

United States Immigration:
Regulating Workers, Enforcing Wage Labor

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CHAPTER ONE

Introduction

Immigration has been a salient political issue in the United States since the 1800s, inspiring gratitude when immigrant labor has been desperately needed and xenophobia when labor demand has been scarce. Immigration trends have long been linked to economic cycles, though the precise nature of the connection is neither simple nor plain to see. That is to say, immigration trends are not reducible to a supply and demand dynamic in which high labor demand yields high rates of immigration and low labor demand reduces or reverses the flow. Rather, it is evident throughout the past 150 years that immigration flows in the United States are subject to intricate economic and political dynamics both within United States borders and without.

I propose that United States immigration trends are partly a product of the logic of capitalist accumulation and partly a product of the logic of the state itself. The state bears responsibility for the maintenance of the social order, first and foremost, and it thus must manage disorder and social unrest when they arise. In fact, the continued existence of the state depends upon it. Because immigration often gives rise to agitation and social unrest, the state must moderate immigration in order to calm anti-immigration constituents.

However, the state also bears considerable responsibility for facilitating processes of capitalist accumulation, and must continually manage—and attempt to avert—crises of capital. This role requires the state to help ensure a steady supply, and an oversupply, of labor for capital, a goal that can be met with liberal immigration policies. Thus immigration becomes both a tool for facilitating capitalist accumulation and, by stirring up xenophobic, anti-immigration sentiment, a threat to the social order. This contradiction not only sheds light on the nature of the

political conflict around immigration in the United States, but also hints at the centrality of immigration politics in the class struggle. What is good for capital is often bad for labor, after all, though in the case of immigration the lines of battle are murky. At issue is not just the perception of immigrant workers as a threat to the employment prospects of domestic workers, but also the fact that hostility of native-born labor toward immigrant labor is a threat to worker solidarity. Immigration is good for capital, then, as a source of surplus labor and as a wedge that divides and weakens labor.

To analyze the link between United States immigration trends and the rhythms of capitalist accumulation, I will make use of two complementary frameworks, both with roots in Marxian political economy. The first is a regulation framework developed by Piven and Cloward in their study of the United States welfare system, *Regulating the Poor*. This regulatory approach will allow me to assess United States immigration policy as a tool for regulating workers and for ensuring a steady labor supply for capital. The second framework is a model of capitalist accumulation elaborated by David Harvey, which he has termed “accumulation by dispossession.” This theory describes the processes and effects of accumulation through dispossession of peasants (and others) from their non-market livelihoods.

These two frameworks together explain the cycle of immigration into the United States, as well as official—and tacit—state responses to immigration. While Piven and Cloward’s framework allows an examination of United States regulation of labor and management of capitalism’s crisis tendencies, Harvey’s proposition introduces another layer of complexity to a model based on United States regulatory control of immigration. The theory of accumulation by dispossession emphasizes accumulation processes beyond United States borders, thereby offering an explanation for migratory flows from source countries. Whereas the regulatory

approach inspired by *Regulating the Poor* focuses on United States control of the labor supply through immigration regulation, Harvey's emphasis on accumulation by dispossession focuses on the very forces that create a population of would-be border crossers.

Although a melding of the two frameworks best explains United States immigration trends, I will consider each framework separately before fusing them. In Chapter Two, I will consider immigration in terms of Piven and Cloward's regulation framework. In Chapter Three, I will present Harvey's theory of accumulation by dispossession as a cause of emigration. In Chapter Four, I will examine the evidence provided by approximately 150 years of United States immigration history, followed by a discussion in Chapter Five and my conclusion in Chapter Six.

CHAPTER TWO

Regulating Labor and Maintaining Order

In *Regulating the Poor: The Functions of Public Welfare*, Piven and Cloward argue that the United States welfare system functions to regulate low-wage workers and maintain a labor pool for capital.¹ Their argument was introduced in 1971, into a discourse dominated by views of welfare as a system driven by moral commitment and good, though sometimes misguided, intentions.² Piven and Cloward's study uncovers the hidden economic and political functions of modern welfare systems, beginning with the earliest public assistance programs in Europe, which arose during the tumultuous decline of feudalism, to the minimal and shrinking social safety net of mid-twentieth century America. Piven and Cloward's exposition of the connection between welfare and the United States labor market in the twentieth century draws on Marxian economic themes and defines one of the most significant relationships between the state and the poor.

Piven and Cloward's examination of the labor-regulating functions of public welfare lays bare one of the primary mechanisms the state employs to maintain and regulate a "reserve army" of labor for capital. A strong undercurrent of *Regulating the Poor* is the Marxian notion that a reserve army of the unemployed is necessary to capitalism, though Piven and Cloward refer to the "reserve army" just once, and only in the updated edition of *Regulating the Poor* (1993), published 22 years after the original. Piven and Cloward use terms such as "surplus labor force," "exploitable labor supply," and "labor surplus" to refer to an excess of workers at the bottom rungs of the United States economy, in constant competition with each other for the lowest paid

¹ Frances Fox Piven and Richard Cloward, *Regulating the Poor: The Functions of Public Welfare* (New York: Vintage Books, 1993), 5.

² *Ibid.*, xviii.

work. