

# The Political Economy Of Migration

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Note: This David Bacon article is a preview of his upcoming book "Illegal - How Globalization Creates Migration and Criminalizes Immigrants," Beacon Press, Fall 2008

## Mr. Sensenbrenner's Family Business

In December 2005, Wisconsin Congressman James Sensenbrenner convinced his Republican colleagues (and to their shame, 35 Democrats) to pass one of the most repressive immigration proposals of the last hundred years. His bill, HR 4437, would have made federal felons of all 12 million undocumented immigrants in the U.S., criminalized teachers, nurses or priests who helped them, and built a 700-mile wall on the U.S. Mexico border to keep people from crossing.

Representative Sensenbrenner is more than just a leader of Congressional xenophobes, however. His family is intimately involved in creating the conditions that cause migration, and then profits from the labor it makes available. In fact, the Sensenbrenner family connections are a microcosm of the political economy of migration itself.

James Sensenbrenner's grandfather started Kimberley Clark, one of the world's largest paper companies, and Sensenbrenner and the family trust remain important stockholders. The company's Mexican counterpart, Kimberley Clark de Mexico, is a close associate of the Mexican mining giant, Grupo Mexico. One of K-C's former executives, J. Eduardo Gonzalez, sits on its board.

Grupo Mexico was a big winner in the neoliberal economic reforms that transformed the Mexican economy over the last twenty years. In the 1990s, the corporation became the owner of two of the world's largest copper mines, in Cananea and Nacozari, which were formerly nationally-owned enterprises. The mines lie just a few dozen miles south of the Arizona border.

In 1998, Grupo Mexico provoked a strike in Cananea, over moves to reduce its workforce and labor costs. Close to a thousand miners lost their jobs. Many were blacklisted and left for "the other side."

Then last year the mining giant prevailed on the Mexican government to depose the president of the country's miners union, Napoleon Gomez Urrutia. Gomez had accused the company of industrial homicide after the terrible Pasta de Conchos disaster, when 68 men died in a coalmine explosion. Grupo Mexico also didn't like his drive to raise mining wages beyond government-set limits.

Miners in Cananea and Nacozari stopped work for months to force Gomez' reinstatement. Finally, last summer, the government gave Grupo Mexico the green light to fire all 2500 miners in Nacozari. Since there are no other jobs in tiny Sonoran mining towns the displaced families had to leave to survive. With the border just a few miles north, many sought their survival by crossing it. The profits of Grupo Mexico and its business partners went up as they destroyed unions, terminated thousands of workers, and forced their families into the migrant stream.

During those very months when workers began to go north, Sensenbrenner organized a series of rump Congressional hearings to defend his bill. He fulminated against undocumented immigrants, claiming they had no place in the United States and should leave. No one asked the Congressman about those miners from Cananea and Nacozari, however. Where did he think they would go?

Other voices in Congress criticized the Representative, arguing that the labor of migrants was needed in the U.S. economy. Not even Sensenbrenner could deny this. Some 16 million immigrants live in the U.S. with documents, and 12 million without them. If they actually did go home, whole industries would collapse. Some of the country's largest corporations, completely dependent on the work of immigrants, would go bankrupt.

One of these dependent corporations is Mr. Sensenbrenner's family business.

Every year, Kimberley Clark, a large paper company, converts tons of wood pulp into leading brands of toilet paper. Deep in U.S. forests thousands of immigrant workers plant and tend the trees that produce that pulp.

Every year, laborers from Mexico, Central America and the Caribbean are recruited for this job. In towns like La Democracia, Guatemala, where the global fall in coffee prices has driven families to the edge of hunger, recruiters promise jobs paying more in an hour than a coffee farmer can make in a day. They offer to arrange visas to come to the U.S. as guest workers. For their services they charge thousands of dollars. Hungry families will mortgage homes and land, just to put one person on the airplane north.

In the U.S., recruiters hand the workers over to labor contractors. They, in turn, work for land management companies, who tend the forests for their owners. The landowners grow the trees, and sell them to the paper companies.

The debts of guest workers are so crushing that in 1998, 14 men drowned as the van carrying them to work careened off a bridge into the Alagash River in a Maine forest. They were speeding because it had rained the day before, keeping them from working. Carrying that load of debt, even one lost day puts a family in jeopardy.

