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# IMMIGRATION REFORM: KNOW THE PLAYERS



## *Prologue*

"Immigration Reform: Know the Players," a series published on MaribelHastings.com (an America's Voice website) between November 5th and December 17th, 2009, is an indispensable reference for anyone following the issue of immigration reform.

The series, in eight thematic installments and an introduction, discusses the roles played in the urgent battle for reform by law enforcement; undocumented students; anti-immigrant groups; the pro-immigrant movement; faith communities; farmers and agricultural laborers; business and labor interests; and, of course, the defining actors: the White House, Senate and House of Representatives.

Each part was published to coincide with events in the last months of 2009 relevant to its subject, although the articles offer a general perspective, offering background, statistics and detailed information on each topic.

The installment discussing law enforcement, for example, appeared in the wake of a Los Angeles Times op-ed written by outgoing Los Angeles Police Department chief William Bratton, concerning the role of local police departments in federal immigration policy and public safety in areas with large immigrant communities.

Similarly, the article examining business and labor concurred with a talk given at the Center for American Progress (CAP) in Washington, at which Labor Secretary Hilda Solis and Commerce Secretary Gary Locke discussed the economic impact of immigration and the expected benefits of comprehensive immigration reform.

The section covering the Obama Administration and Congress analyzes the balance of powers in the Capitol, identifying factions, such as the conservative "Blue Dog" Democrats, who could become particularly influential in deciding the outcome of the 2010 legislative debate.

Each article contains quotes from experts and those whose fortunes are bound up in the debate—such as Juan, an undocumented student who advocates for the passage of the DREAM Act on behalf of his fellow "DREAMers."

One central theme, continuing throughout the series, is the contrast between current efforts and the failed attempt to pass federal immigration reform in 2007.

The series was conceived and written by Maribel Hastings, a Senior Advisor at America's Voice. Rafael Prieto Zartha, now the organization's Spanish Language Media Advisor, collaborated on the articles.

## Introduction

When people talk in the abstract about undocumented immigrants - or, as some call them disdainfully, "illegals" - they don't think about the fact that these "invisible people" are in fact present every minute of every day. The food we bring to our mouths has been picked or processed by their hands. They serve or cook our meals in restaurants, take care of our children, clean the offices where we work, or own businesses we patronize. They are our neighbors, friends, relatives...the list goes on.

Only in the world of Sheriff Joe Arpaio can you tell if someone is undocumented just by looking at him. The reality is that we're all mixed together. I don't like it when we talk about immigration reform "bringing people out of the shadows" because it makes them seem like criminals. They're not in the shadows, they're in plain sight--even though some people don't want to see them or recognize their existence, and even though they have to live plagued by uncertainty from one day to the next.

Over and over again, we've been told that immigration reform is coming, and it's beginning to seem like crying wolf. But our job now is to maintain the pressure on Washington to do something.

The last debate over immigration reform was in 2007, and a lot has happened since then. Over the next few weeks we'll publish a series of articles profiling the major players in this real-life drama to explain who they are, what changes they've undergone since the last, failed attempt at reform, and how the interactions between them have changed.

The central protagonists, clearly, are undocumented immigrants, who still haven't seen a "happy ending" to their situation. But the list of players is long. After all, a wide range of groups have immense interests at stake--which is one of the reasons it's so hard to arrive at an agreement on the issue.

The group "undocumented immigrants" includes those in a variety of situations. Two of the most painful are that of the youths brought to this country as young children, called the "DREAMers," and that of the agricultural workers who face some of the most dangerous working conditions in the country. However, we will also consider faith communities; business interests; labor groups; law enforcement; pro-immigration activists; anti-immigrant groups; Congress, with its partisan divisions and special interests; and a White House that supports reform and is held by the same party that controls Congress, but relies in large part on the divided Congress to advance its agenda.

At the moment, in fact, the battle over health-care reform has delayed any discussion of immigration reform, while the crisis of the undocumented continues.

Given the controversy generated by the 287(g) program, which allows local and state police to act as federal immigration agents, we dedicate the first article of the series to law enforcement--and how this time, unlike past years, more police chiefs are speaking out each day in favor of immigration reform that returns responsibility for enforcing immigration law where it belongs: with the federal government.

## With Law Enforcement on Our Side

"Americans want a solution to our immigration dilemma, as do law enforcement officials across this nation. But the solution isn't turning every local police department into an arm of Immigration and Customs Enforcement."

That isn't a quote from a pro-immigration activist. It's from an editorial that the former Chief of Police of Los Angeles, William J. Bratton, wrote in the [Los Angeles Times last week](#).

Bratton isn't alone. Over the course of this year, there have been various reports and [events](#) at which law enforcement officials have come out as allies in support of immigration reform. Their reasons are obvious: instead of concentrating on efforts to guarantee the safety of the communities whose trust they must secure in order to protect them, dozens of police departments are diverting time and agents toward immigration enforcement.

Ron Miller, Chief of Police of Topeka, Kansas, summarized it this way: "We cannot police a community that will not talk to us. We need to work together as a nation to address immigration reform."

