



Photo by David Bacon

How U.S. Corporations Won the Debate Over Immigration

By David Bacon | November 16, 2004

Editor's note: At the last U.S.-Mexico Binational Meeting on November 9, Secretary of State Colin Powell dashed hopes for an integral immigration reform in the near future. Delivering the line of the Bush administration, he made it clear that the negotiations would only include the Bush guest worker proposal, with no immediate prospect for regularization of the millions of Mexicans living in the United States. Mexican Foreign Minister Luis Derbez replied that Mexico "would take whatever's on the table." The following article explains why a return to a bracero-like guest worker program fits in with the corporate agenda for cheap labor but completely fails to resolve the problem of immigration and immigrant rights.

In 1947, after reading a newspaper article about the crash of a plane carrying a group of Mexican contract workers back to the border, Woody Guthrie wrote a poem, later set to music by Martin Hoffman. In haunting lyrics he describes how it caught fire as it flew low over Los Gatos Canyon, near Coalinga at the edge of California's San Joaquin Valley. Observers below saw people and belongings flung out of the aircraft before it hit the ground, falling like leaves, Guthrie says.

While the Coalinga Record carried the names of the pilot and Border Patrol agent on the flight, no record was kept of the workers' identity. They were all listed on the death certificates simply as "deportee." That became the name of the song.

Some of us are illegal, and some are not wanted,
Our work contract's out and we have to move on;
Six hundred miles to that Mexican border,
They chase us like outlaws, like rustlers, like thieves.



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Today, the word illegal is used to mean a person without immigration papers. But Guthrie uses it in the sense of an earlier era—of being excluded. To him, it means someone who is not a real resident of the place where he works, not part of a community, or accepted by the society around him.

For 22 years, an army of transient workers like these harvested America's crops, and for two years, laid its railroad tracks as well. At the time, being illegal and being a bracero, or contract worker, was practically interchangeable. The growers who sent these dozens to their death in a fireball were taking advantage of this fact. Workers caught without papers were often given the opportunity to be deported, and flown back to Mexicali, on the border. There they would be hired again, this time under contract. Some growers even dropped a dime on their own undocumented workers, bringing them back again as braceros, a process called "drying out wetbacks."

Bush's Proposal—the Bracero Program Revisited

Last February George Bush finally introduced his long-awaited plan for immigration reform. For three years, the administration raised expectations with compassionate-sounding, pro-immigrant rhetoric. But when the package finally arrived, it sounded depressingly familiar. It was, in fact, remarkably like the program recalled in Guthrie's song. It must have given a bizarre sense of *deja vu* to those few who remember the old practice of recycling deportees, to see even this return as a provision of Bush's new reforms.

The official bracero program, negotiated in 1942 between the U.S. and Mexican governments, was ended in 1964. Ernesto Galarza, a labor organizer, former diplomat and early hero of the Chicano movement, was its greatest opponent in Washington. But Cesar Chavez was also an early voice calling for abolition. Chavez later said he could never have organized the United Farm Workers until growers could no longer hire braceros during strikes. In fact, the great 5-year grape strike in which the UFW was born began the year after the bracero program ended. According to the UFW's Mark Grossman, "Chavez believed agribusiness' chief farm labor strategy for decades was maintaining a surplus labor supply to keep wages and benefits depressed, and fight unionization."

Guest worker programs in the United States never really ended, though. New laws created new visa categories, and among them are four that permit employers to bring

workers in for temporary labor. Some cover agricultural laborers and some cover skilled workers in healthcare and high tech. Employers complain about restrictions on all of them—on numbers, and requirements that they show that U.S. resident workers aren't available for the jobs they want to fill.

The Essential Worker Immigration Coalition

Until George Bush was elected, their complaints were largely dismissed as self-interested efforts to lower wages. But at the end of the 1990s, the country's largest employer associations formed a low profile, shadowy group to change that. And when the votes were counted (or not) in Florida, their fortunes began to change. As a result, Bush's recent immigration reform proposal has brought the old bracero experience closer to new life than it's been since Galarza killed the program in 1964.