No one gets overtime, regardless of the law. Companies charge for everything from tools to food and housing. Guest workers are routinely cheated of much of their pay. If they protest, they're put on a blacklist and won't be hired the following year. Protesting wouldn't do much good anyway. The U.S. Department of Labor sees no problem with this abuse. It almost never decertifies a guest worker contractor, no matter how many complaints are filed against it. The paper industry depends on this system. Twenty years ago, it stopped hiring unemployed workers domestically,

and began recruiting guest workers. As a result, labor costs in the forests have remained flat, while paper profits have soared. Mr. Sensenbrenner's family business didn't invent this, but the low price of labor allows landowners to sell their trees for less. Kimberly Clark certainly profits from that.

#### Displaced People - an International Reserve Army of Labor

In Latin America, the neoliberal system displaces workers, from miners to coffee pickers, who join a huge flood moving north. When they arrive in the U.S., displaced workers become an indispensable part of the workforce, whether they are undocumented or laboring under work visas, in conditions of virtual servitude.

The U.S. immigration debate needs a vocabulary that describes what happens to them before they cross borders - the factors that force them into motion. In this political debate, people like the miners or pine tree planters are called job seekers, rather than political refugees. It would be more accurate to call them migrants, and the process migration. The miner fired in Cananea or Nacozari is as much a victim of the denial of human and labor rights as he or she is a person needing to find a job in the U.S. to survive.

This year, teachers and farmers left Oaxaca, in southern Mexico, seeking a viable economic future, after they were beaten in the streets for protesting that their state's government can't and won't provide one. Oaxaca's poverty is worse than almost anywhere in Mexico, and last year teachers struck, and the capital erupted in a virtual insurrection because of it. An intransigent political elite, benefiting from the existing order, not only refused to consider any change, but tried to stop criticism with police attacks, arrests and even assassinations.

Are the fleeing Oaxacans job seekers or refugees? They're both, of course. But in the U.S. and other wealthy countries, economic rights are not considered human rights. In this official view, hunger doesn't create political refugees. In effect, the whole process that pushes people north is outside the parameters of political debate.

The key part of that process is displacement, an unmentionable word in the Washington discourse. Not one immigration proposal in Congress last year tried to come to grips with those policies that uprooted miners, teachers, tree planters and farmers, in spite of the fact that Congress' members in many cases voted for them.

Whether acknowledged or not, displacement has been indispensable to the growth of capitalism. As early as the 1700s, the English enclosure acts displaced home weavers by fencing off the commons where they raised sheep for wool. Hunger then drove weavers into the new textile mills, where they became some of the world's first wage workers. The textile mills produced the wealth of the first British capitalists. At the same time, displacement created the beginnings of the British working class.

Not long after, Karl Marx called Africa "a warren for the hunting of black skins," describing the bloody displacement of communities by the slave traders. Uprooted African farmers were then transported to the Americas, where they became an enslaved plantation workforce from Colombia and Brazil to the U.S. south. Their labor created the wealth that made the growth of capitalism possible in the U.S. and much of Latin America and the Caribbean.

Displacement and enslavement produced more than wealth. As slaveowners sought to differentiate slaves from free people, they created the first racial categories. Society was divided into those with greater and fewer rights, using skin color and origin. When Mr. Sensenbrenner called modern migrants "illegals," he used a category inherited and developed from slavery.

Today displacement and inequality are just as deeply ingrained in capitalism today as they were during the slave trade and the enclosure acts of English in the 1700s when the system was born. In the global economy, people are displaced because the economies of their countries of origin are transformed. That transformation enables corporations and elites to transfer value, or wealth, out of those countries. After World War Two, the former colonies of the U.S., Europe and Japan sought to stop that export of wealth. In countries like Iraq, Mexico and the Philippines, they embraced national economic development plans, which encouraged industries and enterprises producing for their own people. Creating stable jobs and income helped build a national market where workers and farmers could buy what was produced. Foreign investors were kept out, and important industries like oil were nationalized.

The economic reforms that followed the end of the cold war, imposed by rich countries and institutions like the World Bank and International Monetary Fund, destroyed those systems of national development. It was a very brutal and chaotic process for those at the bottom of the income scale, but for those at the top, immensely profitable. Mexico created more billionaires during the 1990s than the United States, while at the same time the government documented an official poverty rate of 40%, and an extreme poverty rate of 25%.

Mexican mines like Cananea and Nacozari, along with factories, railroads and other industrial enterprises were sold off to private investors. New owners then increased profits by attacking unions and laying off thousands of workers. The oil industry, nationalized with the contributions of schoolchildren in the 1930s, no longer produced money for loans to small farmers or enterprises. Instead, in 1994 as the North American Free Trade Agreement went into effect, US President Bill Clinton demanded that Mexico use oil exports to pay off U.S. banks, who bailed out U.S. investors in Mexican government securities.