J. Thomas Manger, Chief of Police of Montgomery County, Maryland, described the consequences when the immigrant community fears law enforcement officials:

"An increase in unreported crime, reluctant victims and witnesses, and the targeting of immigrants by criminals because the bad guys know that many immigrants will not call the police."

This year, the Police Foundation issued a [report](#) detailing how tasking police with immigration enforcement is counterproductive. It diverts scarce resources, makes them more vulnerable to lawsuits, and creates distrust in the same community police are ostensibly supposed to protect.

Art Venegas, former Chief of Police of Sacramento and director of the Law Enforcement Engagement Initiative (LEEI), lamented that national attention has focused on figures like Sheriff Joe Arpaio of Arizona and his questionable techniques in implementing the 287(g) program (which allows local police to function as immigration agents) when police across the country are calling on Congress and President Barack Obama's administration to advance broad immigration reform.

"There are police chiefs and sheriffs who aren't doing what Arpaio's doing. They're the silent majority," Venegas told America's Voice.

The Republican administration of George W. Bush interpreted the defeat of immigration-reform proposals in Congress in 2006 and 2007 as a green light to intensify enforcement efforts and demonstrate a "firm hand" against the undocumented, even though the former president had promoted immigration reform. In addition to a physical and virtual "border wall," they conducted

a series of raids which terrorized entire communities. Furthermore, they intensified the enforcement of the 287(g) program (which, in the spirit of full disclosure, was first implemented as part of the disastrous 1996 immigration reforms signed into law by Democratic President Bill Clinton).

The results have been terrible for the immigrant community and minorities, especially Latinos. 287(g) has resulted in racial profiling and other abuses illustrated to perfection by Arpaio, who is currently under investigation by the Department of Justice for civil rights violations.

Although more than 520 organizations defending civil rights, human rights and immigrants have asked the Obama administration to end the program, the Department of Homeland Security (DHS) has decided instead to revise the guidelines, in an attempt to eliminate profiling and abuse. For example, they did not renew Arpaio's authority to conduct "sweeps" to check for immigration status on the streets of Maricopa County, but did allow him to continue identifying undocumented immigrants who had been incarcerated in the county's jails.

However, this time, it's more typical to find police officers advocating for pragmatic solutions.

"The fact that many of these programs damaged the relationship between communities and local police departments didn't seem to matter before. But now local and state police are reclaiming their territory," said Lynn Tramonte, deputy director of America's Voice.

In the past, one of the concerns holding immigration reform back was that its opponents would frame the issue as a choice between the "rule of law" or rewarding lawbreakers.

"But the growing public support of law enforcement agents demonstrates that even from the perspective of the police themselves, the appropriate and realistic solution is comprehensive immigration reform," Tramonte added.

And in the search for Congressional support, police officials in favor of immigration reform are a persuasive ally.

Venegas admits that for many police officers, speaking out in favor of reform isn't easy. Some have even faced retaliation.

But there are more Venegases and Brattons around us all the time.

As Rick Braziel, Sacramento's Chief of Police, put it: "Without comprehensive immigration reform, we place our communities and our nation at risk."

## DREAMers: Taking the Reins of their Cause

One group that has changed dramatically since past immigration battles -- with help from the growing influence of social networking--are the so-called “DREAMers:” undocumented youth who would benefit from the proposed [DREAM Act](#). The act would form part of a plan for comprehensive immigration reform, and has also been proposed as an independent bill.

The DREAMers didn't come here by choice. They were brought to the United States as young children, or were victims of the broken immigration bureaucracy. The DREAM Act, which has bipartisan support, would grant them a path to legalization if they completed their studies or joined the military.

Each year, 65,000 undocumented students graduate from high schools across the country.

Over the past decade the DREAM Act has been proposed in Congress as its own bill and as part of other immigration bills, including the failed attempts at reform in 2006 and 2007.

After the failure of the 2007 reform bill, Senator Richard Durbin (D-IL) proposed it as a separate piece of legislation, but couldn't secure the 60 votes required for debate.

Juan, a student and member of the [DREAMActivist network](#)--and one of the bill's potential beneficiaries—believes that the 2007 setback sparked the creation of a more organized national movement.

“I think the main difference between now and 2007 was our decision to use the tools at our disposal and saturate every media channel possible to put a face on our cause, to humanize the issue,” Juan told America's Voice.

It's a movement that relies on volunteers — not an easy task, since the majority of the DREAMers, in addition to being undocumented, lack the resources to make frequent lobbying visits to Washington. But they have succeeded in halting deportations and they are present in every corner of the country. Their fight has been depicted in films such as [Papers](#), which has been shown in various cities.

United We Dream is the coalition of local and national organizations advocating for the DREAM Act. Dream Activist is “United We Dream's interactive page,” explained Marisol Ramos, co-founder and board member of the coalition and the [New York State Youth Leadership Council](#).

The network aims to explain to the public and Congress that legalization doesn't just make sense for humanitarian reasons, but also for economic competitiveness, as it would allow the US to tap an enormous quarry of talent.

Juan emphasized that the United States already allows undocumented students to attend elementary school, middle school and high school. “It's like planting a fruit tree and then leaving

the fruit to rot. They're not benefiting from their own investment," he pointed out.