The Essential Worker Immigration Coalition was organized in 1999, while Bill Clinton was still president. Its genesis is tied to one of the Clinton administration's most celebrated immigration enforcement plans, Operation Vanguard. For an entire year in 1998, the Immigration and Naturalization Service went through the employment records of every meatpacking plant in the state of Nebraska. Poring through the documents of 24,310 people employed in 40 factories, they pulled out 4,762 names. These individuals were sent letters, asking them to come in for a chat with an INS agent down at the plant. About a thousand actually did that. Of them, 34 people were found to be in the country illegally and deported. The rest, over 3500 people, left their jobs, whether for immigration reasons or just as part of normal turnover.

The INS declared victory, crowing that they'd found a new, effective means of enforcing employer sanctions—that part of the 1986 Immigration Reform and Control Act which makes it illegal for an employer to hire someone without papers, and a crime for an undocumented worker to hold a job. Nebraska's Governor Mike Johanns and the American Meatpacking Institute hit the roof. They accused the INS of creating production bottlenecks, and implied they'd been denied a necessary source of labor, if America wanted to continue eating beef for dinner.

And oddly enough, the INS agreed. In fact, one of Operation Vanguard's architects, Dallas District Director Mark Reed, boasted that year that the operation would force employer groups to support guest worker

legislation. “It’s time for a gut check,” he declared. “We depend on foreign labor ... How can we get unauthorized [undocumented] workers back into the workforce in a legal way? If we don’t have illegal immigration anymore, we’ll have the political support for guest worker.” Operation Vanguard, he predicted, would “clean up one industry and turn the [jobs] magnet down a bit, and then go on to another industry, and another, and another.”

There’s no question that many U.S. industries have become dependent on immigrant labor. The Pew Hispanic Center estimates that, in 2001, undocumented workers comprised 58 percent of the work force in agriculture, 23.8 percent in private household services, 16.6 percent in business services, 9.1 percent in restaurants, and 6.4 percent in construction. The Migrant Policy Institute reports that in 1990 11.6 million immigrants made up 9% of the U.S. workforce, and that by 2002, their numbers had grown to 20.3 million workers, or 14% of the workforce.

Nevertheless, Reed might have been a little ahead of his time, in thinking Congress was prepared to act quickly. But he did get industry thinking. In the operation’s wake, Sherry Edwards of the American Meat Institute said that while guest workers were a good idea, packers needed more than the old bracero program. “We need permanent workers, not seasonal laborers,” she said.

1999 was the year the AMI and a group of corporate trade associations, in industries employing large numbers of immigrant workers, introduced themselves to Congress for the first time. That November, the Essential Worker Immigration Coalition began lobbying for a new, greatly expanded guest worker program. Its rhetoric referred to immigrants as essential workers, and its proposals treated guest workers as the most essential of all. Industry faced a huge labor shortage, EWIC announced, and “part of the solution involves allowing companies to hire foreign workers to fill the essential worker shortages.” Quoting Alan Greenspan, EWIC even threatened inflation if those needs were denied. Meanwhile, the coalition denounced restrictions on existing guest worker programs as “unnecessarily tedious, time-consuming, expensive, and many times unsuccessful.”

The group quickly grew to include 36 of the country’s most powerful employer associations, headed by the U.S. Chamber of Commerce. The National Association of Chain Drug Stores belongs (think Wal-Mart, which has 2 members on the NACDS board, and was sanctioned for employing undocumented workers last year.) So do the American Health Care Association, the American Hotel

and Lodging Association, the National Council of Chain Restaurants, the National Restaurant Association, and the National Retail Federation—all of whose members depend on a workforce almost entirely without benefits, working at close to minimum wage. The violently anti-union Associated Builders and Contractors belongs—in 1992 its members fought a strike by undocumented immigrant drywall workers throughout Southern California for an entire year—along with its more union-friendly cousin, the Associated General Contractors. The American Meat Institute, of course, was there from the beginning.

