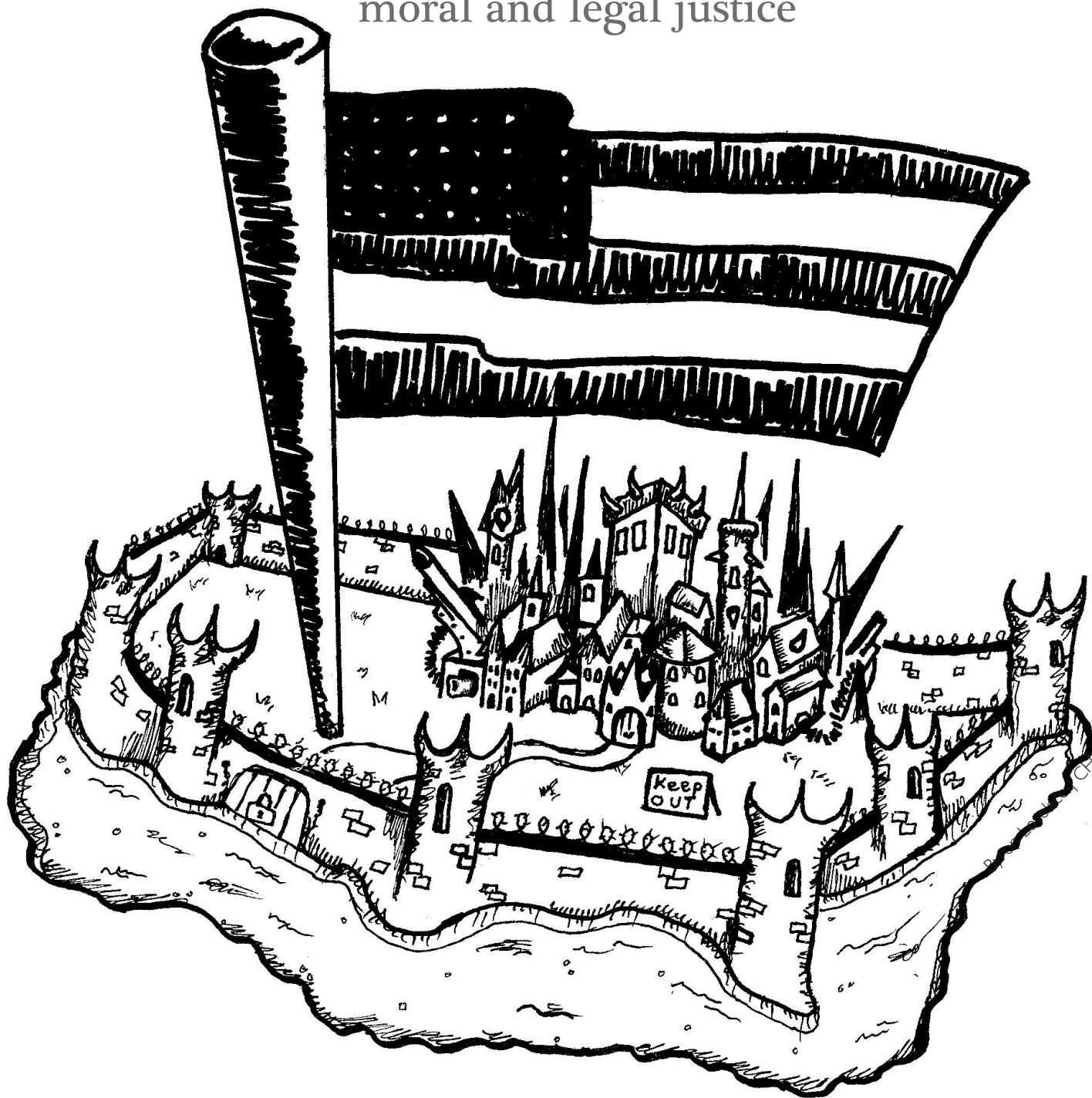


# Toeing the Line

Immigration legislation causes a stir as both sides scramble for moral and legal justice



By Alia Wilson & Daniel Zarchy

**N**o matter the color of their skin or the size of their wallet, Americans everywhere have their eyes on the immigration debate. In California, as well as other border states, this debate has become particularly heated.

While some argue that immigration reform must come with a guest worker program to provide necessary labor to California industries, others believe that immigration would be a drain on the economy and create a more dangerous atmosphere for native dwellers.

Due to the high number of immigrants in the agricultural labor force, the current immigration legislation under debate in Congress could have astounding effects on the state's economy.

Environmental Studies graduate student Ignacio Fernandez immigrated to California from Chile 15 years ago, and feels that the agricultural industry would suffer greatly as a result of any immigration reform.

According to Fernandez, tighter immigration control would decimate the blue-collar workforce and have detrimental repercussions throughout the state.

"You stop immigration, and this state will go bankrupt in a matter of weeks," Fernandez said.

Both of the two immigration bills in Congress propose a guest worker program that would allow immigrant laborers to find work in the United States.

Rep. Sam Farr (D-CA) believes that a guest worker program would bring some much-needed labor to the under-staffed Santa Cruz County agriculture industry from immigrants. He emphasized the importance of a legal and documented workforce, to encourage farm owners to hire more workers.

"We do have an agricultural labor shortage in this area. It's hard work; people don't want to do it. Wages are anywhere from nine to 12 dollars an hour. Many of these growers will give health insurance," Rep. Farr said in an interview with *City on a Hill Press (CHP)*. "They want their workers back. I find that there's a pretty good relationship between growers and laborers here."

Julian Posadas, executive vice president of the American Federation of State, County, and Municipal Employees (AFSCME), sees the current legislation plan as reminiscent of the Braceros program that allowed workers to be brought in from Mexico during World War II. He claims that employers mistreated the braceros, and when or if they disputed their wages or unsafe working conditions they were simply deported.