NAFTA rules required the Mexican government to dissolve the Conasupo stores. This government enterprise bought corn from small farmers at subsidized prices to enable them to keep farming and stay on the land. Then the stores sold tortillas made from the corn, along with milk and other farm products, to poor urban consumers at subsidized prices. NAFTA rules called this form of social welfare a barrier to the free market.

Without price supports or rural credit, hundreds of thousands of small farmers found it impossible to sell corn or other farm products, even for what it cost to produce them. When NAFTA pulled down customs barriers, large U.S.

corporations (receiving U.S. subsidies) dumped agricultural products on the Mexican market at low prices. Rural families went hungry when they couldn't find buyers for their crops.

One company, Gruma, monopolized tortilla production, while the largest retailer in Mexico became Wal-Mart. In

February the price of tortillas doubled. A small group of investors in both countries got even richer. But where did they expect the people displaced by this process to go?

#### Where Do Displaced People Go?

Displaced people become an indispensable and growing part of the workforce in this new world order. Not all cross borders. The explosive growth of export processing zones, where maquiladora factories produce for export, depends on migrant labor.

The creation of the original maquiladora program, the Border Industrial Program, on the U.S. Mexico border in 1964, was originally conceived as a way to absorb thousands of unemployed braceros, who had been laboring in the U.S. during the 22 year run of this contract labor program. In 1964, Chicano activists like Cesar Chavez, Bert Corona and Ernesto Galarza led a movement that convinced the U.S. Congress to repeal Public Law 78, which set the program up. The Mexican government then needed to find jobs for those workers, many of whom were living in burgeoning cities just south of the border.

To supply those jobs, it changed laws that had prohibited direct U.S. ownership of factories in Mexico, allowing investors to build plants taking advantage of lower Mexican wages, producing goods for the U.S. market. Over 40 years this model grew to include more than 3000 factories, employing two million people. Cities like Tijuana, Mexicali, Juarez and Matamoros mushroomed.

The maquiladora workforce was drawn from the south, from migrants displaced by the same economic changes - privatization, rural poverty, job elimination - that permitted construction of the maquiladoras themselves. A new labor regime was put in place to attract foreign investment, including the brutal repression of independent unions or challenges to the low-wage model.

Prior to the economic reforms, the U.S. Mexico border was a remote area, with a very low population, far from Mexico's industrial base and workforce. Without the simultaneous dislocation of workers from Mexican factories, and farmers from south Mexico's countryside, there would have been no labor force available to make maquiladora development possible.

This development model has since been reproduced in developing countries all over the world. In the early 1990s the U.S. Agency for International Development not only financed the construction of industrial parks in rural El Salvador and Honduras, but then contracted with Price Waterhouse to study ways of producing workers for the factories. The recommended the incorporation of women into the maquiladora workforce at ages as young as 14, taking them from school and family farms. To keep these young women at their machines through their most productive years, USAID taught the companies to distribute birth control pills to keep them from getting pregnant.

Attention has focused on the construction of the factories and industrial parks, while the dislocation that produced the workforce has been much more hidden. Yet maquiladora workers often later become migrants traveling far beyond the nearest export processing zone. When the maquiladoras are located a stone's throw from the border, crossing it is almost inevitable.

In developed countries migrant labor is even more important.

In the U.S., industrial agriculture has always depended on it. The farm labor workforce in the U.S. southwest was formed from waves of Chinese, Japanese, Filipinos, Mexicans, and more recently, Central Americans. A growing percentage of farm workers are now indigenous people speaking languages other than Spanish, an indication that economic dislocation has reached far into the most remote parts of Mexico's countryside. On the U.S. east coast, migrants come from the Caribbean as well, joining large numbers of African Americans displaced from rural, or even urban communities.

In other industrial countries, a rising percentage of the rural workforce is now made up of migrants. Industrial agriculture based on migrant labor has expanded to developing countries also. Large corporations like Dole and Del Monte draw a workforce from displaced and impoverished rural communities, like those of AfroColombians in Colombia, or Oaxacans in Mexico.

Migrants now dominate the service industry workforce in most developed countries. As the most recent job seekers, they begin in the most marginal and contingent jobs. Day laborers on California street corners arrive from Mexico and Central America, while in Britain they come from Romania and Africa.

But migrant labor doesn't remain at the fringe of the economy. The world's oil industry is completely dependent on it. The oil kingdoms of the Gulf states - Kuwait, Qatar, Bahrain, Abu Dhabi - have many more immigrant workers than native-born ones. It was no coincidence that Halliburton Corporation brought migrants from Bangladesh and the Philippines into Iraq in the wake of the advancing U.S. invading force in 2003, intending to use them to replace Iraqi workers on the oil rigs and pipelines. Only organized action by the Iraqi oil workers forced Halliburton to retreat, and prevented the company from taking control of their industry.

