopoly” on the determining rights (Blank, 2007) has necessitated neoteric contours of power exertion at the sub-national grounds (314). “America’s federalist structure...serves as a path for the movement of international rights across borders” (Resnik, 2006).

It is a widespread practice for “urban policymakers” to favor pro-immigrant policies than those at the national-level. Mayor M. R. Bloomberg, for instance, has strongly proposed programs that would legalize and increase visas for immigrants. He stresses that demographical changes are inevitable and produce dynamic economy: “Although they broke the law by illegally crossing our borders or overstaying their visas, our City’s economy would be a shell of itself had they not, and it would collapse if they were deported” (Senate Judiciary Committee, July 5, 2006) He was opposed the suggestions penalizing localities which adopted sanctuary laws:

Members of the House ... want to control the borders. . . . But believing that increasing border patrols alone will achieve that goal is either naïve and short-sighted, or cynical and duplicitous.
http://judiciary.senate.gov/testimony.cfm?id=1983&wit_id=5493

Global cities that do not bottle citizenship into definite forms have emerged due to pro-immigration policies. It is possible to see NY granting a full local-citizenship to immigrants meeting certain qualifications as was the case with Amsterdam. R. T. Ford (2005) celebrated a geographically-limited cosmopolitan-parochialism because it promoted “identity and esprit de corps.”

Such a positive approach is claimed to miss to add the side effects of suburban (dis)integration into financial capitals in the US. With their “minuscule” occupations in constructions and meatpacking industries, the immigrants may not take role in the financial initiatives at global standards while the traditional and new destinations are also apparently far from the global cities. But minuscule as they are, the jobs results directly from simultaneous demands of integrated-markets and of limited domestic-labor. The shortage reflects immigrants’ ascending participation in the service/information economies while these sectors are caused by global changes. Also, migrants tend to be following the preceding migrants. Although migrants’ initial drive is largely pursuit of economic opportunity, they join wide socio-cultural webs and outlast economic necessity (Portes& Rumbaut, 2006). It is the local players that coordinates with the state makes key-decisions upon how immigrants be integrated. An eventual and ideal equilibrium can only be possible in that way.

8.4 Diversity

The increasing state/local precautions are not the only signs of the federal failures in immigration reforms. They indicate unsuitable strict federal responses, but the lasting mobilization of the federal exclusivity illustrates that legal scholars and lawyers, specializing in designing new institutional forms to intervene particular needs of transnational-markets, i.e. the WTO, have currently discussed the globalization processes which “take place deep inside territories and institutional domains largely constructed in national terms” (Sassen, 2005). The divergence between the realities

and discourse most often inhibits the authorities from maintaining a productive utilization of a de facto regime based upon multi-sovereignty.

The leading names in the debates have emphasized the need for greater nationwide attention to integration-related topics (Abraham, et al, 2006). On June 7, 2006, G. W. Bush convened Task Force on New Americans (Executive Order 13404), and the Secretary of Commerce, in testimony to Congress, indicated the significance of teaching English to immigrants and ensuring their adaptation into mainstream culture. More emphatic integration policies involving databases in coordination at federal level can mitigate the pushing factors. Also, the federalization of integration policies must be attuned with great awareness of the developed state/local strategies, especially those that legitimize self-substantive regulations. Actually, the officials are the closest ones to parts of the assimilation mechanism: education, civic association, workplaces, and health/safety institutions. An average structure can not supply various memberships that help to abate the spin-off effects of global drifts-particularly those of families. As Sassen, S. (2005) states, “global v. national” has created renewed political arenas in which national-citizenship constructs do not assimilate: political subjects confined to conventional forms such as voters, jurors, and officeholders,

have always been the case that narrow formal definitions of citizenship are inadequate to capture the relationships that exist [and] recent scholarship has shown that current conditions-globalization, growing diversity, claims by the excluded-are sharpening this dynamic (p, 286).