Ironically, while the government promotes programs to encourage minority students — particularly Hispanics -- not to drop out of school, it doesn't legalize those who want to continue studying, or have completed their studies and want to work.

The DREAMers have established an organizational model that has enabled them to mobilize their cause without central offices or a budget of millions of dollars.

"Almost 100% of our work is voluntary," declared Ramos, who, in addition to her regular workday, dedicates another seven hours of work to promote the DREAM Act on social-networking sites.

For Ramos, the setbacks of 2007 "confronted us with a cruel reality, but we've matured politically and we've made ourselves better activists."

Walter Lara, whose deportation was suspended by the Department of Homeland Security (DHS), told America's Voice, "my case is a good example of the DREAMers' organizing capacity." Compared to 2007, "there are definitely more organizations, they're using the Web more than ever, they're interacting effectively with other groups, and they're taking advantage of every opportunity in social networks and traditional media to promote their cause," he declared.

But the debate surrounding the DREAM Act has been complicated.

Part of the opposition comes from those who always complain about undocumented immigrants being "rewarded." Others oppose certain provisions in the DREAM Act, such as the one offering legalization in exchange for military service.

And still others argue that passing the DREAM Act separately would hurt efforts to achieve comprehensive immigration reform. The same would be true of legalizing agricultural workers, they say. Without those two sectors, they worry that there won't be the political will to consider the rest of the undocumented population.

But Ramos noted that many of the parents or relatives of the DREAMers are undocumented, and the wisdom they've gained in the process "has made them better activists and they're ready not only to promote the DREAM Act, but other causes as well."

"In the long term, this will help any cause," Juan concluded.

**\*The DREAM Act has been reintroduced in the current session of Congress.**

**In the Senate, it has been introduced as S. 729 by Senators Richard Durbin (D-IL) and Richard Lugar (R-IN). The bill has 32 cosponsors and has been sent to the Senate Judiciary Committee.**

**The corresponding House bill, which has 105 cosponsors and counting, is H.R. 1751.**

**Resources:**

[New York State Youth Leadership Council](#)

[DreamActivist.org](#)

[DreamAct2009.com](#)

[Underground Undergrads](#)

[Change.org->Pass the Dream Act](#)

[One Dream 2009](#)

[Dreams to Be Heard](#)

[Citizen Orange](#)

[CHIRLA](#)

[North Carolina Latino Coalition](#)

[Coalition of Higher Education for Immigrant Students](#)

[Minnesota Immigrant Freedom Network](#)

[Colorado Immigrant Rights Coalition](#)

[Sunflower Community Action](#)

[ICIRR](#)

[El Pueblo NC](#)

[Florida Immigrant Coalition](#)

[CAUSA](#)

[Asian American Justice Center](#)

[Asian American Institute of Chicago](#)

[CLINIC](#)

[LEAP WA](#)

[American Association of State Colleges and Universities](#)

[I still have a dream](#)

[Papers the Movie](#)

[CA Dream Network](#)

[Higher Education Access Alliance](#)



## Anti-Immigrant Groups: A Chorus of Intolerance

While Congressman Luis Gutierrez (D-IL) has called supporters of immigration reform to participate in a national conversation on November 18th, the anti-immigrant organization Americans for Legal Immigration (ALIPAC) is holding “Tea Party” protests in various states this Saturday.

With all the noise they make and the fear they inspire in Congress, one might assume the protestors numbered in the millions -- but ALIPAC’s website lists, as of today, 52 planned “tea parties” and around 4,500 people anticipated to attend.

Nevertheless, anti-immigrant groups remain a stumbling block for immigration reform -- and an opponent against whom supporters have to stay on guard.

This sector includes organizations, movements and institutions that range from extremist neo-Nazi groups to respected Washington, D.C.-based think tanks. There are also the legislators who often seem to be spokespeople for these organizations, some of whom make up the House of Representatives’ Immigration Reform Caucus, composed of 88 Republican and 5 Democratic members of Congress.

William Gheen, founder of ALIPAC, says that he hopes that the events of this Saturday “combined with our lobbying [sic] efforts and support for campaigns will stop these attempts to destroy America through mass illegal immigration and amnesty.”

### *Their efforts*

In 2006, when the Sensenbrenner proposal -- which would have criminalized undocumented immigrants -- sparked massive marches and protests, the anti-immigrant movement found itself caught off guard and could only muster a feeble response.

But when debate over reform began in the Senate in 2007, they had organized themselves to use the Internet effectively, and orchestrated massive campaigns to call and email Congressional offices.

They also forged tacit alliances with ultraconservative radio and television talk-show hosts, who continue to support them, and with so-called “journalists.”

As of today, at least, one fewer legitimate media outlet will be providing a platform for anti-immigrant views. Last night, Lou Dobbs announced his resignation from the channel--effective immediately. His departure came after months of pressure from a national coalition urging CNN to “Drop Dobbs” for disseminating lies and stereotypes about immigrants and Latinos. For years, Dobbs used his program as a bully pulpit to attack the idea of comprehensive immigration reform.

