

Equality, or Not

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Oakland, California - Equality has become an unmentionable word in Congress. It doesn't come even once in the 300-page omnibus immigration bill introduced last week by Senator Arlen Specter, nor in any of the others Congress is considering. They all deny equality to millions of people. In the testimony before the Senate Judiciary Committee, which Specter chairs, no one even dares to advocate it.

Is this what we stand for?

The assumption that reinforcing social inequality is a good idea defines the basic difference in direction between those in Washington, like Specter, urging new immigration restrictions, and those who want to stop them.

Sheila Jackson Lee, Houston's African American Congresswoman, calls immigration "the civil rights struggle of our time." Immigrants crossing borders, she says, want the same thing sought by African American people trying to recover from slavery and Jim Crow -- equal rights, to really belong to the communities where they live, and economic opportunity for their families.

Yet Congress is divided between the supposed "conservatives" who want to stop immigration and turn the undocumented into criminals, and the "liberals" who want to give employers new guest worker programs. But proposals will cause immense suffering, and benefit only a tiny elite.

There is an alternative, in best traditions of our country - the expansion of rights for all people.

To Linda Chavez Thompson, executive vice-president of the AFL-CIO, guest worker programs are like the old south's Jim Crow strictures. "There is absolutely no good reason," she says, "why any immigrant who comes to this country prepared to work, to pay taxes, and to abide by our laws and rules should be relegated to a repressive, second-class guest worker status."

Specter's bill (which President Bush supports) treats migrants as people completely separate from the community surrounding them. In 1954 the Supreme Court found that such forcible separation bred inequality.

Some 10-12 million people, according to the Pew Hispanic Trust, now live in the United States without proper immigration documents. Poverty and global inequality, produced largely by current free trade policies, have already displaced 170 million people from their countries of origin, according to Geneva-based Migrant Rights International. With no change in those policies, people will continue to cross borders.

For the undocumented already here, the bill holds no promise of rights and equal status.

Instead, it requires them to report to immigration authorities, and apply for work permits. If approved, they get no visa or even formal permission to stay in the country, much less any prospect of obtaining citizenship in the future. If they become unemployed, they will be deported, regardless of the roots they and their families have planted.

For those migrants yet to come, the bill draws an even harsher line. Corporations and labor contractors see them as a convenient source of low-wage labor. Specter's bill will let them recruit immigrants to work in the US for three years, renewable for another three. After that, they must leave.

Almost all the bills in Congress increase penalties for working without papers, to ensure that the undocumented sign up as contract laborers, and that temporary migrants don't simply walk away from these new bracero programs. Social Security inspectors, abandoning their historic mission of ensuring that people receive pension and disability benefits, will become the workplace police, requiring every US employee to carry a national work permit.

But history shows that making work a crime doesn't create employment for anyone, although it does weaken unions and lowers wages. Nebraska's huge Operation Vanguard workplace enforcement operation in 1998, for instance, didn't produce a single job for citizens or legal residents.

Specter's bill will provide companies a seamless transition from an undocumented workforce to workers on temporary visas, facing certain termination and deportation. But it won't give workers a way to become full members of the communities they live in.

These ideas bear the fingerprints of the Bush administration, which proposed the same basic scheme in January. Their main promoter since 1998 has been the Essential Worker Immigration Coalition, which includes 43 of the largest corporate industry associations in the US, including Wal-Mart, Tyson Foods and other large employers of immigrant labor. As the President so often puts it, the idea is to connect willing employers with willing employees.

For two years, a few unions and Washington DC lobby groups have hoped that a milder guest worker and enforcement regime might be attached to a promise of legal status for the undocumented. Their proposal, sponsored by Senators John McCain and Edward Kennedy, has stalled, however, as Congressional Republicans line up behind Specter and Bush.

In the new Change to Win union federation, two unions still support the basic guest worker/legalization tradeoff - the Service Employees and UNITE HERE, the union for hotel and clothing workers. Two other unions in the federation, however, have spoken out against it - the Teamsters and the United Food and Commercial Workers.

In a recent letter to the New York Times, UFCW President Joe Hansen cautioned that "historically, guest worker programs have led to worker mistreatment. There's every reason to believe that an expanded guest worker program would lead to increased worker abuse at a time when the current climate is to relax, if not outright ignore, labor protections in many

workplaces." For the UFCW, "a constructive immigration policy would respect and provide a legalization process for the millions of immigrant workers already contributing to our economy and society, while protecting wages and workplace protections for all workers."

Meanwhile, other unions in the AFL-CIO have become the most vocal critics of Congress' proposed reforms. Comparing the Specter bill to the reviled bracero program of the 1940s and 50s, Chavez-Thompson calls for "a more just and democratic immigration system that protects the interests of all workers-immigrants and U.S.-born alike." Reform proposals, she says, must provide a clear path to permanent residency, and enforcement of workplace standards.

"We certainly don't need more programs that see immigrants just as cheap labor," says Cathi Tactaquin, director of the National Network for Immigrant and Refugee Rights, "that segregate them and treat them as less than equal. Congress isn't offering real protection for native or foreign born workers -- just a lot of tough talk and guest worker programs."

Chavez Thompson warns that Congress' current direction will produce "an undemocratic, two-tiered society. We should embrace [immigrant] workers not as 'guests' but as full members of society --as permanent residents with full rights and full mobility."

The choice between second-class status and equality has always been the faultline in US racial, labor and immigration policies.

It still is.

The Other Main Immigration Bills in Congress

HR 4437: Introduced in December 2005 by Ohio Congressman F. James Sensenbrenner, this bill would make undocumented status a felony, as well as any action by another person (nurses, teachers, religious leaders, etc.) to assist an undocumented immigrant. It would build a wall along 700 miles of the U.S./Mexico border and increase enforcement of employer sanctions. It has no guest worker or legalization provision. It would require the immediate detention and deportation of any undocumented person.

HR 2330: Introduced by Sens. John McCain and Edward Kennedy, this "bipartisan" bill would allow employers to recruit 400,000 guest workers under temporary visas every year. Undocumented immigrants could also get temporary visas. Both would be able to apply for legal status after four and six years, respectively. The bill would increase enforcement of employer sanctions, including sanctions by Social Security and the Department of Labor, and increase border enforcement as well. It would make it easier for immigrants to reunite their families.

Comprehensive Enforcement and Immigration Control Act: Introduced in July 2005 by Sens. John Cornyn and Jon Kyl, this bill would allow corporations to recruit workers under 2-year temporary visas. It would allow undocumented workers to qualify for temporary visas also, but they would have to leave the country to apply, and then again after five years. Ten thousand new immigration agents would enforce the prohibition on undocumented immigrants holding jobs,

and prisons would be built to house 10,000 deportees.

HR 2092: Introduced last spring by Congresswoman Sheila Jackson Lee, this bill takes a radically different approach from all others. It has no guest worker provision. It grants legal status to anyone living in the United States for five years from the date of passage. It enforces protections for the rights of migrants. It requires that fees paid by those applying for legal status be used for job training and creation programs in communities with high unemployment. It makes it easier for immigrants to reunite their families.