**Beyond the Select Commission:**

**Immigrant Wars Update**

**1978**

As a result of the widespread opposition from Chicano groups (such as those gathered at the San Antonio conference), from various church and civil rights organizations, and with a lack of support from the bureaucracies of organized labor (who opposed the amnesty provisions of the plan) the Carter Plan was never acted upon in Congress and died of neglect in 1978 and 1979.

Although propaganda against the undocumented continued in 1978, new government initiatives were noticeably absent throughout the year. The one exception was the announcement by the Immigration and Naturalization Service (INS) in October of its intention to build a 6 and ½ mile super-fence along the border at El Paso, Texas and another in San Diego. This project, promptly dubbed a “Tortilla Curtain” and compared with the Berlin Wall, was widely attacked by groups on both sides of the border in late 1978 and early 1979. This quick and organized reaction resulted in the cancelation of the project in April of 1979.

One result of the new State initiatives around the Carter Plan was to make clear to those supporting immigrant worker struggles that there was a real need for cooperation and exchanges of information between militants on both sides of the border. Those militants included several kinds of individuals: the workers themselves, church and community activists, lawyers and academics. These last, among other roles, have traditionally been charged with gathering, analyzing and synthesizing the experience of struggle to provide an overview of the broad outlines of capitalist strategy and workers’ struggles. To speed up the circulation of information and thinking back and forth across the border a number of Chicano intellectuals and activists organized the First International Symposium on Problems of Migratory workers in Mexico and the United States in Guadalajara Mexico in 1978. Through personal contact and the exchange of information, that symposium made possible a strengthening of cross-border linkages. There was also a desire, expressed by many of the participants, to see similar contacts and exchanges among other activist sectors, including worker organizations. That desire would eventually lead to a meeting of worker groups from both sides of the border in 1980.

**1979**

Although a number of government and private reports on immigration appeared during this period calling for tighter control of undocumented workers, and several official discussions took place between Mexican and American government leaders, the issue faded from the headlines to be replaced on the immigration front by attacks on Iranian students who opposed the Shah and then supported the Iranian Revolution against him. Student opposition to the Shah had been sporadic but long-standing. Most often the object of their protests was SAVAK – the Shah’s brutal secret police that had been set up with help from the CIA.[[1]](#footnote-1) SAVAK was feared and hated for its repression of dissidents at home (torture and executions) and its monitoring of students abroad. For example, at the University of Texas in Austin, where many Iranian students had come to study petroleum engineering, when they marched in the streets to protest they wore paper bags over their heads to avoid being photographed and identified by SAVAK agents.

The US government’s objections to Iranian student activism was dramatically stepped up when the Iranian Revolution drove the Shah into exile in January 1979 and when, in November 1979, Iranian revolutionists seized the American Embassy and took its entire staff hostage. Although not directly connected to the struggles of Mexican and Central American immigrants, the conflicts between Iranian students in the US and the American government would lead to some changes in American policy with worrisome potential for harming immigrant struggles.

The attempt to locate and deport Iranians involved in anti-Shah or anti-American government demonstrations brought forcefully to the attention of the Carter Administration a serious flaw in its ability to control international flows of labor power: inadequate and virtually unusable records. Attorney General Griffin Bell was outraged to discover that the INS could not even tell him how many Iranians were in the U.S., or where they could be found! This kind of confusion and chaos in the government’s ability to keep track of immigrants – even legal ones – made it very difficult to either formulate or implement policy changes.

To resolve these problems the INS proposed and obtained appropriations for the introduction of computers for record-keeping – with the explicit goal of tracking and keeping records on each and every immigrant in the country. The implementation of such ability would certainly make possible a much more developed level of control than had ever before been possible. Rather than simply using broad methods of terror and repression to coerce immigrant workers-in-general into desired molds, it would become possible to be much more highly selective and implement individual control on a regular basis. The Iranian case shows exactly the kinds of actions that would be implemented: the tracking and expulsion of militants while retaining and continuing to utilize more passive immigrants, those willing to work hard and not cause trouble. [See Box Insert on Computers and Immigration Control.] Such control is obviously desired in the case of immigrant waged workers just as much as it is in the case of the Iranians and other unwaged foreign students.[[2]](#footnote-2)

This problem of government ignorance and its desire to remedy this situation also emerged in late 1979 as conflicts developed around the then forthcoming 1980 Census. It had become increasingly apparent during the previous four years, as critics attacked INS estimates of the number of undocumented workers, that the State really had no clear idea of their actual number or location. The government, therefore, saw the Census as a great opportunity to collect the needed information. This led to the decision by the INS to stop raids on Chicano and other ethnic neighborhoods and to promise that information given to Census takers would not be used against the undocumented individually. These moves provoked counter-charges that giving any information at all to the government would only sharpen its ability to formulate strategies against workers. It was certainly obvious that even if individuals were not tracked down on the basis of their testimony to Census takers, the aggregate information would provide a clearer picture of the size and distribution of the undocumented population and thus provide the first detailed guide to the deployment of INS agents and attentions. On the other hand, there were worries among those concerned with the cooptation of government monies that any undercount of low income workers would reduce available funding for community programs and the like.