### ***Their current status***

After taking credit for the defeat of immigration reform in 2007, the anti-immigrant movement saw the rise of Barack Obama -- a Democrat, an African-American, the son of an immigrant father, and a supporter of immigration reform -- to the presidency in 2008. Furthermore, they saw the majority of their candidates in federal, state and local elections go down in defeat.

But Obama's public-opinion "honeymoon" is over and immigration opponents are hoping to exploit the economic crisis, the spectacle of this summer's health-care reform "town halls," and divisions among Democrats to revive their agenda.

### ***Accusations of racism***

According to the Southern Poverty Law Center (SPLC), a civil rights advocacy group, the core of the anti-immigrant movement is interconnected--funded by a single source.

In its [report](#) "The Nativist Lobby: Three Faces of Intolerance," the SPLC reports that the Federation for American Immigration Reform (FAIR), the Center for Immigration Studies (CIS), and NumbersUSA were all created by restrictionist John Tanton, who has been linked to the Pioneer Fund, an institution that has conducted studies designed to prove the superiority of the white race.

According to SPLC's Mark Potok, FAIR is the lobbying arm of the anti-immigrant movement; CIS is the "independent" think tank; and NumbersUSA organizes the base.

### ***2009, a different story***

The immigration opponents boast they're ready for the battle of 2010. Their argument: With 16 million people unemployed across the country, "Americans will never accept another amnesty."

But Rich Stolz, director of the national [Reform Immigration for America](#) campaign, points out that this time, advocates for immigration reform are ready to neutralize their attacks, drawing on the political power that Latinos and immigrant communities demonstrated in the 2008 elections.

"The campaign is gaining momentum and is active across the country in ways that would never have been possible before," says Stolz.

Ali Noorani, director of the National Immigration Forum, concurs that this time there are more allies of reform ready to implement a three-prong strategy: "mobilize the base, win the middle, and marginalize the opposition."

"Never before have we been able to do so much and engage so many allies. We have an incredible amount of work ahead, but we're confident," says Noorani.

## The Pro-Immigrant Movement: Fighting On, Despite All The Obstacles

The pro-immigrant movement is in touch with the current media landscape, utilizing social networking and technology in its effort to mobilize the public to exert the political pressure necessary to make comprehensive immigration reform a reality.

Tomorrow, Wednesday, November 18th, for example, instead of conducting a traditional “town hall” to discuss the plan for reform he intends to propose, Rep. Luis Gutierrez (D-IL) will conduct one by telephone. More than 700 “house party” events have been scheduled across the country (including in Puerto Rico) so that the public can participate in the “national conversation” with Rep. Gutierrez.

The [Reform Immigration for America campaign](#) is using text messages to add followers and exert pressure on Congress and the White House.

Anyone interested can send the message JUSTICE to 69866 to be added to the national campaign.

“Never before have people at the grassroots level been able to connect so closely and directly with national advocacy efforts for immigration reform. The national campaign is investing in new technologies to put advocacy at the fingertips of anyone, anywhere that supports immigrants' rights,” declared Rich Stolz, director of the national RI4A campaign.

### *It hasn't been easy.*

The debate over the failed immigration bill of 2007 revealed divisions within the pro-immigrant movement, hampering its ability to respond properly to anti-immigrant arguments. Nor was it able to organize effectively enough at the district and state levels to influence particular members of Congress.

But according to Frank Sharry, executive director of America's Voice, the political landscape has changed: the election of 2008, and above all the rise in immigrant voters, speaks to the movement's political power.

“We've made the statement that our opponents aren't as strong as people think, and are more extreme than people know,” he added.

After the failure of 2007, immigration enforcement intensified.

Many assumed this would change when Barack Obama was elected, but the reality is that families are still being divided and the immigrant community continues to live in fear. “That reality, I think, is pushing people towards unity of action and urgency of action,” said Sharry.

### *The marches of 2006*

The pro-immigrant movement demonstrated its organizing power most forcefully in 2006, when millions of people took to the streets to protest the proposed “Sensenbrenner Bill” (H.R. 4437), which would have criminalized undocumented immigrants.

### *Divergences*

But the pro-immigrant movement was attacked by immigration opponents, and discrepancies in message and strategy appeared among different pro-immigrant groups as well.

In the fall of 2006, pro-immigrant groups found themselves able to attract fewer people to their rallies than before, and the same was true in the first half of 2007.

### *The death of the reform bill*

Divisions among pro-immigrant leaders, divisions in Congress, a lack of effective leadership from the White House and anti-immigrant rhetoric all contributed to the defeat of the reform bill in June 2007.

### *Conflicting interests*

Divisions in Congress reflected the diversity of agendas and philosophies within the pro-immigrant movement.

Those in favor of comprehensive immigration reform include both farmers in need of manual labor (who support guest worker programs) and agricultural workers seeking improved labor conditions.

A similar split exists between the United States Chamber of Commerce, interested in attracting the “Hispanic market,” and labor unions such as the AFL-CIO, whose membership would increase greatly with the legalization of immigrants. The Catholic Church and Protestant churches also share an interest in legalization, even as they compete for followers.

And within the progressive movement, splits can emerge between those who advocate for reform knowing that negotiation will be required to get it to pass, and others who oppose any sort of concession.