The Clinton administration initially held out some hope for the EWIC program. Henry Cisneros, after leaving his job as HUD secretary, eventually to head the huge Spanish-language Univision media conglomerate, promoted a package immigration deal including guest workers. In an April 2000 meeting in Washington, he proposed that unions and immigrant rights groups, which were seeking amnesty for the undocumented, relax their opposition to guest worker programs in return for it. As those discussions moved forward during the 2000 campaign, farm worker unions and grower organizations agreed to a deal in which undocumented agricultural laborers would get a partial amnesty, and growers would get relaxation of some restrictions on the existing farm guest worker program, H2-A.

With George Bush’s election, growers walked out of those negotiations, convinced they could get a better deal. The Florida vote count gave EWIC hope as well. Bush fed those expectations, conducting a highly publicized series of meetings with Mexican President Vicente Fox over a set of immigration law changes described by then-Mexican Foreign Secretary Jorge Castañeda as “the whole enchilada.” This deal proposed the same trade-off—amnesty for a new guest worker program.



Photo by David Bacon

EWIC was a key player in these talks. An August 1, 2001 letter to Bush congratulated him on his “historic initiative” with Fox, and laid out a framework for the deal.” A temporary worker program that emerges from this debate should be markedly different from the existing and past models,” it urged. “Some of the workers who currently come from Mexico and other countries to work in the U.S. do so with the intention of returning to their home countries. It is reasonable then to construct a temporary worker framework that provides a role for such workers whose labor is needed in the U.S.”

Whether Bush could have ever forced the rightwing of the Republican Party to agree to an amnesty, or even wanted to, is a question for historians. After all, President Ronald Reagan signed the last omnibus reform bill in 1986, which traded amnesty for employer sanctions. Senators Phil Gramm and Jesse Helms, while fulminating over the prospect of legalization, seemed curiously friendly to guest worker proposals, and Helms even went to Mexico to discuss them.

In any event, economic recession and the attacks on the World Trade Center and the Pentagon changed everything. Immigrants across the board were scapegoated for terrorism generally. Over 40,000 airport screeners were fired from their jobs, and refused rehire because they weren’t citizens, as the federal government took over the baggage lines. Other immigrants were subjected to arbitrary screening and indefinite detention. In highly publicized raids, dubbed Operation Tarmac, the INS deported hundreds of fast food and service workers in airports. In 2003 alone, Social Security sent over 70,000 letters to employers listing over three-quarters of a million workers whose names and numbers didn’t jibe. Most companies interpreted those letters to mean that workers lacked immigration papers as well, and fired massive numbers of people.

In this new political climate, EWIC recast its proposals. Guest worker programs, it said, were actually a means to track the names and identities of those who otherwise would sneak across the border. Terrorists thus could be identified and pursued. “September 11 means we have to look at all these issues through the lens of national security,” said John Gay, EWIC co-chair and vice president of the International Franchise Association. “We live in a pool of migrating people, and we have to control people coming across the border.”

EWIC has always emphasized the economic benefits of guest worker programs. In 2002, however, it began to mount an ideological defense as well. EWIC joined forces

with the Cato Institute, the conservative/Libertarian think tank whose ideology frames much of the Bush administration’s legislative agenda. Asserting that “America’s border policy has failed to achieve its principal objective: to stem the flow of undocumented workers into the U.S. labor market,” a Cato Institute report authored by Daniel T. Griswold called instead for an “open, integrated labor market.” The key to meeting the demand for low-skilled workers, Griswold asserted, was legal immigration of a special type.