The result of these conflicts has been sharply contested Census counts. Some community groups and local governments, such as New York City, have in fact attacked the counts as understating actual population (and thus detrimental to community or city demands for Federal subsidies and programs). While it is difficult to know exactly what the accuracy of the Census is, it is clear enough that the State continues to be very uncertain about the size, distribution and composition of the immigrant sector of the working class – and therefore remains hampered in its ability to develop more effective regulatory approaches.

**1980**

While government discussion of immigration control continued throughout 1980 in a fairly disorganized manner, immigration militants pressed forward during this period gaining some important ground. Along with strides in international organization the most important advances were in the use of courts to block repression and to force concessions from the State.

In the area of international coordination a coalition of pro-immigrant worker groups organized the First International Conference for the Full Rights of Undocumented Workers. The Conference, held in Mexico City in April, brought together representatives from major independent Mexican and American unions and various groups involved in the struggles of the undocumented for the sharing of information and of experience of struggle. This led to the formulation of a “Bill of Rights for Undocumented Workers” and to the creation of a permanent international coordinating committee.

During 1980 the issue of *refugee* workers made headlines with the influx of several thousand Cubans into Florida. At the same time there was a surge of refugees from Haiti. The sharp difference in treatment of these two groups by the US government, coupled with immigrant militancy, led to an important judicial decision. The generally favorable treatment accorded the Cubans, despite the illegality of their arrival, was, of course, a function of the US government’s desire to maximize the propaganda value of the arrival of “persecuted freedom fighters” fleeing *communist barbarism*. (Only later were some of these “freedom fighters” identified as criminals and misfits.) The harsh, summary attempts to quickly deport the Haitian refugees into the hands of the repressive “Baby Doc” Duvalier regime was, conversely, the result of the US government’s support of Duvalier[[3]](#footnote-3) and its aversion to the admission of refugees from *capitalist barbarism*. Fortunately for the Haitian refugees, groups in the US who have been helping such refugees gave them support and legal aid. One of these, the Haitian Refugee Center, filed suit in Federal court to stop INS mistreatment. On July 2, 1980 District Judge James King issued an important hard-hitting, 180-page decision in favor of the Center’s suit. His decision detailed the systematic abuses of due process and other rights by the INS during that agency’s “Haitian Program” of speeded-up deportation proceedings begun in mid-1978. By accepting expert testimony on political repression in Haiti and analyzing it carefully, Judge King’s actions amounted to a court decision that the INS “should not be allowed to freely ignore human rights violations simply because the United States may have favorable diplomatic relations with the country in which they occur.” It was a judicial opinion that echoed the widespread criticism of Carter’s “human rights” policy as being hypocritical and geared more to bolstering the seriously weakened, post-Watergate “prestige of the presidency” than to thwarting oppression abroad. Not surprisingly, the INS appealed this decision. While the case is being fought out in the courts, thousands of Haitians continue to be held in “detention camps” in five states and Puerto Rico.

This battle was a key one in the widening conflict over the distinction between “political” versus “economic” refugees. The utilization of this distinction has played an essential role in limiting immigration to the United States. Without such a distinction, under past and present US refugee policy, the government would be forced to admit vast numbers of workers leaving the poverty-ridden regions of the capitalist global factory and moving to more favorable terrains of struggle in regions with higher standards of living. Under these conditions the planning and management of the international allocation of labor would be impossible.

Of course, from a worker’s, especially an immigrant worker, point of view, the distinction is absurd and pernicious. Hierarchical divisions between and among the waged and unwaged have always been one of the most fundamental means of capitalist command over the working class – on every level within the global social factory. Command via economic organization is central to class politics. Worker struggles against economic hierarchies (e.g., immigration) are therefore political acts as well as economic ones.

This long-standing distinction, however, has become central to the Reagan Administration’s efforts to justify its continued mistreatment not only of Haitian but, more recently, Salvadoran and other Central American refugees fleeing US-backed death squads in their countries. Sometimes, as in the case of Haiti, long-standing police state repression is so well-known that this point does not have to be made – Haitian refugees are political ones by any standard. In more recent cases, e.g., the Reagan Administration’s covert support for military, police and paramilitary terrorism in Central America, this is less well known and has required considerable efforts at public education – efforts that have been facilitated by such flagrant public acts as the assassination of Archbishop Oscar Romero in March 1980 as well as revelations of the December 1980 rape and murder of American Nuns by the Salvadoran military. Not surprisingly, information about such attacks on religious figures not only spread knowledge and understanding of the situation facing refugees from those countries but began to provoke direct aid in a growing number of US communities. (See below on the emergence of a “sanctuary movement” in 1982.)