Once the oil is put aboard tankers, more migrant workers guide them to their destinations. The seafaring workforce in large scale shipping today comes overwhelmingly from the Philippines and Indonesia. Migrant workers provide the world's oil and transport its goods to market.

#### What's In It for Employers?

Employers gain great advantages from this system, particularly lower labor costs and increased workforce flexibility. Large meatpacking companies in the U.S. Midwest, for instance, hire a workforce in which immigrants make up a majority. A steady stream of migrants crosses the border, finds its way to small meatpacking towns, and gets jobs. Over the last 20 years, the industry's wages have steadily fallen behind the manufacturing average, a major accomplishment, from the companies' point of view. According to the Bureau of Labor Statistics, 1980 slaughtering

plant wages were 1.16 times the manufacturing average. After twenty-five years, they are now .76 times that average. US manufacturing wages certainly haven't soared - in fact, they've fallen behind inflation. But meatpacking wages, in relative terms, have fallen faster.

Companies depend on this river of labor - not just on the workers in the plants themselves, but on the communities from which they come. If those communities stop producing workers, the labor supply dries up.

Seeking to keep wages low, meatpackers don't want to pay the social cost of maintaining communities that supply workers to the plants. In the tiny Mexican and Guatemalan towns that now provide workers for the plants, that cost is very low, and getting lower as economic reforms take hold. Free-market and free-trade policies have eliminated rural credit, the Conasupo system and the other subsidies.

The government budget in Guatemala's Santa Eulalia, for instance, does not provide any healthcare system for the town's residents. In public schools parents and teachers must buy the paper, pencils, books and other materials. If a road needs repair, residents can't expect a government repair crew to fix it.

The cost of all these services is now borne by workers themselves, in the form of remittance payments sent back from jobs in Nebraska slaughterhouses. Former Mexican President Vicente Fox boasted that in 2005 his country's citizens working in the U.S. sent back \$18 billion. Some estimate that in 2006 that figure reached \$25 billion.

The real beneficiaries of this huge flow of money are the companies that employ the labor in the U.S. Meatpackers already pay a low wage in U.S. terms. From it, workers pay not only for their own subsistence, but for that of their families thousands of miles away. Indirectly, the companies pay a much lower cost for the production of a new generation of future workers than they would if their families were living in Iowa or Nebraska. No company pays directly for a single school or clinic, nor do any pay taxes in Mexico or Guatemala that could provide those services.

At the same time, companies dependent on this immigrant stream have great flexibility in adjusting for the highs and lows of market demand. U.S. employers historically have treated immigrant labor as a convenient faucet, easily turned on and off. In the depression of the 1930s, Mexican workers were rounded up and deported by the thousands when the unemployment rate went up. When World War Two started, the U.S. government negotiated their return as braceros, when growers needed workers, but didn't want to raise wages to draw them from cities.

Guest worker and employment-based visa programs were created to accommodate the labor needs of employers.

When demand is high, employers recruit workers. When demand falls, those workers not only have to leave their jobs, but the country entirely. Disabled guest workers, injured because of high line speed on the killing floor, can't stay in the community around the plant, making demands for treatment. They have to go back to hometowns where there is virtually no medical care at all. The employer doesn't have to provide compensation for those forced out of the country.

The rule of this new system, which the British government calls "managed migration," is that immigration policy and enforcement should direct immigrants to industries when their labor is needed, and remove them when it's not. As President George Bush puts it, the government should "connect willing employers with willing employees."

As guest worker programs expand, large corporations become even less responsible for the conditions of their workforce. The pine tree planters don't work directly for the paper companies, but for labor recruiters and contractors. The paper corporations control labor costs indirectly, through the price they pay for harvested trees or wood pulp.

This has been the employment model in the garment and janitorial industries and in agriculture for decades, industries that depend completely on immigrants.

As these conditions are established, they expand to other industries. In the 1970s, production workers in Silicon Valley electronic plants worked directly for big manufacturers. Today women working on the line assembling printers for Hewlett Packard work for Manpower, a temporary employment agency with an office in the plant itself. Sometimes they do the same job they did when they worked for HP directly, but now without healthcare or other benefits. They get a lower wage, and can be terminated at any time. Most are women from the Philippines, Mexico and the countries of Latin America and the Asian Pacific rim.