### *September 11th*

The 2000 Census documented the growth of the Hispanic population, and by implication the population of undocumented immigrants.

In September 2001, the Republican administration under George W. Bush planned to start discussion of immigration reform—but the September 11th terrorist attacks quickly brought those plans to a halt.

Since then, immigrants have been the target of attacks from members of Congress, ultraconservative radio and television personalities, and xenophobic groups.

### ***The Freedom Ride and CCIR***

At the end of 2003, the Immigrant Workers Freedom Ride called attention to the difficult situation faced by undocumented workers.

The Coalition for Comprehensive Immigration Reform (CCIR) formed in 2004, and fought at least four legislative battles over immigration proposals between 2005 and 2007.

### ***The promise***

CCIR dissolved in early 2008, at the start of the presidential campaign that would end later that year with the election of President Obama.

Obama's promise to pass immigration reform contributed to his receiving the support of 67% of Hispanic voters and 78% of Latinos born outside of the U.S.

### ***RI4A***

In June, the RI4A campaign launched with the support of more than 400 organizations, encompassing groups of diverse agendas.

The challenge for the pro-immigrant movement in 2010 will be to avoid repeating the mistakes of 2007 — and when there is actual legislation on the floor for debate, the movement will be put to the test.

“My impression is that there is a greater recognition now that the status quo is a harsh, enforcement-only regime, and that the only thing that really will stop it is the passage of immigration reform,” concluded Sharry.

## The Faith Movement

This Thanksgiving week, as end-of-year celebrations commence, faith groups across the country stress the moral urgency of immigration reform. These groups have played an important role in the immigration debate, although the process has not been without controversy.

In the 1980s, Catholic priests led marches in Los Angeles calling for legalization of the undocumented, and some offered their churches as sanctuaries -- often challenging their superiors by doing so. In recent years, undocumented activist Elvira Arellano became nationally known when she stayed for a full year in a Methodist church in Chicago which had granted her asylum.

### *Against the raids*

In the wake of massive raids, like those in Iowa at a Marshalltown meatpacking plant in 2006 and a Postville slaughterhouse in 2008, the faithful have been the first to assist families of detainees during their initial trauma and the bitter aftermath of family separation and dire economic need.

In February of this year, the [Interfaith Immigration Coalition](#) (IIC) protested the arrest of undocumented workers in a Washington state factory.

### *The meaning of Christmas*

Last week, the IIC announced the “Home for the Holidays” campaign, which aims to send 250,000 Christmas postcards to the Capitol advocating for comprehensive immigration reform.

### *Shared concerns*

The goal of seeing undocumented immigrants legalized is shared by the leadership of the Catholic Church, and by leaders of various Protestant groups, including Baptist, Pentecostal, Episcopal, Lutheran and Presbyterian congregations.

Patty Kupfer, Director of Campaign Partnerships for America’s Voice, pointed out that although there has never been credible opposition to immigration reform among faith groups, “the difference now, as we gear up for reform in 2010, is that the support from people of faith is both deeper and broader than ever before.”

“We’ve seen leaders from conservative Evangelical churches make a bold call for immigration

reform, joining long time supporters from Catholic, Protestant, Jewish and Muslim faiths. We've also seen an unprecedented level of mobilization from the faith community at the grassroots level,” added Kupfer.

A Pew Hispanic Center study concluded that 68% of Latinos are Catholic, 15% are evangelical Protestants, and 8% are not affiliated with a particular religious denomination.

### *Catholics*

Kevin Appleby, of the United States Conference of Catholic Bishops (USCCB), told America's Voice that “there are still elements in all our faiths that are nativist and that do not agree with us on immigration reform. They impact those in the middle who we are trying to convert to our side. So, it is still a hard lift, but we are making progress.”

Since 2002, the USCCB has maintained that the current immigration system needs to be fixed in order to be “just and humane.”

Catholics, who represented only 1% of residents of the United States at the time of the nation's founding in 1776, are now the most populous religious group in the country, numbering 70 million faithful.

The growth of the Catholic population is partly the result of the presence of immigrants, especially those from Latin American countries.

One Zogby poll in October 2008 indicated that 69% of Catholics favor legalizing undocumented immigrants, including providing them with a path to citizenship.

### *Evangelicals*

The National Association of Evangelicals (NAE), which represents 45,000 churches, issued a resolution in October advocating for comprehensive immigration reform. The resolution was supported by 87% of the NAE's national assembly.

It is estimated that Latino evangelical churches have between 7 and 9 million followers in the U.S., of whom about half are converts -- mostly from the Catholic Church.

Galen Carey, the NAE's Director of Government Affairs, indicated that since the 2007 bill was defeated, the NAE has had 2 years to engage in dialogue “and develop a clear consensus among our leaders, which we hope will help us to advocate more effectively for immigration reform in the coming year.”

## *Controversies*

The opposition of certain conservative religious groups to legalization has been controversial, as has been the call by some Latino evangelicals to boycott the Census if immigration reform fails to pass. This call has been widely criticized and challenged by national Latino organizations.