During the same period as the conflict over INS treatment of Haitian refugees, undocumented multinational workers were pressing a more aggressive court battle to meet their own needs in a very different area: the education of their children. On July 21, 1980 Judge Woodrow Seal of the Federal District Court for the Southern District of Texas issued another long, detailed decision favorable to immigrant workers. In this case, the 87-page opinion supported an injunction against the State of Texas in favor of the rights of these children to free access to public education. The injunction blocked the exclusion of these children by a state law restricting access to public education to those “lawfully admitted” into the United States. When the State of Texas successfully appealed to the Fifth Court of Appeals for a stay on the decision, the children’s case was appealed to the Supreme Court. Justice Powell vacated the stay, allowing the District Court’s decision to stand, and the estimated 20,000 children to be admitted to school. On February 23, 1981, the Fifth Circuit Court upheld the District Court decision. Texas is now appealing to the Supreme Court.

During the summer and fall, Ronald Reagan made immigration an issue in the presidential campaign in an attempt to appeal to important business interests in the Southwestern part of the United States. His major, substantive position was a promise to launch a massive new temporary guest worker program for the admission of hundreds of thousands of low paid laborers under strict government and employer control. This was the opening shot in a new round of official attempts to find ways to control immigrant workers.

**1981**

Reagan’s inauguration ushered in renewed State efforts to capture the initiative in dealing with immigrant workers and of continued efforts by immigration militants to weave stronger networks of mutual support.

The State offensive began with the decision on January 15, 1981 by the US Attorney General to lift restrictions on factory raids to uncover and seize undocumented workers. This was quickly followed on February 2nd by Secretary of Education Terrel Bell’s revocation of federal requirements for bilingual education in public schools. On February 27th, in anticipation of the report of the Congressional Select Commission on Immigration and Refugee Policy, Reagan appointed his own Task Force to evaluate the Commission findings and make further recommendations. During this same period the White House was also hard at work on its supply-side budget proposals that would attack consumption and living standards not only of immigrant and Chicano workers, but of low income American workers in general. Those budget proposals, which emerged as the major domestic American political issue in 1981, formed the menacing backdrop and context for the less widely discussed immigration issue.

When the Select Commission issued its final report on March 1st, it confirmed earlier announcements that its recommendations would follow in the path of the Carter Plan by calling for increased attempts to exclude undocumented workers. On the one hand, it recognized the need for an increased supply of labor. Along with an increase of annual legal immigration from 270,000 to 350,000, it called for amnesty for undocumented workers “who illegally entered the United States or were in illegal status prior to January 1, 1980.” (This included a higher percentage of workers than the Carter Plan that set the date at 1970.) Although the Commission did not recommend (as some expected) a large-scale extension of the temporary worker program (H-2), it did call for its “streamlining” and did not oppose its extension.

On the other hand, it favored a heavy crackdown on everyone else. The Commission called for rounding up and deporting all the undocumented not eligible for amnesty. This was to be accomplished in two ways: first, through increased funding of the INS to expand personnel and equipment (sensors, helicopters, etc.) in order to step up border patrols and interior round-ups; second, the requirement of a “more secure” identification system coupled with legal fines and sanctions against employers who fail to demand and verify such identification as a condition for employment.

Congressional response to the Commission report was quickly forthcoming. Senator Alan Simpson, who served on the Select Commission and is now Chairman of the Senate Immigration Subcommittee, and Representative Romano Mazzoli, Chairman of the House Immigration Subcommittee, scheduled joint hearings to keep up the momentum toward immigration law reform. Simpson’s outspoken comments on the Select Commission’s report have made clear that he is afraid continuing immigration from Latin America, and the failure to undermine bilingualism, will lead to the erosion of the “the unity and political stability of the nation.” These sentiments echo those expressed earlier by Secretary of Labor Ray Marshall (see the text of Flores’ pamphlet included in this issue). Simpson is also afraid of what we call the “circulation of struggle”. Commenting on the difficulty of integrating Hispanic immigrants, he worries, “they may create in America some of the same social, political and economic problems which existed in the country which they have chosen to depart.”

Before the end of March, Senator Walter Huddleson and eight other Senators, unwilling to wait for White House sponsored legislation, or for hearings, introduced their own bill that called for restricted immigration and doubling the size of the Border Patrol for increased enforcement. Representative Robbin Beard introduced an identical bill in the House.

As early as April the Reagan Task Force began to talk about its own ideas, adding to the growing debate. Although its final report did not appear until July, it made an early announcement of its recommendations. Among the first of these was the suggestion, already implemented in the case of Haitian refugees, of interdicting refugees on the high seas – a step without legal precedent in the United States and contradictory to the US position on the Vietnamese Boat People. The policy was clearly designed to outflank Judge King’s decision in mid-1980 that had gone against the government. This strategy of bypassing and subverting due process – in response to its successful use for the protection of immigrant workers – emerged as a principle thrust of Reagan immigration policy. When White House legislative proposals were revealed in October, a central element was a plan to restrict the right of appeal to Federal courts in immigration and refugee cases. David Carliner, chairman of an American Bar Association Committee on Immigration Law, caught the formal essence of Reagan’s proposal when he commented, “What they want is uninhibited executive power.” The class content of the move can be characterized as an attempt by the State to shift the terrain on which battles over immigration are fought from one where workers have a chance of winning (the courts) to one where workers would be almost powerless (armed Coast Guard cutters at sea) and without the support of lawyers or community. It is one more example of the willingness of the capitalist class to disregard its vaunted legal processes when it suits its class interests and of the limits to the working class’ ability to achieve its goals through judicial processes.