“The experience of the bracero program,” he alleged, “demonstrates that workers prefer the legal channel.” To open one up, a temporary work visa, “should be created that would allow Mexican nationals to remain in the United States to work for a limited period. The visa could authorize work for a definite period, perhaps three years, and would be renewable for an additional limited period.” About 300,000 visas should be issued at first, the institute suggested.

Guest workers with temporary visas would be able to get into line for eventual permanent visas after a few years of work. It’s a long line—an applicant today at the Mexico City embassy, with the lowest preference, has to wait 12-15 years to get a permanent residence visa. Undocumented people already in the United States would also be allowed to apply to become temporary workers, and eventually get into the back of the line. This substitute for amnesty would “dry out the wetbacks,” much as the growers were doing with those who perished in Los Gatos Canyon.

The Cato Institute report was issued on October 15, 2002, a year and a half before Bush finally made his proposal. When he did, the two proposals were identical.

The Cato Institute is bankrolled by the Sarah Scaife, Lambe and Koch Foundations, among other key funders of the conservative movement. Cato provided an important bridge to part of the corporate world that had less direct interest in immigration. In the last decade the institute has waged campaigns against tobacco, utility and pharmaceutical regulation, for privatization of government services, and has supported media consolidation. Rupert Murdoch, owner of Fox News, the New York Post, Harper Collins publishers and Twentieth Century Fox, has been a board member since 1997.

Cato’s ties to the media helped guest worker proposals achieve greater political legitimacy. The institute’s assertion that industries like meatpacking and tourism face a tremendous labor shortage, rather than a corporate

unwillingness to pay higher wages to attract workers, is treated as fact by much of the media. Likewise, its assertion that the bracero program was a humane institution has created an easily accepted, invented history.

Following the issuance of the Cato report, EWIC went to the hill to renew its push for guest workers, this time emphasizing the threat posed by the undocumented to national security. Saying that “authorities know very little” about the seven million people without papers in the U.S., it warned that while most just came to work, “those few who wish to do us harm find it easier to hide among their great numbers.”

No undocumented worker from Mexico or Central America has ever been connected with terrorism, and those who flew the planes into the World Trade Center and the Pentagon all came to the U.S. with visas. Nevertheless, an EWIC letter to senators asked, “How can the immigration status quo be tolerated?”

When President Bush finally issued his reform proposal in January, it contained no broad-based amnesty for the millions of undocumented workers currently in the U.S., unlike the compromise signed by Ronald Reagan in 1986, or the amnesty/guest worker deal proposed under Clinton. As the Cato report recommended, it focused entirely on establishing a new temporary worker program. The proposal was immediately greeted by EWIC and its member industry associations. The National Restaurant Association warned that restaurants faced “a worker shortage of 1.5 million jobs” by 2014, and praised the plan, which it said “would give employers greater opportunities to fill these jobs, grow their business and help grow the economy.” R. Bruce Josten, executive vice president of the U.S. Chamber of Commerce, was ecstatic as well, finding that Bush “makes an effort to streamline the process by which employers who cannot find U.S. workers may hire foreign nationals through temporary worker programs

while ensuring that the workers would have appropriate labor protections.” He too warned of dire labor shortages, and concluded that “expanded, practical temporary worker programs will help meet this need.”

EWIC and Cato were successful in getting support from the conservative wing of the Republican Party as well. Tom Delay announced that “it is vitally important this country have some sort of guest worker program. It is only fair to those here in the United States who need the workers and it is doubly fair to the families of Mexicans that need the work.”

Bush’s proposal, however, was not warmly embraced by immigrants themselves, even those who supposedly would benefit the most. In a poll conducted by Bendixen and Associates for New California Media and the James Irvine Foundation, 50% of the undocumented workers surveyed opposed it once its provisions were explained, while only 42% supported it. Renee Saucedo, director of San Francisco’s Day Labor Program, said that the city’s street corner laborers discussed the proposal extensively, and rejected it almost unanimously. “They feel that a temporary visa status would make them as vulnerable to exploitation as the undocumented status most of them now share,” she explained.