### Immigrants and Unemployment

It's no wonder that native born workers and settled immigrant communities look at the growth of this employment system with alarm. This system fosters competition among workers for jobs, and uses it to expand the section of the workforce with lower wages and fewer rights. It's not hard for people to see the system's impact on their own lives, even if they can't always identify its cause.

One of the biggest mistakes made by immigrant advocates in the last decade was arguing that immigrants have no impact, or only a positive impact, on the wages or jobs of people in the communities around them, or that immigrants are just taking the "abandoned" jobs others won't do. This denies a reality workers can easily see for themselves.

More important, advocates thus stop making clear the real causes of migration, unemployment, low wages and job competition, and no longer point to the system and corporations responsible.

The first targets of competition are other workers of color. In Los Angeles in the early 1980s, the janitor's union was driven out of the city's office buildings when contractors dumped their union workers, most of whom were African American. New janitorial contractors appeared, with no union, hiring the wave of refugees flooding into LA from repression and civil war in Central America.

Contractors and building owners thought they'd found a docile, low wage workforce, but they miscalculated.

Immigrant workers used popular education and the militant union traditions of Central America, making common cause with the national organizing department of the Service Employees International Union. Together they built the first Justice for Janitors campaign in Los Angeles. Salvadoran, Guatemalan and Mexican janitors poured into the streets, confronted building owners and the LA Police Department, and eventually won new union agreements. The

campaign became a model for organizing immigrant workers across the country, and rebuilt the presence of SEIU in building services. SEIU head John Sweeney became president of the AFL-CIO, using this campaign as a symbol of his commitment to organizing and revitalizing the labor movement.

But the African American community has faced a color line keeping employment very low in janitorial services in Los Angeles ever since, despite the high Black unemployment rate. In San Francisco hotels, where a similar demographic transformation took place, the percentage of African American workers is falling as industry employment grows. African Americans now make up less than 6% of the San Francisco hotel workforce, and only 6.4% of the LA hotel workforce.

In 2005 the Center for Labor Market Studies at Northeastern University found that between 2000 and 2004, jobs held by immigrants rose by 2 million. At the same time, the number of employed native-born workers fell by 958,000, and of longtime resident immigrants by 352,000. According to the report's authors, "the net growth in the nation's employed population between 2000 and 2004 takes place among new immigrants, while the number of native-born and established immigrant workers combined declines by more than 1.3 million."

Black unemployment nationally has grown at a catastrophic rate - from 10.8% to 11.8% in May of 2005 alone. Nearly half (172,000) of the 360,000 people who lost their jobs in June, 2005, were African American, although they were just 11% of the workforce. In New York City, only 51.8% of Black men from 16 to 65 had jobs in 2003, according to the Bureau of Labor Statistics. For Latinos it was 65.7%, and for whites 75.7%.

Very little of the rise in African American unemployment is a result of direct displacement by immigrants. It's caused overwhelmingly by the decline in manufacturing and cuts in public employment. In the 2001 recession 300,000 of 2,000,000 Black factory workers lost their jobs to relocation and layoffs.

But demographics in the workplace changed during a period of massive plant closings, which eliminated the jobs of hundreds of thousands of African American and Chicano workers in unionized industries. Through the postwar decades, those workers broke the color line, spent their lives in steel mills and assembly plants, and wrested a standard of living that supported stable families and communities. In the growing service and high tech industries of the 80s, those displaced workers were anathema. Employers often identified them with pro-union militancy, according to sociologist Patricia Fernandez Kelly.

In the face of this reality, the unity needed by workers today to rebuild unions and working-class political strength can't be achieved by stirring speeches. Concrete problems affect relations between immigrant and non-immigrant workers. Trying to solve these problems unites people.

### Unions Struggle to Respond

The age-old question confronting the U.S. labor movement, and increasingly those of other industrial countries, is inclusion or exclusion. In the past decade, U.S. unions made real progress in organizing immigrants, and connecting migration issues to the effects of free trade and free market policies.. This was a significant change from the cold war period, in which unions supported U.S. foreign and trade policy abroad. They ignored its disastrous impact on workers of developing countries, and even assisted the destruction of the most militant sections of their labor movements. During the cold war, unions clung to an official ideology of partnership with large corporations, maintained discriminatory policies towards women and people of color, and viewed immigrants as job competitors. In 1986 the AFL-CIO's supported the Immigration Reform and Control Act because it contained employer sanctions, which prohibit employers from hiring workers without papers. If those workers couldn't get jobs, the argument went, they'd leave. The impact of the law was disastrous, however, especially for those unions trying to organize new members in industries like janitorial services and garment manufacturing. The new law made it a federal crime for an undocumented immigrant to hold a job, and employers used it to fire union supporters. Eventually, when organizing new workers became a higher priority, the AFL-CIO changed its position at the Los Angeles convention in 1999. It called for repeal of employer sanctions, amnesty for all undocumented people, immigration based on family reunification, and expanding the organizing rights of immigrant workers. The federation already opposed expanded guest worker programs, because of their long record of abuse and exploitation.