Several other recommendations of the Reagan Task Force announced during the Summer of 1981 followed the direction set by the Select Commission: limited amnesty, employer sanctions, improved ID cards and expanded enforcement via increased funding of the INS and the Border Patrol. Where it differed from the Select Commission was in its advocacy of a mere “pilot program” of temporary guest workers (100,000 over two years). This recommendation was a scaled-down version of the Reagan’s campaign promise to Southwestern businessmen. Finally, the Task Force made a token gesture to Mexico and Canada by calling for a doubling of ceilings on legal immigration (20,000 to 40,000).

Responding quickly to the Task Force report, the Reagan Administration put forth its proposals – incorporating some of the report’s recommendations while rejecting or modifying others. The Reagan Plan, which was later formalized in the White House proposed “Omnibus Immigration Control Act” (S 1765), contained the following central provisions:

1) Expanded enforcement – to be obtained by a $75 million increase in INS funding, employer sanctions (fines), employee sanctions (fines and jail terms for using fake ID), reduced judicial appeal and increased executive power to not only interdict refugees on the high seas but to close ports and harbors to US citizens during “immigration emergencies.” About the only repressive measure rejected by the Reagan Plan was the institution of a new identification system.

2) Limited amnesty – the Reagan Plan adopted this now commonplace recommendation (included in the Carter Plan, the Select Commission report and the Task Force report) but slapped on severe and arbitrary conditions. These included a ten-year wait by applicants for permanent residency, regular registration, an English language requirement, no rights to family reunification and no welfare, food stamp or unemployment benefits.

3) A pilot guest worker program – essentially the same as that recommended by the Task Force: 100,000 workers over two years to be employed in designated areas and industries.

4) Doubling of legal immigration ceilings for Mexico and Canada.

This new flurry of official activity and proposals did not go uncontested. The Select Commission report, the Task Force recommendations and the Reagan Plan were all subjected to detailed critique and widely attacked by groups concerned with immigrant civil rights.

The revocation of requirements for bilingual education was immediately blasted by Hispanic groups pointing out Department of Education studies that estimated there are some 3.5 million children who speak little or no English and would “face a severe learning handicap” without bilingual teaching. Hispanic members of the Texas state legislature immediately drew up new legislation to counter the Reagan Administration’s actions

Proposals for increasing national or global immigration ceilings have been termed ridiculously inadequate in an historical period when the percentage of foreign-born United States residents has never been lower and there is such a tremendous backlog of unprocessed applications for family reunification. The Reagan Plan in particular has been attacked for abandoning the traditional preference for family reunification in favor of conditions tailored to immediate labor market requirements.

The selective provision of amnesty has been attacked as ineffective and too restrictive – ineffective because most undocumented, including those who are eligible, will fail to come forward for fear of deportation, too restrictive because the large numbers of seasonal and short term migrants will be discriminated against because they do not maintain “continuous residency”. Again, the Reagan Plan has been attacked most severely in this regard because of its unusually stiff requirements and long ten year period of waiting which would produce, it is claimed, an even weaker and more exploitable sub-class of workers than already exists.

Although there was relief that the Select Commission refused to call for an extension of the H-2 temporary workers program, Reagan campaign promises threatened exactly the opposite. While the Task Force report and the Reagan Plan proposals backed off from the huge program Reagan had originally proposed, they nevertheless called for a first step in that direction: a pilot program. This move has been unanimously rejected by all but those capitalists who stand to benefit directly. Among immigration militants, programs such as the American *bracero* and Western European *gastarbeiter* programs are rejected because they have produced large groups of systematically exploited, often virtually “indentured” workers. Among capitalist policy-makers, those who have studied the programs, especially the European experience, have discovered not only exploitation (which they either ignore or abhor depending on their personal attitudes) but, more importantly from their point of view, *unworkability*. They have discovered one of the basic points which we address in this issue of *Zerowork*: immigrant subjectivity that has often ruptured capitalist control. A favorite quote among these critics of guest worker programs is from Swiss author Max Frisch who said, “We asked for workers, but human beings came.”[[4]](#footnote-4) In Marxian jargon we might restate this as “We asked for labor power (working class in-itself), but found ourselves saddled with a bunch of people (working class for-itself) whose demands we could not meet and whose struggles we could not contain.”

Most vociferously attacked are the repressive plans to increase enforcement. Constant in all these proposals has been the call for expanding INS personnel and equipment to facilitate raids and round-ups in work-places and communities with large numbers of minorities. These tactics of terrorizing the whole immigrant community to ferret out undocumented workers are uniformly denounced as constituting police state repression.

A second element of increased enforcement, the imposition of employer sanctions (with or without a new identification system) has also been vehemently rejected by groups such as the League of United Latin American Citizens, the Midwest Coalition in Defense of Immigrant Rights, the International Coordinating Committee and the National Center for Immigrant Rights. Opposition to employer sanctions comes not from any misplaced concern with possible costs to employers (the source of business objections) but rather from the certitude that employers will tend to check minorities more than Anglos – partly from racism and partly because the check is only required at times of employment changes and low-income minorities change jobs much more frequently than others. Among both those opposed to such sanctions, and those who favor them, it is also generally agreed that the actual proposals will be ineffective in dissuading employers from hiring undocumented workers because the penalties are too weak (small fines and no criminal charges). The demand for individual identification through computer systems and counterfeit-resistant cards is seen as also leading inevitably to discrimination against minorities, great difficulties for some low-income legal residents to obtain such necessary documents as birth certificates and, in general, to the infringement of civil rights (especially the right to privacy from unwarranted government surveillance).

To the objections raised against such proposals since the time of the Carter Plan must be added those against Reagan’s new attempts to outflank the courts by interdiction at sea, the limitation of judicial appeal and the barring of US citizens from ports, harbors or airports used for deporting undocumented workers. These actions, as we have pointed out above, were originally aimed mainly at Haitian refugees but are being applied to others, e.g., Central Americans. These proposed methods are, it is claimed, not only police state in character but in violation of the due process guarantees of the US constitution, of American treaty obligations and of international law. Details of these charges can be found in a memorandum by Amit A. Pandya for the National Center for Immigrant Rights. For example, Pandya points out that the United Nations’ protocol relating to the status of refugees – to which the US government is a party – provides that “no contracting state shall expel or return a refugee in any manner to the frontiers or territories where his life or freedom would be threatened.” (Article 33) This is obviously the case with Haitian refugees and has been officially attested to by Judge King’s 1980 decision. Not only is Reagan’s policy a violation of the protocol, but as Pandya points out, it amounts to the enforcement of Haitian emigration laws which require an exist visa. In this area we can see that the national distinction between the US and Haitian States has been dissolved in favor of an international accord for the control of worker movement.

Resistance to these proposals was organized in a variety of contexts during 1981. For example, the Fourth Annual Legal Conference on Immigration held in Washington, March 26-27, reviewed and critiqued the Select Commission report. In response to the Task Force report and the Reagan Plan a larger and more militant meeting was called in August by the National Center for Immigrant Rights. It brought together representatives from some 93 organizations to analyze these proposals and to discuss possible responses. Along with the kind of critiques we have surveyed above, the meeting produced an important organizational response: the creation of a National Immigration and Refugee Network to link the participating groups and of a permanent steering committee to monitor State actions, circulate information and coordinate efforts among groups from different parts of the country. When the Steering Committee subsequently met in Arizona in December it not only continued discussion of the Reagan Plan and reactions to it, but called for the organization of demonstrations against the Plan to be held in May 1982.

To conclude, as 1981 drew to a close, there was continuing fierce debate around immigration policy. Within capitalist policy circles there was disagreement over the wisdom and likely efficacy of the Reagan Plan. Among militant immigration groups there was increasingly coordinated opposition to the kinds of proposals being made. This constellation of forces would produce new twists on this particular front of the class war in 1982.

**1982**

In the spring of 1982, there have been two important developments in State initiatives around immigration. The first was the sudden step-up in immigration raids and deportations under the rubric “Operation Jobs”. In this five-day blitz the INS pinpointed and raided particular employers of undocumented workers in a number of cities across the US arresting several thousand workers. In what was clearly a major propaganda effort the INS announced that it was raiding only those employers who were paying “high wages” and that it was doing so with the aim of opening up those jobs to American workers. The raids were thus carried out with great fanfare, public announcements of the companies raided and subsequent attempts to give the impression that many jobs had been created. Two comments: first, this was just a variation on the long-standing policy of trying to pit domestic workers against foreign workers by blaming the latter for unemployment; second, although many American workers showed up in the days following the raids, it appears that in general the so-called “high wages” were much lower than expected and upon closer examination American workers frequently rejected the jobs. Information on these results is anecdotal and gleaned from newspaper accounts but lends credence to the argument that undocumented workers are generally occupying jobs which American workers will not take.

The second important development in State planning in 1982 was the introduction in March by Senator Simpson and Congressman Mazzoli of identical immigration bills (S.2222/HR.5872) in the Senate and House. Their Immigration Reform and Control Act of 1982 is a modification of the Reagan Plan that appears to take into account several of the objections made by other policy planners. The most important of these changes are the following:

1) The bill further tightens the Reagan Plan’s enforcement provisions by calling for the creation of an improved identification system and for increasing the severity of penalties for employers who hire undocumented workers.

2) The bill abandons the proposal for a 100,000, two year program of guest workers, but does call for the “streamlining” of current H-2 procedures.

3) While easing up somewhat on amnesty provisions, the bill also creates a new category of preferred immigrants: those able and willing to invest $250,000 or more in the US.

Stringent controls for workers, an open door for capitalists. The class logic here is absolutely transparent.