Sassen defends that the undocumented population holds the “right” of owning home, holding mortgage, joining civic associations and benefiting from public service (279), so their “daily practices can earn them citizenship claims in just about all developed countries, including the US” (294). It is the market economy and localities that erect the barrier via its admission systems rather than the national government. “These workers are not cosmopolitan, however, because they are embedded in local contexts” (300). Thus, a cooperative engagement of states and localities can enable promoting competence in integration-related issues. The federal government is strategically and politically far from spotting the real matter because immigration, along with the

disruption it generates, has differing impacts in different locales, and the viability of a governmental strategy will also depend upon the economic conditions of and the existing ethno-social network within the localities. State and local involvement has an expressive and democratic face in that it secures the immigrants' voice be heard in the projects devised for them. It is plausible that a democratic participation like that can efficiently run on only local grounds: even when anti-immigrant sentiments get too strong, immigrants can still vote and hold officials most of the time. As an employer of "local experimentalism" (Rodríguez, 2006), NY city-council pays great attention to the immigrants' socio-economic interests. The federal government would hardly be as tolerating as the municipal authority was in the most attenuated sense.

Immigration *is* a federal concern in that deciding who will enter a country is a strong implication of the national sovereignty, self-definition and security-control. All these ends require uniformed federal regulations which are also effective in sustaining an integrated national economy. Yet, federal authority must not be single because today's mobility has global and local extensions in scope. It is self-evident that global dynamics force multiple decision-forms. Thus, while designing and implementing the controls within the context of popular sovereignty and immigration regulation, federal exclusivity must warrant local institutions so that both the citizens and non-citizens can express, define and place themselves on the political and cultural identity. Simply funding of *integration* programs of legal immigrants via language-education and job-training resembles the characteristics of enforcement laws. The overlapping of two separate issues has not been touched by "federal exclusivists", but the successful integration programs unswervingly depend upon it. For developing de facto integration systems, the federal exclusivity, which is not necessarily constitutional, must be given up by which the possibility of a federal-state-local partnership desiring agreement on pro-enforcement can also be harnessed.

8.5 Cosmopolite Immigration and Social Policies

Until 1960s, immigrants had primarily European origins (Takaki, 1993). At the end of the 20th century, immigrants and their descendants constituted %20 of the total

population (BC, 2000). Hispanics overtook African-Americans as the largest minority and non-Hispanic whites became a minority in California. Ethnic groups of color are estimated to be ½ of the total population by the year 2050 (BC, 2000). Assimilation is defined as an evolutionary-process in which newcomers give up their past for their present (Hirschman, 1983). Lomawaima (1993) studying Native-American stated that:

In the early 1900s, federal boarding schools forbade native language use & religious practice, and they separated families. Policy makers calculated these to achieve far-reaching social goals, to civilize and Christianize young Indian people and so draw them away from tribal identification and communal living.

“No Spanish Rules” in southwest schools until the 1970s show the intention to assimilate Mexican-Americans (Acuna, 1988). Speaking Spanish at school was punished corporal-punishment such as being “beaten with a stick” for their “a filthy language” (MacGregor-Mendoza, 2000). A teaching hostile to linguistic and cultural differences fail to achieve pedagogic outcomes. An inclusive approach welcoming the racially diverse social structure can be claimed to revitalize the ethnic-based programs widely used in the 1960s and 1970s (Banks, 2006). Some scholars (Crawford, 2000; Galindo, 1997) oppose the link. But, Wuthnow (2006) believes that the problem is that

large segments of white Americans still prefer to think in assimilationist terms, hoping against hope that a color-blind society can be created, in which all hues seem white (p. 184).

