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HBO Film Delves into Immigration Reform's 'Grand Bargain'

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They called it the "grand bargain." In mid-2007, Sen. Ted Kennedy struck a deal on immigration reform with conservative colleague Jon Kyl of Arizona.

The inside story of Kennedy's all-out push to turn the agreement into law that year is told by "The Senators' Bargain," a revealing new documentary produced and directed by Shari Robertson and Michael Camerini.

The film will air March 24 on HBO2, and March 26 on HBO Latino.

The broadcast is ideally timed, since immigration reform is back on the national agenda and may emerge as a priority now that the White House can claim victory on health care.

Just last week, Sens. Charles Schumer, D-N.Y., and Lindsey Graham, R-S.C., proposed a new bipartisan immigration reform plan. An immigration reform rally on the National Mall Sunday attracted 200,000 immigrants and their supporters.

The political game of chutes and ladders the Schumer-Graham proposal will have to traverse in the months ahead is vividly depicted in "The Senators' Bargain."

The documentary is a kind of case study in immigration politics. Through it, Camerini and Robertson manage to break open the black box surrounding the back-story to major legislation.

What's inside the box is an arcane world of closed-door meetings, book-length legislative blueprints, and bare-knuckled and profanity-strewn negotiations carried out to a large degree via phone and Blackberry.

And increasingly in this world, immigrants and the children of immigrants aren't just the subject of negotiations, but the protagonists of deal making.

"The Senators' Bargain" contrasts with many documentaries about immigration because it focuses not on the world of the U.S.-Mexico border or ethnic neighborhoods, but the drab Washington, D.C. cubicles, offices and conference rooms where policy is made.

"There's a traditional way of making a film about immigration, which is to concentrate on a group of immigrants, and show that immigrants are just like you, or that they're wonderful," said Camerini, in an interview with New America Media. "This film is full of immigrants who are players in the game of democracy."

One of the documentary's key figures is Esther Olavarria, a Cuban immigrant and former immigrant rights advocate in Florida who became Sen. Kennedy's main staffer for immigration policy, and tirelessly tinkers with the bill as political considerations pile up.

Also playing a role is Clarissa Martínez, immigrant advocate with National Council for La Raza. As support for Sen. Kennedy's bargain splinters, Martínez talks poignantly in a meeting with Sen. Bob Menendez, D-N.J., of her relatives' own experiences living as undocumented immigrants.

Much of the documentary's poignancy and dramatic tension derives from how advocates like Martínez had to hold their nose to support a bill that many of them had misgivings about.

The bill blended get-tough border and interior enforcement, and a restrictive point-based system for future inflows of immigrants, with a path to citizenship for the 12 million undocumented already in the country.

On the left, many immigrant advocates and policy-makers believed Sen. Kennedy had given up too much. The point system, in particular, was seen as a throwback to the pre-1960s days when immigration was determined by a discriminatory system of national quotas tilted toward Europe.

On the right, critics howled that the plan amounted to an "amnesty" for law-breakers who had entered the country illegally.

Bipartisanship and compromise are at the heart of the legislative process, but for activists on different sides of an issue, cutting a bargain often means sacrificing closely held ideals. That was the position Sen. Kennedy and his allies in the immigrant advocacy community were in.

"It's a terrible position," said Robertson, who co-produced and co-directed the film. She compared the activists' position to "saving one of your children and sacrificing three others. It's always a universal tension in any kind of activism. Do you make a deal or do you hold out?"

This King Solomon-type dilemma leads to many emotionally-fraught moments for critics and supporters of compromise. At one point, Frank Sharry, then-executive director of the National Immigration Forum, throws up his arms and groans in frustration with other advocates' unwillingness to sign on to the bargain.

"Folks who want to blow up this deal should be dragged in front of 100,000 Latinos who want green cards and explain why they say, 'No,'" Sharry says in the film.

The documentary also reveals just how unpredictable--at least to outsiders--the actions of senators can seem, defying perceived wisdom of how conservatives and liberals behave.

President Obama, then a U.S. Senator, is shown flip-flopping, first proposing a union-friendly amendment that drags on the bill, then jumping aboard more fully later. Mississippi Republican Sen. Trent Lott repeatedly tries to coax the legislation forward, and castigates colleagues on both sides of the bill for stalling it.

Some conservative southern senators, including Alabama's Jeff Sessions, play a more predictable role using their influence to inflict wounds on the bill.

But in the end it is Sen. Menendez, a New Jersey Democrat, who is the son of immigrants, who emerges as the legislation's key detractor.

Believing the bill gave up too much to the hard-line opponents of immigration, he gives a chilly reception to a group of immigrant advocates, including Sharry and Martínez, who ask him to reconsider his position.

The complexity of this political horse-trading shows how the U.S. media portrayed a limited understanding of the legislative process. The press tends to tell these stories in stark terms as a kind of gladiatorial contest between Republicans and Democrats.

"It's remarkable how many people know very little about how the system works and therefore have cartoonish views," said Camerini.

One of the Republican backers of Sen. Kennedy's bargain is Sen. Graham, whose wide grin and deft vote-getting helped give the grand bargain a shot.

This year, Graham's support appears fragile. Policy watchers are waiting to see if Graham will follow through on his threat to pull the plug on his immigration reform plan after Democrats passed health care on party lines.

But it is undoubtedly Sen. Kennedy who carries both the film and the "grand bargain." Kennedy, who died last year, is visibly burdened by age as he shuffles around his office suite, but at speeches and on the Senate floor, he's a commanding presence and the same rousing speaker he always was.

In speech after speech, he evokes his Irish grandparents' cross-Atlantic passage on "coffin ships" and calls on Congress to reaffirm immigrants' place at the heart of the American dream.

"He fought really hard to get a deal," said Camerini. "He negotiated masterfully. We heard from [Sen.] Kyl's staff-- he was so much smarter than they even realized. He moved the initial deal a long way."

For those who follow immigration, the ultimate fate of the "grand bargain" will not come as a surprise. However, even for insiders, the film provides insight into the surprising influence that intangibles like personality, timing, and luck have on legislation.

The film is also a kind of "Who's Who" of immigration advocacy in Washington. Some of the personalities in the film are now

important officials in the Obama White House.

Olavarria, the Kennedy staffer, is deputy assistant of homeland security for policy. And Cecilia Muñoz of the National Council for La Raza is now White House director of intergovernmental affairs.

"The Senators' Bargain" is the centerpiece of a decade-long project undertaken by Camerini and Robertson to delve methodically into the legislative process.

Other films from their project, including one focused on the DREAM Act, which would grant legal residency to undocumented students, will air on HBO on Demand.

As for immigration reform this year, the filmmaking duo, who attended Sunday's immigration rally in Washington, acknowledge that the odds are stacked high. Unemployment has soured the country's mood. Bipartisan alliances are touch-and-go.

But Capitol Hill is anything if not opportunistic. The U.S. political system is marked by the cyclical re-emergence of major issues like immigration when coalitions of lawmakers see it as to their benefit.

"That's part of the strength of this system. It keeps flexing; the heart keeps beating," said Robertson.

If immigration reform gains traction now, there will be one disadvantage faced by whoever lines up behind a bill, Robertson said.

"This year, they're going to have to get it done without Kennedy."

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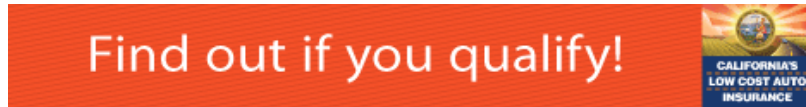
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