The bill retains the overall outlook of the Reagan Plan in its emphasis on repressive enforcement. Not only does it retain the Reagan Plan proposals to beef up the INS and to outflank the judiciary, but it calls for the creation of a new system of administrative adjudication comprised of an appointed immigration board and some seventy administrative law judges – a specialized judiciary outside the normal circuits of the American legal system. It also calls for speeded up changes in procedures that would dramatically reduce the ability of an immigrant worker to find a lawyer or prepare their briefs in deportation or asylum cases. The details of these changes are complex. The best summary and analysis of the provisions of the bill can be found in another memorandum prepared by the National Center for Immigrant Rights. For our purposes, the above examples are enough to show that the Simpson-Mazzoli bill contains most of the more pernicious provisions of all previous proposals. The only major exception is the awarding of emergency presidential powers provided for in the Reagan Plan that would allow interdiction on the seas and the closing of ports. In short, it is a piece of very repressive legislation whose passage would provide the legal basis for a new period of State repression.

Faced with this piece of legislation, which seems to embody a wider consensus of capitalist policy makers than any other recent proposal, immigration militants must now try to mobilize the kind of united action that helped defeat the Carter Plan in 1977. The prospects for blocking Congressional approval are unclear. As usual support and opposition is uneven among public groups and Congressional coalitions. Some of the opposition comes from those who desire greater restrictions, some from those fearful of more repressive alternatives. Regardless of whether this particular bill is passed or defeated, it is clear that the struggles around immigration will continue and intensify. Those individuals and groups linked to immigrant workers in their struggles will have to continue to build strong networks both to fight against government policies and to fight for alternative approaches to the problems of immigrant workers. One such alternative is discussed below.

**An Aggressive Alternative Consensus?**

During the period 1974-1977, the first four years of attack on undocumented workers that culminated in the Carter Plan, after a period of aggressive and militant struggles, the State had clearly taken the initiative. The initial defensive character of worker and community responses began to change as militant groups forced several unions to actively recruit undocumented workers and as undocumented workers launched and won their first strike in the lemon groves of Maricopa County, Arizona in 1977. The defensive mobilizations against the Carter Plan were massive, national and successful. Since the defeat of that Plan, organization, discussion, academic studies and political debate continued both in support of new demands by the undocumented and in reaction to renewed government offensives.

A close examination of initial reactions by concerned groups to the various recent proposals reveals a much more developed level of analysis than the reactions to the Carter Plan. Whereas in 1977 most statements and conference-passed resolutions expressed indignation and anger, demanded a recognition of the civil rights of the undocumented, or, on the Left, enunciated general condemnations of American imperialism, current statements go beyond these essentially defensive reactions and point to some basic principles of an aggressive working class position on immigration.

What are these basic principles? They are to be found in the repeated demand that instead of trying to control the movement of workers in the labor market, the State should control the conditions of work at the point of production and in the community (a sphere of reproduction). The problem is not that immigrant workers drive down wages. The problem is that the State does not prevent them from being lowered below acceptable levels. For example, the Midwest Coalition in Defense of Immigrants states in its reaction to the Select Commission report, “The millions expended in this project should be directed at enforcement of the [existing] labor laws which seek to protect all workers.” Similarly, an International Coordinating Committee message to the Select Commission included, “They should take the money that would be spent on establishing a national ID card system and employer sanctions law and instead spend the money to train workers in marginal jobs and to enforce existing labor laws which go ignored.” The Center for the Study of Human Rights at Notre Dame University prepared a study on “Alternatives to Employer Sanctions” which reviews the existing legislation and programs of worker rights and protection (such as the Fair Labor Standards Act, the National Labor Relations Act, etc.) and argues that their extension and strict enforcement would “reduce both the exploitative working conditions of undocumented aliens and the economic incentive for hiring them.”

In its response to the Reagan Plan, the National Center for Immigrant Rights wrote, “We believe that insofar as the relative exploitability of undocumented workers has an adverse effect upon society, the remedy can lie only in full protection of labor rights, wages and working standards of all workers regardless of status.” They also state, “. . . the answer to the sweatshop program is a serious and all-out effort to organize workers, regardless of status, so that they may themselves struggle for decent wages and working conditions, and . . . vigorously enforce all labor-protective laws relating to wages and working conditions.” Although the Reagan Plan proposed to increase labor-protective enforcement by some $6 million, the Center document points out that this is an increase of a proposed budget in which the Wages and Hours enforcement program had already been totally eliminated. It was thus a meaningless pittance. (This, of course was not surprising for an administration ideologically dedicated to reducing any and all regulations costly to business or refusing to enforce them.)

Perhaps the most general formulation of this approach is set out in Michael Piore’s *Birds of Passage: Migrant Labor and Industrial Societies* (1979) which states that control over immigration should be sought through control over the demand for labor. If wage and working condition standards are enforced, he argues, the market for cheap labor can be eliminated. Those immigrant workers who do get jobs will no longer be subject to exploitation with low wages and bad conditions.