Unions began to see inclusion as the key to their survival. Labor support for immigrant rights was not a moral issue, but a pragmatic one. Immigrants today are the backbone of organizing drives from the Smithfield pork plant in North Carolina to Houston janitors and Cintas industrial laundry workers. The unions that are growing are mostly those that understand the willingness of many immigrants to fight and join. As a result, immigrants have gained a growing base in union leadership, and now speak out on political questions from the war in Iraq to immigration and labor law reform.

This was not an easy process. Often newly organized immigrants found themselves members of established organizations that wanted their dues and numerical strength, but not necessarily their participation in leadership. Some union leaders still see immigration itself as a threat. The 2006 national convention of the International Brotherhood of Electrical Workers invited Lou Dobbs as its keynote speaker, whose anti-immigrant tirades rival James Sensenbrenner.

On the other hand, two unions, SEIU and UNITE HERE, abandoned their support for the position they won at the 1998 AFL-CIO convention. Instead, together with national advocacy organizations like National Council of La Raza and the National Immigration Forum, they joined an alliance dominated by the country's largest employers. Employers' main purpose is convincing Congress to set up new guest worker programs.. Two farm worker unions, the United Farm Workers and the Farm Labor Organizing Committee, signed union agreements with guest worker contractors. The meatpacking industry started lobbying for guest workers in the late 1990s, when companies organized a shadowy group, the Essential Worker Immigration Coalition (EWIC). Today it encompasses over 40 huge employer associations,

including Wal-Mart, Marriott, Tyson Foods and the Associated Builders and Contractors. They recruited the Cato Institute to produce guest worker recommendations, which President Bush repeats almost word-for-word. The hard-right Manhattan Institute provides additional cover.

The corporate lobby made other inroads. John Gay, who heads the National Restaurant Association and EWIC, became board chair of the National Immigration Forum, a major Washington lobbying group. The list of corporate sponsors for the National Council of La Raza includes Wal-Mart and 14 other multinationals. They all set up umbrella groups to advocate the EWIC agenda, including the Coalition for Comprehensive Immigration Reform and the Fair Immigration Reform Movement.

While Republicans are strong guest worker supporters, the bills in Congress creating the programs have been bipartisan, with active participation from liberals like Senator Edward Kennedy and Congressman Luis Gutierrez. Their immigration proposals would have allowed corporations to bring in almost a million guest worker a year, and expanded the kind of immigration enforcement that has led to workplace raids around the country. The Bush administration proposed scrapping immigration based on family reunification (an achievement of the rights movement) for a point system favoring skills desired by large corporations. Liberals justify these proposals by arguing that employer support was necessary to gain some kind of legalization for 12 million undocumented people. Guest worker and enforcement programs were the price for that support. The Senate finally failed to approve an immigration reform bill in 2007, but it is highly likely that employers will make similar proposals after the November, 2008 elections. And after the bill failed, the administration began implementing some of the most repressive enforcement provisions by administrative order.

Meanwhile, unions have failed to formulate a bill that would unite the needs of workers across race and national lines, and campaign in Congress to pass it. Winning amnesty and greater rights for immigrants could be linked to the creation of jobs programs to reduce unemployment in those communities where it exists at crisis levels. This was the approach taken by Congresswoman Sheila Jackson Lee, who introduced a proposal to grant amnesty to undocumented immigrants and simultaneously establish job training and creation programs in communities with high unemployment.

Some unions have tried to link these issues together in bargaining. In San Francisco hotels, UNITE HERE Local 2 already has strong contract language protecting the rights of its immigrant members. In the 2006 negotiations, it added new language requiring hotels to set up a diversity committee to increase the percentage of African American workers. This could become a step toward an affirmative action program requiring hiring reflecting the diversity of San Francisco's overall workforce, benefiting immigrants and non-immigrants alike.

But unions trying to grapple with the impact of migration have to decide with whom they want to build alliances to win power. Winning affirmative action and jobs programs, linking them to amnesty and immigrant rights, would help build an alliance between workers - immigrants and native-born, Latinos, African Americans, Asian Americans and whites. But some unions see an alliance with employers as the key, and are willing to give them new guest worker programs. This would increase job competition, put downward pressure on wages, and make affirmative action in hiring impossible. Concrete gains in jobs and wages would become much harder, and unity among workers more difficult to achieve.