## *Action*

A large part of the public actions supporting immigration reform have been religious in nature. Many of the demonstrations in 2006 and 2007, for example, took the form of vigils.

The day after President Obama's inauguration, religious leaders took part in a ceremony in front of Immigration and Customs Enforcement (ICE) offices in which they conducted readings from the Old Testament to entreat a change.

The action, organized by the Fair Immigration Reform Movement (FIRM) and the National Capital Immigrant Coalition (NCIC), included a "cleansing" of ICE facilities.

The contributions of the faithful have also been prominent in the actions Congressman Luis Gutierrez has conducted throughout 2009 in support of immigration reform, and will surely continue to be so throughout the coming year.



## Legalizing Farm Workers: A Shared Necessity

How often do you think about the working conditions of the people who pick the fruit and vegetables you eat? And how many acres of farmland have gone unharvested for lack of workers, thanks to fear of increasingly aggressive immigration enforcement?

This year, proposing the AgJOBS bill, which would legalize undocumented farmworkers, Senator Dianne Feinstein (D-CA) recalled that between 2007 and 2008, a total of 1.56 million acres of farmland in the United States fell out of use. American farmers transferred 84,155 acres of production—and, with them, 22,285 jobs—to Mexico in order to stay in business.

The workers who have stayed here—documented and undocumented alike—suffer under conditions that serve as daily reminders of why the fight started by César Chávez, Dolores Huerta and so many others continues.

Bruce Goldstein, executive director of the Farmworkers Justice Fund, wrote that in 2010 the United States will export \$5.7 million in fresh fruits and vegetables, compared with \$5.4 million in exports in 2009, and \$4.471 million in 2008. “Needless to say, farmworkers' wages and benefits during the period 2007-2010 will not have come close to rising 27.5% in value,” said Goldstein.

AgJOBS formed part of the failed 2007 immigration reform bill and will be integrated into whatever plan is ultimately proposed in 2010, although there have been attempts to pass it as an independent piece of legislation.

From 2007 to today, Goldstein told America's Voice, “farmers have felt the effects of intensified immigration enforcement policies in agriculture, and that's resulted in growing interest in legalization.”

Arturo Rodriguez, president of United Farm Workers (UFW), told America's Voice that every day that passes without legalization affects not only workers but the entire agricultural industry, and by extension, the consumer.

“70% of farm workers are undocumented. The surge in enforcement has created fear, and this fear has ensured there aren't enough people for the harvest,” he pointed out.

In the words of Senator Feinstein: “The central issue here is not immigration. It's about protecting and preserving the American economy.”

To that, I would add the guarantee that such difficult and necessary labor receives the just and humane treatment it deserves.

## *History*

Farm workers, their immigration status, and their living conditions have been frequent topics of controversy since the beginning of the 20th century, and farmers and the United States government have shown an inclination to use foreign labor when it is convenient for them.

In 1917, immigration laws left Mexican peasants who immigrated to the United States during the Mexican Revolution in a state of irregularity.

During World War I, farmers asked the Department of Labor not to impose immigration restrictions on Mexican workers until the end of the war.

In 1929, with the onslaught of the Great Depression, 500,000 Mexican nationals and their U.S.-born children were repatriated to Mexico. A large part of those who were deported had worked in rural regions of the Southeast.

After the Japanese attack on Pearl Harbor in 1941, the United States intervened in World War II, generating a need for manual labor that brought the United States and Mexican governments to sign the controversial Bracero Program in 1942.

Close to 5 million Mexican workers came to the United States between 1942 and 1964.

Nonetheless, the immigration law of 1952 created the Guest Worker Program, which granted H-2 visas to farm workers coming from countries other than Mexico. The law included the “Texas Proviso,” which protected farmers from legal penalties for employing undocumented workers.

In the middle of the economic boom that followed the war, President Dwight Eisenhower ordered Operation Wetback, which expelled 1.5 million Mexican nationals from the United States. It is estimated that 60% of those deported in 1954 were legal residents.

After the Bracero Program ended in 1964, the Guest Worker Program was extended to Mexican workers.

## *César Chávez*

In the decades that followed, the activist César Chávez, founder of the National Farm Workers Association (which later became the UFW), led marches, parades, strikes, boycotts and hunger strikes in defense of the farm laborers who continue to face deprivation today. Chávez was nominated for the Nobel Peace Prize three times, and was posthumously awarded the Presidential Medal of Freedom in 1994.

## ***IRCA and H2-A***

IRCA, the 1986 immigration law, legalized more than 1 million farmworkers under the Special Agricultural Workers (SAW) program.

But the number of undocumented farmworkers rose significantly in the decade that followed.

In 1998, when AgJOBS was first proposed, only 22,676 workers came to the United States thanks to H-2A visas.

The National Agricultural Workers Survey (NAWS) reported that during the period from 2005 to 2007, 75% of farmworkers were born outside the U.S. 52% were undocumented.

According to the National Council of Agricultural Employers (NCAE), the H2-A visa program covers only 5% of the agricultural workforce. 78, 089 H2-A visas were issued in 2007, while farmers hire 900,000 workers each year.

## ***AgJOBS***

AgJOBS was reintroduced in Congress, with little variation, during the 2003-04, 2005-06 and 2007-08 sessions.