These various demands, taken together, constitute a new approach to focusing struggles around undocumented workers. This approach is aggressive, one that advances workers’ basic demands, not for work or jobs per se, but for income under the least obnoxious conditions possible. This is an approach that is in harmony with wage demands of all levels of the wage hierarchy. Just as the existing level of enforcement of the minimum wage and OSHA rules, together with the level of social services and income provided to the unwaged (e.g., Aid to Dependent Children, health care, and legal aid) set a floor under the wage hierarchy, strengthening every level (and are therefore under attack by the Reagan Administration), so too would expanded and reinforced enforcement greatly strengthen the class as a whole.

Thanks to a fairly recent, but little known experiment by the Department of Labor, we now know that it is technically feasible to implement a policy aimed at the enforcement of labor laws in the industries that employ undocumented workers. In the period 1978-1980, at the behest of then Secretary of Labor Ray Marshall, the Department of Labor designed and implemented an “Employers of Undocumented Workers Project” targeting businesses in several cities around the country. According to Marshall, the experiment was a technical success that not only saw improved enforcement of wages, hours and working condition laws but also the collection of some $13 million in back pay for undocumented workers. There were, however, two problems that, according to Marshall, prevented the generalization of the program to the country as a whole. First, it would be so expensive to expand the ranks of the 1,000 OSHA and 4,000 Wages and Hours inspectors sufficiently to cover an effective proportion of the 8 million odd firms in the United States that Congress would never fund it. Second, because targeting, even in an expanded program, depends to a large degree on the complaints of workers, illegal undocumented workers are the last to complain. Therefore the proper functioning of this approach would require their legalization and their acquisition of the same rights as other workers. Because of the likely business and Congressional opposition to such changes, Marshall concluded the approach was infeasible. He went so far as to say that if actually implemented it would be “the biggest attack on business since they were forced into collective bargaining with industrial unions in the 1930s.”

Opposition is only to be expected. Marshall was right; the implementation of such a program would obviously constitute the most massive limitation on the ability of business to exploit labor since at least the New Deal and perhaps even since the 10-hour Act of 1847. But business and Congressional opposition neither make such a program less desirable nor should it make it less worthy of attempts by workers to achieve it. Marshall’s experiment shows such a program *can* be implemented effectively, it only requires that we organize sufficiently to force its adoption – as did the workers of the 19th Century who demanded and fought for reduced working hours and those of the 20th Century who fought for and achieved collective bargaining and occupational safety and health legislation. Because such a program is reasonable and in the interests of labor as a whole, opposition to it will appear as unreasonable and easier to fight.

Other objections to such an approach include the argument that successful implementation of labor standards would reduce the demand for higher priced labor. Either increased labor costs would induce mechanization (as in the case of farm workers presently), thus eliminating jobs, or they would force some firms to close down or move out of the United States to lower labor cost Third World countries, e.g., across the border into Mexico. The threats of mechanization, or of closed down or runaway shops are very real and very familiar tactics that have been used by business to fight the demands of all kinds of workers, from the fields of the Texas valley to the auto plants of Detroit. The basic principle of any worker response must be that capitalist restructuration should not be allowed to take place at workers’ expense. In other words, displacement of workers should be accompanied by compensation that maintains their real income level – whether through other jobs, early retirement with pensions or monetary payments, depending on worker preferences. At the same time, what is true locally is true globally: the ability of better organized workers to achieve their goals will always be limited by the ability of business to have recourse to those less well organized. Therefore, an essential part of any strategy must be the strengthening of the weakest segments of the working class – those sought out for exploitation by those runaway shops.

Politically the issue is not one of principles, it is one of the strategy and organizational forms best suited to obtaining the desired ends. The imposition of the above policy principle would certainly involve a profound realignment of power relations between labor and business. The struggle for its recognition requires a strategy that moves across a broader front than is immediately apparent.

The ability of waged workers to struggle is conditioned by the power of the unwaged – whose income and security sets a floor under the wage hierarchy. Therefore, in order to achieve demands such as those for better wages, better working conditions and shorter hours, it is necessary to simultaneously achieve demands for unwaged income such as welfare, food stamps, health care, educational scholarships, housing and so on. A number of widely recognized studies have made clear that the undocumented pay far more in taxes than they receive in benefits. This observation provides support for aggressive demands to expand their access to services – demands such as those in the Texas school case.

Under present circumstances, when the fundamental thrust of the Reagan Administration economic policy is to undermine unwaged income [See Cleaver 1981 and Bell and Cleaver in this issue] in all its forms, it is imperative that the struggles of immigrant workers for access to such income join with others who are attempting to thwart Reagan’s plans.

Let us suppose for a moment that immigration legislation such as the Simpson-Mazzoli bill can be defeated, and that these elements of a new strategic approach to immigrant struggles lead to successful changes in labor law and its enforcement. What then?

It seems likely that success in forcing up wages, improving working conditions, enforcing various labor codes and raising unwaged income would reduce, perhaps even eliminate many jobs. Fewer jobs at the bottom of the wage hierarchy might mean fewer jobs for immigrant workers and greater demands for education and welfare. An open border under these circumstances would certainly experience more rather than less migration as access to income in the US expanded even further beyond that available in Mexico and other Third World countries. This likelihood compels us to confront the question of global disparities in income and standards of living.

Most observers of immigration, regardless of whether they place their emphasis on “push” or “pull” factors, recognize that workers move over a differential, and that one reason that immigration to the US is large is because income and standards of living are so low elsewhere. This had led many recent commentators to recognize that raising incomes in source countries is necessary to reduce the differential that leads to migration. Leftist commentators go beyond this to denounce the role of the United States in creating and maintaining underdevelopment through its imperial policies. But we must go beyond both observations and denunciations of domination to the organization of struggle.

Immigration will cease to be a problem only when the international circulation of social struggle has eliminated disparities in standards of living and created a situation in which people move freely without any economic compulsion. Immigration, more than any other aspect of the current crisis, points up the international character of today’s working class and the fact that it is only the international circulation of the struggles of the class that can put an end to the present situation. Denunciation accomplishes little. Foreign development aid usually makes matters worse by reinforcing the structures of power. What we have to do is analyze all the present and emerging forms of struggle (migration itself, legal battles, militant demonstrations, international coordination of American and Mexican workers and community groups, etc.) to determine how they need to be modified and expanded to take account of the changing class composition and to speed up the circulation of working class experience and power across national borders. Whether these measures, or some other measures, yet to be developed, prove most efficacious, such international action is an inescapable requirement for the success of national efforts.

There are many organizations actively involved in the struggles of undocumented workers. There are unions, community groups, ethnic groups, legal organizations and so on. There are many kinds of programs underway. There are educational efforts aimed at the workers themselves. There are attempts to educate the broader public. There are legal suits being fought in the courts. There is a kind of widespread division of labor within the movement around immigrant workers in which some groups and individuals deal with some problems, other groups and individuals focus on different issues. In 1977 most of these separate efforts came together in a successful campaign to block the Carter Plan. Today, in the first years of the 1980s more is required than another regrouping to block the Reagan Plan, or Simpson-Mazzoli. Time has passed. Thinking and experience have developed. There are now at least some signs that a deeper, more creative consensus may be possible. In the late 1950s the black community coalesced around the demand for civil rights. In the late 1960s students came together against the War in Vietnam, Mexicano struggles for labor and civil rights expanded beyond the agricultural sector to embrace the Chicano community as a whole. Today business and governmental leaders are afraid that the Hispanic community (Chicanos, Puerto Ricans, Colombians, etc.) will coalesce into a “new civil rights struggle of the 1980s”. They are afraid that the dissatisfaction of immigrant Hispanics will spearhead that struggle. They are right to fear. Perhaps the new elements of understanding about the need to control jobs and working conditions instead of people, to control business instead of workers, can provide an orientation to struggle. The most powerful moment of both Black and Brown movements of the 1960s came as the demands for civil rights converged with demands for economic rights. Perhaps the greatest power of the whole Hispanic community will come when the struggles of immigrant workers for civil and economic rights are fused with those of other workers for the full extension and enforcement of income guarantees and improved working conditions – on the waged job and off. At that point the linkage of the various Hispanic movements complement and strengthen each other as irreducible moments of a larger class struggle to go beyond the present system.

Let us be clear. For the movements around immigration to reject the present capitalist system does not require that they espouse “socialist” or other Leftwing rhetoric and ideology. From the moment their demands imply an end to hierarchy, an end to the linking of income to work, an end to the subordination of life to endless work, their visions of possibilities have gone beyond both free enterprise capitalism and its state-controlled “socialist” counterpart. Moments of that vision already exist in present demands. The problem is to weld them together with the strongest organizational weapons possible.

1. NB: it was the CIA who overthrew the democratically elected government of Iran in 1953 – in response to the Iranian government’s nationalization of the oil industry and displacement of the Anglo-Iranian Oil Company (later renamed the British Petroleum Company) – and put Mohammad Reza Pahlavi, Shah of Iran, back in power. The overthrow has recently been celebrated in a book by the chief CIA operative in that coup: Kermit Roosevelt Jr., *Countercoup: The Struggle for the Control of Iran*, New York: McGraw-Hill, 1979. [↑](#footnote-ref-1)
2. However, some foreign students are waged, rather than unwaged, in the sense that their tuition, fees and living expenses are paid by their government as they train for jobs in their home country. Although not explicitly being paid wages for their work as students, such financial support serves essentially the same purpose. [↑](#footnote-ref-2)
3. “Baby Doc” took power in 1971, upon the death of his notorious father “Papa Doc” Francois Duvalier whose murderous paramilitary militia, the *Tonton Macoutes*, still operating under “Baby Doc” are thought to be responsible for thousands of rapes, murders and disappearances. The US government has systematically supported the Duvaliers’ reign of terror and ignored their endless human rights violations. [↑](#footnote-ref-3)
4. See, for example, Sylvia Ann Hewlett, writing in the elite foreign policy journal *Foreign Affairs*, Vol. 60, No. 2 (Winter, 1981), p. 370. [↑](#footnote-ref-4)