The organization of veterans of the bracero program, with chapters in both the U.S. and Mexico, was even more critical. “We’re totally opposed to the institution of new guest worker programs,” explained Ventura Gutierrez, head of the Union Sin Fronteras. “People who lived through the old program know the abuse they will cause.” One former bracero, Manuel Herrera, told the AP’s Juliana Barbassa that “they rented us, got our work, then sent us back when they had no more use for us.” Thousands of former braceros are still trying to collect money deducted from their pay during the 40s and 50s, money that was supposedly held in trust to ensure they completed their work contracts, but never turned over to

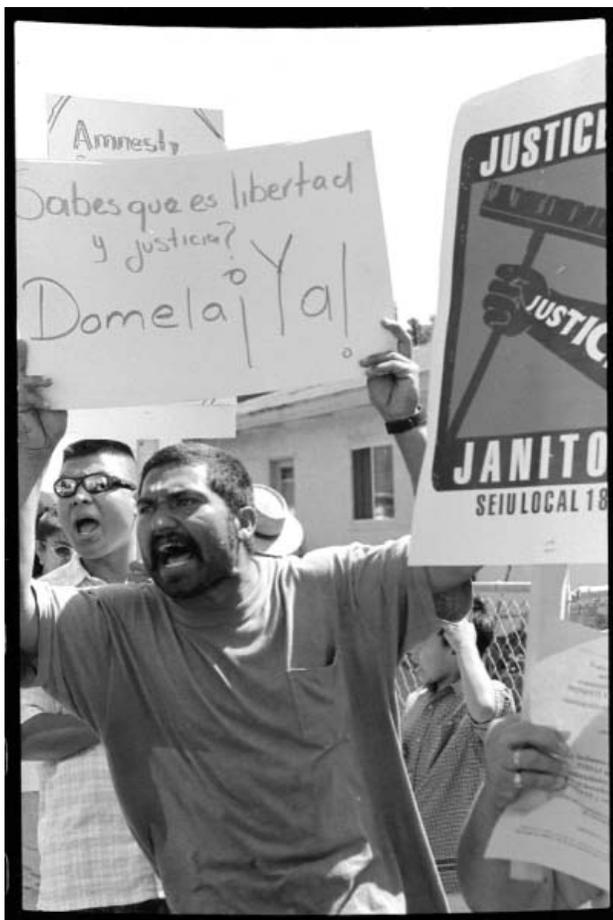


Photo by David Bacon

them. Bush’s proposal contains a similar provision. “If we accept, then our grandsons and great-grandsons will go through what we went through,” ex-bracero Florentino Lararios told Barbassa.

U.S. labor opposition focused on the lack of a real amnesty. Eliseo Medina, executive vice-president of the Service Employees International Union, and one of the AFL-CIO’s key policy makers on immigration, said that “Bush tells immigrants you have no right to earn citizenship but tells corporations you have the right to exploit workers, both American and immigrant ... This proposal allows hard-working, tax-paying immigrants to become a legitimate part of our economy, but it keeps them from fully participating in our democracy—making immigrants a permanent sub-class of our society.”

While expanded guest worker programs have been a key element in Republican immigration reform proposals that predate Bush’s, one mark of the success of EWIC in influencing the national debate has been their incorporation into Democratic proposals as well. In fact, the accepted wisdom on Capitol Hill now holds that no reform is possible if industry doesn’t get what it wants. Even immigrant advocacy organizations within the beltway now include EWIC and its guest worker proposals in their legislative agenda.

In 1986, Reagan approved a broad based amnesty for over 6 million undocumented immigrants, who were required to show that they’d been living in the country since 1982. EWIC’s contribution has been to reframe the residency requirement contained in the 1986 legislation, transforming it into the concept of “earned legalization.” In other words, it’s no longer sufficient to have lived in the U.S. for years—only participation as a “willing employee” in a new temporary worker program, contracted out to a “willing employer” (in the terminology of Bush and the Cato Institute) qualifies someone for eventual legalization.