The most recent version was proposed in May of this year. The Senate legislation, S.1038, has 20 cosponsors, while in the House of Representatives the bill (H.R. 2414) has 56 coauthors.

The plan, prepared by the American Immigration Lawyers Association (AILA), would legalize an estimated 500,000 undocumented workers.

The debate over legalizing farm workers has always been marked by the controversial question of labor conditions and migrants' lives, health and housing.

But this time, labor organization and farmers are in agreement that passing an AgJOBS bill is a shared necessity.

## **Businesses and Unions Face Immigration Reform: The Guest-Worker Dilemma**

In April of this year a coalition of unions, headed by the AFL-CIO and Change to Win (CTW), announced with great fanfare what would have been impossible in 2007: a statement of support for comprehensive immigration reform.

Furthermore, their agreement included a controversial component: an independent commission to determine future labor flows, including both temporary and permanent workers. The commission would be an alternative to a guest-worker program.

Given that splits within the labor movement in 2007 were one of the many reasons for the defeat of immigration reform in the Senate, the announcement was welcomed by diverse sectors of the pro-immigrant movement.

The AFL-CIO represents 56 trade unions, with more than 10 million workers, and CTW is a coalition of 7 unions, with more than 6 million workers.

Of course, the final chapter hasn't yet been written in the saga between labor and business—frequent opponents who each wield enormous influence over the White House, Congress and the immigration debate.

### ***The consequences of defeat***

Business owners are being watched more closely than ever by immigration authorities to ensure they comply with laws that prohibit hiring undocumented workers.

In 2009, Immigration and Customs Enforcement (ICE) audited more than 2,000 companies suspected of having undocumented employees on their payrolls—4 times the number audited in 2008. ICE fined companies a total of \$2.5 million in 2008; in 2009, that amount skyrocketed to \$16 million.

The Department of Homeland Security (DHS) announced in August that during the first seven months of 2009, it had deported 215,000 undocumented immigrants.

Last week, Human Rights Watch released the report “Locked Up Far Away,” in which it reported that 53% of the 1.4 million transfers of undocumented detainees to jails far from their original location had occurred since 2006.

Unions have watched the deportation of members and potential members attempting to exercise their right to organize, as happened at the Smithfield processing plant in North Carolina.

### *The sticking point*

In contrast to the demands of labor, business organizations demand an expansion of policies like the H-1, L-1 and EB visa programs, which facilitate the admission of professionals, employees with exceptional qualifications and investors.

The United States Chamber of Commerce (USCC) places these demands on its website, along with a promise to “lobby for reform to enable seasonal and small businesses to continue to use the H-2B temporary visa.”

The business sector favors legalizing the undocumented, but opposes the commission proposed by labor groups, instead defending a guest-worker program.

David Ferreira, vice president of government affairs for the United States Hispanic Chamber of Commerce (USHCC), assured America’s Voice that “the commission is a non-starter. We know that the Administration considers it so, we know that the Congressional leadership privately considers it so”. “Politically, it doesn’t have enough support for reform to go forward in the Senate and moderate Senators, Republicans and Democrats, don’t support the commission.”

The USHCC and other business groups back “a regulator determined by the market to control the flow of immigrants, something that shouldn't be dictated by a political posse. It should be dictated by the needs of the economy”, said Ferreira.

Although the unemployment rate is now in double digits, a guest-worker plan is needed, according to Ferreira, because “our economy isn’t going to be down forever. Our economy is going to grow, and at that point businesses are going to demand workers.”

“We have concerns that some members of the labor movement are not fully committed to comprehensive immigration reform, and the commission is one additional means by which they want to restrict the ability of immigrants to lawfully enter the United States”, Ferreira indicated.

But Ana Avendaño, the AFL-CIO's assistant to the President for Immigration and Community Action, told America’s Voice: “How can (the USHCC) explain to a member of Congress that they support bringing hundreds of thousands of temporary workers into the country when we have 16 million people out of work? The politician who accepts that will find himself out of work after the next election!”

According to the labor leader, the commission would not have any intention of reducing future immigration; it would be independent, not union-controlled; and it would base its recommendations on how many workers the economy requires at any given time.

Besides, Avendaño said, both the Administration and Congress support the commission. “The Chamber (of Commerce) insists on this model (the guest-worker program) that’s already failed. We have to consider other alternatives.”

***But hope remains***

Despite their differences, the business sector has been working with labor groups such as the Service Employees International Union (SEIU) on other issues, such as health-care reform. Ferreira praised Eliseo Medina, International Executive Vice President of the SEIU, for engaging in “good-faith” negotiations—which could recur on immigration reform.

Currently, the national unemployment rate is almost 11%. In June of 2007, when the last attempt at reform was killed, unemployment was at 4.5%. These figures should inspire business and labor leaders to negotiate a realistic plan for immigration reform for the good of the nation’s economy and for the 12 million undocumented immigrants.

## Obama and Congress: At the Crossroads of Immigration Reform

Is it ever “the right time” to pass immigration reform and a path to legalization? Using the issue merely to score political points has been the norm for decades, among detractors and some proponents alike.