8.6 Extended Global Equity and Concluding Remarks

Immigration and education, along with integration, English acquisition, and multicultural education, have currently gained great significance (Luchtenberg, 2004). The assimilationist/nativist education must be replaced by the curricula that can respond the global-ethos. As Banks indicates, “Worldwide immigration and globalization raises new questions about how to prepare students for thoughtful and active citizenship” (2006, p. 151), by which they can value differences. As George&Wilding points out (2002), globalization forces authorities to adopt complex political networks, and raise consciousness against various forms of assimilationist policies. The assimilationist racial and ethnic politicization strength Western norms

(Huntington, 1996) and restoring “melting pot” will not work (Barone, 2001). A need for “new assimilation theory” (Alba&Nee, 2003) is proclaimed. But it is an inevitable consequence of globalization that “Anglo-American” has become obsolete and been declining (Kaufmann, 2004). In *Postethnic America: Beyond multiculturalism* (1995), Hollinger offers a “critical renewal of cosmopolitanism in the context of today’s greater sensitivity to roots” (1995, p. 5) because multiculturalism denotes a range of outdated debates incompetent in changing face of global US (p. 83). Hollinger distinguishes the (pluralist) advocates *multiculturalism* and *cosmopolitanism*. It is true that both *multiculturalists* and *cosmopolitanists* have been promoting diversity and tolerance, but the former group accepts ethnic-segmentation as normative while the latter group espouses the significance of multiple-affiliations (Hollinger, pp. 3-4, 84-86; Vertovec, 2003, p. 18). This distinction had revitalized the interest of many scholars after 1995s-Appiah, 2006; Carter, A., 2001; Dower, 2002; Heater, 1996; Hutchings, 1999; Linklater, 1999; Nussbaum, 1996; Papastephanou 2002, 2005; Snauwaert, 2002- are among a few that issues causal cosmopolitanism as globalization ascends because of socio-political factors. Turner (2002:58) counts

the partial erosion of national sovereignty and growth of dual & multiple citizenship; the growth of global markets, especially a global labour market & an expansion of migrant labour seeking forms of quasi-citizenship; the growth of multiculturalism and cultural hybridity as an aspect of mainstream contemporary political life; and the globalization of the politics of migrant communities, giving rise to diasporic cultures.

Cosmopolitanism particularly puts a great emphasis upon the significance of inclusive, tolerant, respectful, and diverse vision for “others” and it is not a limited concept as multiculturalism is discussed to be. Discussing how the concept addresses the international migration v. education, Snauwaert (2002) argues the straight implication cosmopolitanism compasses for civic-education: as a result of the fact that a cosmopolitan paradigm requires the cultivation of “moral reciprocity [and] shared commonality” (p. 10), it must be considered how educational system can be adept at developing “empathetic, respectful, and wide-awake cosmopolitan citizens” (p. 12).

Immigration and schooling can benefit from the cosmopolitanism in terms of valuing differences. Minorities can be encouraged to regard (their) differences as a valuable domain, or asset, rather than as deficiency, in their advancement. As such, to eliminate “the elimination of differences as the sole path to success” and to choose to re-valuate all kinds of diversity will be the net profits in the first step. Such a well-envisioned innovative model will also effectively cope with multiple-national identity and sustain a professional and individual participation all over the globe (Banks, 2004, 2006; Papastergiadis, 2000), and place linguistic, intellectual and socio-cultural welfare at the center of the schooling by which all students can advance. Because, due experiences will create more efficient learning environments where students can share their different languages, beliefs, and intellectual capabilities.

Immigrants’ opportunities offered by global-markets must be secured, and their cultures and identities must be expanded into a truly “cosmopolitan” circle. Assimilating them into the status quo for maintenance of *one nation* is a baseless discourse in a globalized world where the uniformity is not threatened by diversity. Moreover, in this era of globalization, there will be more minority immigrants within the US. Therefore, cosmopolitanism and cosmopolitan identities must be adopted as organizing concepts. Only then the “global” can transcend the more parochial and/or pluralist perspectives and create, as Tarrow called “rooted cosmopolitans” (2005), who can embrace their own origins free from space and time.

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