In a January press conference just prior to Bush’s announcement, representatives of the National Immigration Forum, the American Immigration Lawyers Association and the National Council of La Raza outlined a joint proposal for immigration reform, which included “earned legalization,” border enforcement policies which don’t jeopardize the lives of those crossing, and more guest workers. Jean Butterfield, from the AILA, announced that “the essential worker sector, the service sector, needs these people [temporary workers] in fields and factories.” NIF director Frank Sharry described their

proposals as “more market-sensitive immigration,” and declared that “this is what immigrants want.”

Those proposals were eventually incorporated into a bipartisan bill sponsored by Senators Tom Daschle and Chuck Hegel, and finally into a Democratic immigration reform proposal introduced by Congressman Luis Gutierrez and Senator Edward Kennedy. The Gutierrez-Kennedy Bill, nicknamed the SOLVE Act, would not force currently undocumented workers to become guest workers. Instead it would allow people who have lived in the U.S. for the past five years, and worked for two years, to apply for legal status. It would, however, allow employers to bring in up to 350,000 additional temporary workers, presumably through a recruitment system similar to the current one. Temporary worker visas would be renewable, and last for either 9 months or two years. Workers could bring spouses and children, and change employers after three months.

EWIC must have savored its moment of legislative triumph—no matter which side of the aisle proposals come from, the centerpiece of its agenda was included. In fact, the only comprehensive immigration reform package now in Congress which doesn’t include guest workers is that authored by Rep. Sheila Jackson Lee, and cosponsored by members of the Congressional Black Caucus. It would allow people to normalize their status based on residency in the U.S., and would expand the numbers of permanent residency visas. It contains no temporary worker program. Jackson Lee scorns the whole idea, particularly the Bush approach, as a “flat earth program.”

EWIC doubtless deserves credit for its lobbying and legislative skill. It may seem self-evident that migration should be harnessed to provide labor to corporate employers—if it does, it is a mark of the success of employer groups like it. But EWIC is also riding a new political wave, and its proposals reflect a growing effort by governments in all the wealthy countries of the global north to retaylor their immigration policies to meet industry needs.

On a worldwide scale, according to the Geneva-based Migrant Rights International, more than 130 million people today live outside the countries in which they were born. Overwhelmingly, this unprecedented level of human migration is caused by the factors of expulsion—millions of people can no longer survive in their communities of origin because of war, poverty or economic displacement. This migratory flow is generally from the developing countries of the global south to the wealthy nations of the north. It is also generally a self-initiated migration.

In other words, while they may be driven by forces beyond their control, people also move at their own will and discretion, trying on the one hand to find economic opportunity and survival, and on the other to reunite their families and create new communities in the countries they now call home.

Human beings are not just work animals, and the desire for community is as strong as the need to labor. Yet increasingly, this migratory stream has become a potential source of low-wage labor in the eyes of those able to employ it to their advantage. And while there have been attempts in the past to channel this flow for its labor power, like the bracero program and its successors in the U.S., or the guest worker program which brought Turkish farmers into German factories in the 1960s, the idea of managing the migratory flow is new. In fact, in Britain, where the government seeks on the one hand to end the spontaneous migration of asylum seekers, and then recruit temporary workers for industry, the approach is called “managed migration.”



Photo by David Bacon

The British public was electrified a year ago by a hunger strike undertaken by Abbas Ameni, an Iranian exile given asylum by British courts. Ameni sewed his lips closed after the Blair government ordered him deported despite the court decision, as a showpiece of its announced plan to end the influx of asylum-seekers. Ameni eventually forced the government to back down, but the most startling aspect of the whole affair was that while taking extreme measures to stop spontaneous migration into Britain, the government was quietly implementing a plan to bring in other immigrants, but as temporary contract workers.