#### Alternatives to Growing Inequality

In all industrial countries the problem of unity between immigrants and non-immigrants is becoming much more important. The anti-immigrant riots in the UK, France and Germany are a window on what the future could be in the U.S., if unions and working communities don't make progress in resolving it. Understanding the importance of community and equality is the key to making that progress.

Migration is a complex economic and social process in which whole communities participate.. Migration creates communities, which today pose challenging questions about the nature of citizenship and equality.

Migrants are creating transnational communities all over the world. They exist at different stages of development in the flow of migrants from Algeria to France, Turkey to Germany, Pakistan to the UK, South Korea to Japan, and from developing to developed countries worldwide. According to Migrant Rights International, over 180 million people live outside the countries in which they were born - a permanent factor of life on the planet.

Today US immigration policy (and that of other industrial countries) is institutionalizing this global flow. Increasingly, the mechanisms for managing it are guest worker programs. In the Hong Kong negotiations of the World Trade Organization, corporations tabled a proposal regulating migrant labor, called Mode 4, which would establish a new, international guest worker scheme.

Conservative governments of developing countries, which have abandoned national development policies and have adopted the free market framework, see big advantages in a deal with corporations. They would gain access to workers' remittances, already the top source of foreign exchange for many, and could use them to finance services formerly financed by taxes. They could even eliminate those paid by their own elites. This would institutionalize not only inequality between migrants and non-migrants in developed countries where they work, but would divide even further the rich and poor in their countries of origin. It would create whole new forms of inequality.

Inequality is the most important product of US immigration policy, and a conscious one. Washington's current reform proposals all assume that immigrants should not be the equals of the people around them, or have the same rights. This assumption denies the reality that the migration of people is as much a product of the global economy as the migration of capital. At the same time, the philosophy these proposals reflect would reverse a 400-year history of struggle in the US to expand the rights of all people.

US immigration policy doesn't deter the flow of migrants across the border. Its basic function is defining the status of

people once they're here. And a policy based on supplying labor to industry, at a price it wants to pay, has inequality built into it from the beginning.

Immigrant communities from Latin America and Asia face a hypocritical exclusion, which demands that people give up their culture, language and identity, while maintaining a color line that denies them equal social status. Chinatowns and Manilatowns owe their existence, not simply to the desire for community and group identity, but to a century of social segregation. Filipino farm workers were forbidden from marrying women of other races. Chinese immigrants were brought as debt-enslaved workers on railroads, and then prohibited from owning land. Braceros were recruited from Mexico from 1942 to 1964, on temporary work visas, contracted to western growers. The objective was the same in every case - the creation of a mobile, rootless low-wage labor force.

The roots of this inequality lie in slavery. The current concept of the "illegal" person has its roots in the Black Codes, used to define who could be enslaved and who couldn't. It reinterprets the idea that a slave counted as only three-fifths of a person.

Calling someone an "illegal" doesn't refer to an illegal act or the violation of a law. It is the existence, the status of the person that is illegal, or illegitimate. This justifies exclusion from the rights and social benefits accorded people in the surrounding community. Braceros called themselves illegal, even though they had temporary visas, because they used the word in this sense of exclusion.

Illegality is a social category. Workers forced into it receive a smaller share of the value they produce, an additional exploitation. The value they produce, but don't receive, is a source of additional profit for companies dependent on that labor. Inequality is profitable.

An immigration policy that denies community inevitably produces rootless people, vulnerable to exploitation. It undermines workplace and community rights, affecting non-immigrants as well. It inhibits the development of families and culture.

The alternative is a policy that recognizes and values communities, and sees their creation and support as desirable. It reinforces indigenous culture and language, protects the rights of everyone, and seeks to integrate immigrants into the broader society.

The UN's International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families proposes this kind of framework, establishing equality of treatment with citizens of the host country. Both sending and receiving countries are responsible for protecting migrants, and retain the right to determine who is admitted to their territories, and who has the right to work.

Predictably, the countries that have ratified it are the sending countries. Those countries most interested in guest worker schemes, like the U.S., have not. In the global migration of labor, the countries sending migrants have little influence over the conditions facing their citizens in the places they go to work, or the rules under which migration is possible.