"My father was a bracero, and at the time the government was taking money out of their wages for pension," Posadas said. "He's 75 now, and he's asking, 'Where is my pension?' The government figured that [the braceros] would never come back to claim it."

However, Rep. Farr is confident that this time the guest workers will not be exposed to that sort of maltreatment.

"The Bracero program had a lot of problems, and this bill would make sure those problems won't exist," he said. "The labor organizations support this guest worker program because of the conditions in the bill that allow guest workers to join unions, to organize, to petition grievances, and guarantee that they do get benefits."

For many immigrants, gaining legal status is only half the battle, as workers often find it hard to earn a living wage once in the United States. A May 2006 *New York Times* study showed that Santa Cruz and Watsonville are among the costliest places to live in the country in terms of percentage of income devoted to mortgage payments. Residents here are feeling the effects.

Nick Gutierrez, a UC Santa Cruz janitor and custodian for almost 12 years, immigrated from Mexico with his mother and sister in 1969, four years after his father. He became a citizen in 1989 by naturalization, and currently lives in the Santa Cruz area.

"I have a wife and two kids, two teenagers. My wife also works, and between the two of us we make ends meet. You have to learn how to budget your lifestyle so you can afford to live here," Gutierrez said.

While many immigrants have trouble finding high-paying jobs, a number of native workers blame immigrant laborers for their willingness to work below market wage and lowering wages across the board. The Federation for American Immigrant Reform (FAIR) feels that immigration in general causes an overall drain on the average American family.

According to FAIR's website, immigration hurts the labor market and the economy, and has an annual cost of \$67-87 billion. "In short, the average native taxpayer is paying for immigration so that large companies can profit by employing immigrants in low-wage positions."

David E. Kaun, an economics professor at UCSC, felt that these types of charges did not tell the whole story.

"The real issue is that we are dealing with [immigration] as though it has had adverse effects on the U.S., and that is questionable," Kaun said.

UCSC economics chair Lori Kletzer also felt that negative public perception of illegal immigration is disproportionate to its actual economic effects, but also that the subject in general is not well-researched.

"When economists study illegal immigration, they find a small negative impact on low-skilled native workers, and a benefit to everyone else," Kletzer said. "There are those who claim that illegal immigrants are necessary for jobs that native workers will not do."

Of the two immigration bills being debated in Congress, the House bill, labeled the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, or HR 4437, includes specific sections detailing new policies to halt and criminalize undocumented immigration.

Rep. Jim Sensenbrenner (R-WI), who introduced the USA PATRIOT Act of 2001 as well as HR 4437, has come out strongly against any sort of amnesty or "adjustment of status," for undocumented immigrants living in America. The Senate version of the bill provides a tiered system to allow the adjustment of status for undocumented residents, based on how long they had been living in America.

HR 4437 passed through the House in December 2005, and the second, more liberal version passed the Senate in May 2006. The two committees are in the process of meeting to work on a compromise bill.

The process through which HR 4437 passed the House is also a source of contention. "[HR 4437 is] the worst-written piece of legislation," Rep. Farr said. "I was shocked that it passed, but I wasn't surprised the way they did it. They did it at three o'clock in the morning on a Sunday night a week before Christmas holidays."

Rep. Farr explained that many members of

the House assumed that because the bill was "so harsh," it would never pass the Senate. Also, because the president said he would never sign it, "[there were] a lot of members of Congress that just gave it a vote because they didn't think it was ever gonna get enacted into law," Rep. Farr said.

In the midst of this immigration debate, the Senate okayed the construction of a 600-kilometer fence along specified areas on the U.S.-Mexico border. These intended barriers are to serve as a deterrent to the thousands of immigrants who enter every month.

Nick Gutierrez views this legislation as a barrier for those trying to come into the country legally or obtain a green card after arriving.

"[HR 4437] won't affect me or my family, but it will affect friends. There are friends who are in the process of trying to get their green card, and this will only prolong their wait. These people come here for one purpose: to work, to make a better life for themselves," Gutierrez said.

Larry Trujillo, a Latin American and Latino Studies professor, feels that immigrants deserve protection to come to America and work.

"From what we see of immigration coming to our country, they are providing the backbone of the economy. We ought to have processes where they have the ability to do so. The two major pieces of legislation aren't going to accomplish that," Trujillo said.

Posadas believes that current immigration reform will have its biggest impact on people's attitudes toward immigrants, documented and undocumented. He felt that a bill such as HR 4437 would cause much more stereotyping, as every dark-skinned person will be labeled an "illegal Mexican immigrant."

Kaun agrees, and feels that the new legislation targets mainly Mexicans and other Latin American immigrants. "[With this new legislation], 'illegal immigrant' is a code word for Mexican," Kaun said.

Rep. Farr feels similarly and pointed out that the localized border security represents another controversial component of the bill. "There certainly is a racist side to it, because nobody's talking about the Canadian border, and [on the Canadian border is] the only time we've apprehended somebody with intent to do harm to Americans for terrorist purposes," Rep. Farr said.

Section 401 of HR 4437 requires, "The Department of Homeland Security (DHS) to report to Congress on the number of OTMs (Other Than Mexicans) apprehended and deported and the number of those from states that sponsor terror."

"There's a racist overtone to this whole issue," Kaun said. However, he was certain that HR 4437 would not pass in its current form, and that "If you want to speculate about it, you're writing science fiction."

Rep. Farr explained that the liberal members of Congress may have to concede some elements that would allow for the further prosecution of undocumented immigrants in order to secure items like adjustment of status and the guest worker program.

"Politics usually combines some good with some bad; politics is the art of compromise," Rep. Farr said. "You never get a perfect bill."

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