According to Don Flynn, policy director for the Joint Council for the Welfare of Immigrants in London, “the public policy debate has been completely transformed over the space of the last five or six years. The government has made it known that immigration policies in the UK are going to be based on the recruitment of immigrant workers. They’re talking about identifying particular labor shortage industries, and then licensing employers to recruit unskilled or informally skilled workers. On the

completion of their 12 months [workers] will be rounded up and got out the country.”

Flynn says that the industries dependent on immigrant labor make up 14% of the gross domestic product, and describes “wages below minimum levels, with substandard working conditions, no holidays, and expectations that people will work on a flexible basis at short notice.” Meanwhile, spontaneous migrants, like asylum seekers, are prohibited from working, and the Blair government has proposed U.S.-style employer sanctions to ensure they don’t. “In order to make that managed system operate, the state has to have sanctions—ways of inflicting punishment,” Flynn explains.

The same idea of managed migration—stopping spontaneous migration, and channeling migrants into temporary worker programs—is a growing part of policies of countries throughout the European Union towards those who come from outside its borders. They all reflect an increasing effort to include migration within the world economic order managed by industrial nations.

While this is a convenient arrangement for wealthy nations, it has severe disadvantages for poorer ones. The cost of maintaining and reproducing this international migrant labor force falls on countries least able to afford it. And increasingly, the remittances of migrant workers have become the main source of income for the communities from which they come. In fact, remittances from abroad are now the first or second largest source of national income for countries like Mexico, Guatemala, the Philippines and others. The system of managed migration simply institutionalizes this arrangement. Large corporations and industries of wealthy countries get the benefit of this labor force, and workers themselves pay the cost of maintaining it.

Developing countries do, however, have an alternative framework for protecting the rights and status of this migrant population. The UN’s International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families proposes an alternative framework for dealing with migration. It supports the right of family reunification, establishes equality of treatment with citizens of the host country, and prohibits

collective deportation. Both sending and receiving countries are responsible for protecting migrants, and retain the right to determine who is admitted to their territories, and who has the right to work. The Convention recognizes the global scale and permanence of migration, and starts by protecting the rights of migrants themselves.

Predictably, the countries that have ratified it are the sending countries. Those countries most interested in guest worker schemes, like the U.S. and Britain, have not.

In proposing alternatives to the guest worker approach to immigration reform, U.S. immigrant groups insist that solutions considered should include those proposed by immigrants themselves. “Why don’t they consult immigrants?” asks Mireya Olvera, of El Oaxaqueño, published in Los Angeles by immigrants from the Mexican state of Oaxaca. “It’s obvious they don’t want to listen to us.”

At the heart of immigrant-based proposals is the relaxation of restrictions on granting normal, green card visas, which allow migrants to live and participate in community life in the U.S., but which also allow them to move back and forth freely, to and from their countries of origin. The Coalition of Guatemalan Immigrants in the United States, reacting to Bush’s proposal in January, said that reforms must include “a process

through which immigrants can obtain permanent residence, and eventual citizenship.” The Salvadoran American National Network called for “reduction of the long waiting lists that currently exist in the processing of permanent residency petitions ... over a 12-month period,” and suggested that future applications for permanent residence be processed within six months, instead of the current 12-15 years. SANN also pointed out that any long-term solution would have to include “development and implementation of new economic and social policies in our home countries ... thereby reducing migration flows to the United States.”

Immigrant rights groups make the same point. The National Network for Immigrant and Refugee Rights says reforms “must include opportunities for permanent residency and family reunification, labor protection, access to due process, safety and community security.” Their argument is one of inclusion. Immigrants are more than workers. If supplying labor is a primary goal of immigration policy, then labor protections and the right of people to community can no longer be guaranteed, since they contradict its essential purpose.

David Bacon is a reporter and photographer specializing in labor issues and a contributor to the IRC's Americas Program, online at www.americaspolicy.org.

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