President Barack Obama is the latest political figure to attempt a comprehensive fix to the immigration system—or at least, he promised to do so in 2008, in the heat of the presidential campaign.

As January 20, 2010 rolls around — marking the end of his first year in office — Obama has not passed immigration reform, but his defenders predict that by that time the stirrings of the immigration debate will have started in the Senate.

“In this country people have always made excuses for delaying justice. But they’re excuses for inaction. The fact is that the president of the United States (Barack Obama) came to office in large part because he supports wholesale reform of the (immigration) system. It’s time for these politicians to turn their promises into reality,” Rep. Luis Gutierrez (D-IL) told [MaribelHastings.com](http://MaribelHastings.com) and [Reform Immigration For America](#) before introducing the bill H.R. 4321, presented to the House this week to stimulate immigration reform.

### *A complicated year*

The Obama administration has had a difficult first year: the economic crisis, an unemployment rate of over 10%, and bitter debates over healthcare reform and the war in Afghanistan. Nonetheless, Obama reiterated his commitment to the immigrant community at various points throughout 2009.

In June he held a meeting with over 30 members of Congress in both parties. In August, he met with advocacy groups.

In November, Homeland Security Secretary Janet Napolitano made the promise official: “The first part of 2010, we will see legislation beginning to move.”

And on Wednesday, Hilda Solis, Secretary of Labor, linked immigration reform to economic recovery, pointing out that legalizing workers would generate more income tax revenue for the federal budget.

“The tax contribution from 12 million (undocumented immigrants) could represent a trillion dollars,” Solis declared in a speech at the Center for American Progress (CAP).

### *The Senate*

In June 2007, when the last attempt to pass comprehensive immigration reform failed, only 12 Republican senators voted in favor of the bipartisan bill.

Among Democrats, 15 Senators voted against the bill, and one abstained.

For 2010, leadership on immigration reform among Democrats is in the hands of Senator Charles Schumer (D-NY), chair of the Immigration Subcommittee of the Senate Judiciary Committee. The circumstances he faces are different from those of two years ago.

Immigration reform’s most vocal champion in the Senate, Edward Kennedy, has died. Two Hispanic Senators, Democrat Ken Salazar and Republican Mel Martinez, have left the Senate.

On the Republican side, the terrain has also shifted. Senator John McCain led Republican efforts supporting reform before the 2008 presidential election, during which he felt pressure from restrictionist elements within his party—and which he ultimately lost. He faces reelection next year.

Republican leadership on the issue lies with Senator Lindsey Graham (R-SC), who has infuriated ultraconservatives by supporting immigration reform. He has rebuked his critics by noting that there is a difference between being conservative and being blinded by ideology.

The Republicans face a dilemma: pander to nativists to secure the votes of the far right, or support immigration reform to avoid losing the Latino vote forever.

Meanwhile, Democrats are challenged to find Republican support to compensate for the votes they will lose among conservative and moderate Democrats who currently, as in 2007, do not support reform.

Despite all this, debate on the bill is expected to begin in the Senate, where Senate Majority Leader Harry Reid (D-NV) — who faces a tough reelection battle in 2010 — will make sure the issue is on the legislative calendar.

Schumer, an astute politician who understands that winning elections requires showing results, expects to introduce a bill in January.



Karl Rove, a key advisor to George W. Bush, wanted to solidify Bush's support among Latinos after the 2004 elections by passing immigration reform, but the anti-immigrant wing of his party prevailed. Schumer and others want to solidify and increase Latino support for Obama and the Democrats, and they understand that fulfilling their promise of reform is one way of accomplishing this.

A total of 34 Senate seats will be in play in the November 2010 elections.

### ***The House of Representatives***

In the House of Representatives, Rep. Gutierrez is the standard-bearer for immigration reform, but the bill was officially introduced on Tuesday by his Democratic colleague, Solomón Ortiz. The liberal bill was introduced to put pressure on Congress and the White House, and to ensure a seat at the table for its supporters during negotiations over the final bill.

Now as in 2007, Nancy Pelosi, Speaker of the House, has reiterated that while she supports the elusive prospect of reform, the Senate must act first.

But the House of Representatives is itself a complex organism representing various tendencies, particularly among Speaker Pelosi's own House Democrats.

The anti-immigrant faction can count on the votes of the 93 members of the Immigration Reform Caucus (IRC), founded by Republican ex-Congressman Tom Tancredo, which counts six Democrats among its ranks.

Among the 52 members of the Blue Dog Caucus — conservative Democrats — in the House, 26 have supported measures against undocumented immigrants.

The pro-immigrant faction could include the membership of Congressional Hispanic Caucus (CHC) and the Congressional Asian Pacific American Caucus (CAPAC). Immigration reform could also gain the support of a majority of the Congressional Progressive Caucus (CPC) and Congressional Black Caucus (CBC).

### ***The Elections***

In November 2010, however, all 435 members of the House will face re-election. For Democratic congressmen, the straightforward choice will be to back their promises or fail the Hispanic voters who voted in record numbers in 2008 — including some who voted for Democrats with the expectation that they would make comprehensive immigration reform a reality.