In evaluating the various proposals for immigration reform in Congress and elsewhere, labor and immigrant rights activists need clear criteria to decide which promote equality and community, and which don't. Some ideas for criteria include:

- A long-term perspective. Some proposals help to prepare for longer-range efforts to change a system that produces insecurity and inequality. Others, like guest worker programs or increased enforcement of employer sanctions, create a playing field on which progressive movement becomes even more difficult.
- Greater equality, which itself is the prerequisite for unity among workers across race and national lines. Proposals to deny people rights or benefits because of immigration status move away from equality. Equal status itself is a common ground, a goal uniting many diverse communities.
- Immigration status must not be linked to employment. That link is one main characteristic of guest worker programs, and the common thread running through exploitative schemes going back a century. Workers can't be free if they have to leave the country if they lose their jobs. Healthy immigrant communities need employed workers, but they also need students, old and young people, caregivers, disabled and those who don't have traditional jobs.
- More protection for the right to organize. To raise the low price of immigrant labor, immigrant workers have to be able to organize. Given half a chance, immigrant workers and their communities will organize for better jobs and wages, schools and healthcare. When they gain political power for themselves, other working class communities around them benefit. Measures like permanent legal status make it easier to organize. Employer sanctions, enforcement and raids, even as a price for legalization, make organizing much more difficult.
- Linking trade and migration. Modern migration is a "problem" because so much of it caused by forcible dislocation. Changing corporate trade policy and stopping neoliberal reforms is as central to immigration reform as gaining legal status for undocumented immigrants.
- Greater solidarity between workers and unions. U.S. workers have been forced into a global labor market. They have a direct interest in helping workers abroad to organize and raise living standards, fighting privatization and the plunder of developing countries, and stopping U.S. wars and military intervention. They need not minor protections in trade agreements, but unity with workers globally to scrap those agreements, and to change the economic and political structure of which they're a part.
- Protecting the right to move. Freedom of movement is a human right. Even in a more just world, migration will continue. Families and communities are now connected over thousands of miles and many borders. Links between people will grow - they are part of the human potential. Immigration policy should make movement easier, without selling workers to employers as a price for it.
- Creating common ground between immigrants and other workers. It's not possible to win major changes in

immigration policy without making it part of a struggle for other goals. To end job competition, workers need the Humphrey-Hawkins Full Employment Act. To gain organizing rights for immigrants, all workers need the Employee Free Choice Act.

Congress isn't deciding "what can stop immigration?" With over 180 million people in the world living outside their countries of origin, nothing can. The real question Congress is deciding is the status of people here. Outside the Washington beltway, community coalitions, labor and immigrant rights groups are advocating alternatives that would give immigrants far more rights and equality than employment-based visas. Congress could, for instance,

- Give permanent residence visas, or green cards, to people already here. Those visas don't require people to stay, but give them the chance to come and go - to work, study, or take care of family in the U.S. or their home country. Green card holders can't be deported if they lose a job.
- Expand the number of green cards available for new migrants, opening the door to legal immigration far enough to accommodate those now coming illegally. Most immigrants already come through family networks. Eliminating the years-long backlog in processing family reunification visas would help them, and strengthen communities.
- Allow people to apply for green cards, in the future, after they've been here a few years. The U.S. wouldn't develop the huge undocumented population it has today.
- Stop the enforcement program that has led to thousands of deportations and firings, and a border so heavily militarized that migrants cross, and die, in the most dangerous areas.
- Prohibit companies from recruiting outside the U.S. - formerly a traditional part of US immigration policy. At Ellis Island, having a pre-arranged job was grounds for being sent back. Companies can always hire immigrants with green cards (or anyone else) living here, and green card holders are in a much better position to demand rights and higher wages.

It's not likely that many corporations will support such a program. That's why those who claim to represent the interests of immigrants in Washington must choose whose side they're on. Today working people of all countries are asked to accept continuing globalization, in which capital is free to go wherever it can earn the highest profits. By that same token migrants must have the same freedom, with rights and status equal to those of anyone else. People in Mexico, Guatemala, China, the US and every other country need the same things. Secure jobs at a living wage. Rights in our workplaces and communities. The freedom to travel and seek a future for our families. The borders between our countries should be common ground to unite us, not lines to divide us.

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For more articles and images on immigration and trade, see <http://dbacon.igc.org/Immigrants/immigrants.htm>

See also the photodocumentary on indigenous migration to the US, *Communities Without Borders* (Cornell University/ILR Press, 2006)

[http://www.cornellpress.cornell.edu/cup\\_detail.taf?ti\\_id=4575](http://www.cornellpress.cornell.edu/cup_detail.taf?ti_id=4575)

See also *The Children of NAFTA, Labor Wars on the U.S./Mexico Border* (University of California, 2004)

<http://www.ucpress.edu/books/pages/9989.html>

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David Bacon, Photographs and Stories

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