

8. Low Cost Illegal Workers

Many people would agree that comprehensive immigration reform is needed in the US to solve issues of border enforcement, guest-worker status, and pathways to legal residency and citizenship for an estimated 12-million undocumented immigrants. Not everyone agrees on a solution.

Sen. Dianne Feinstein (D-California) has been a consistent supporter of immigration reform, especially in the form of guest-worker status. Sensing time running out for the Congressional session and for farmers approaching planting and harvest, she and Larry Craig (R-Idaho) sponsored the "Ag-Jobs amendment" intended for attachment to a giant Iraq spending bill (HR 2642). The amendment ultimately did not get attached to the Iraq bill, but illustrates the compelling issues inherent in immigration reform. Specifically this amendment would have given temporary legal status to 1.3 million undocumented farm workers over the next five years, without promise of citizenship or permanent residency. Workers applying for the program would have had to prove they had worked on U.S. farms for at least 150 days or 863 hours, or had earned at least \$17,000 during the last four years. They would have had to remain working in agriculture for the next five years, when the program would expire. Without the amendment, Feinstein warned Congress that the U.S. would lose \$5-9 billion to foreign competition, tens of thousands of farms would shut down and 80,000 jobs would move to Mexico.

The San Francisco Chronicle (May 16, 2008) reported Feinstein saying, "It's an emergency. If you can't get people to prune, to plant, to pick, to pack, you can't run a farm." Western Growers, representing California farmers, and the United Farm Workers of America backed Feinstein's bill. Increased pressure at the border and raids at work sites have diminished the flow of Mexican workers to California and a viable guest worker program does not exist. President of Western Growers, Tom Nassif, pointed out that large growers are moving their enterprises to Mexico because they cannot find enough workers in the US. Nassif notes that once growing operations move to Mexico they are unlikely to return to California. An impending Department of Homeland Security rule requiring employers to match workers with a valid Social Security number further threatens labor supply. United Farm Workers President Arturo Rodriguez supported Feinstein's bill as a "critical but temporary fix to a much larger problem" according to the San Francisco Chronicle.

New York Times journalist Joshua Brustein reported similar labor shortages in western New York state (May 27, 2008). He interviewed Jim Bittner who had just cut down healthy, bearing sweet cherry and peach trees for want of labor to prune and harvest. He will grow other fruits that can be harvested by machine. Dairy farmers who can afford to are installing very expensive robotic milking machines to replace humans, and other farmers are switching to crops that do not require the careful handling by human pickers. Brustein also quotes Ben Frega, vice president of Great Lakes Kraut, who said, "It's been more difficult to secure our crops than any year I can remember." Brustein cites agricultural industry experts who expect continued moves away from labor-intensive crops if immigration policies are not resolved. As many as 800 farms are "highly vulnerable to going out of business or forced to severely cut back their farm operations," according to the Farm Credit Association of New York.

An article by Jennifer Moreno in the Houston Chronicle (May 25, 2008) reports findings of a study that “if the 8.1 million undocumented immigrants who cut lawns, bus tables and perform other jobs disappeared overnight, the nation's economy would lose nearly \$1.8 trillion in annual spending.” Moreno also cites Charles Foster, immigration attorney and chair of Americans for Immigration Reform, citing the need employers have to hire immigrants legally. Foster claims eliminating undocumented immigrant workers would seriously harm the US economy.

Groups such as the Colorado Employers for Immigration Reform and the Arizona Employers for Immigration Reform have formed unusual political alliances with humanitarian and religious groups, immigrants' rights groups and labor unions to address the issue of immigration reform. They are looking for sensible solutions that solve the problems of illegal immigration while allowing the use of foreign workers.

The Federation for American Immigration Reform (FAIR), however, believes that undocumented workers take jobs from Americans and drive wages down. Moreno quotes Ira Mehlman, FAIR media director: 'In many cases, there were people doing the jobs before the illegal immigrants showed up. In many cases, these are just subsidized jobs because the employer can get away with whatever he's paying. A lot of these studies begin with the presumption that the jobs would not be getting done if not for the illegal immigrants,' Moreno cites a 2007 FAIR study showing that “education, health care and incarceration of undocumented immigrants in six states, including Texas, exceeds \$27 billion annually.” Critics question whether it is fair to give US farmers an advantage over foreign farmers, especially when employees may be exploited outside US labor laws. Critics who oppose amnesty for illegal immigrants called the ‘AgJobs’ amendment a backdoor path to amnesty. Comprehensive reform overtly leading to citizenship for the estimated 12 million illegal immigrants failed to pass Congress in 2007.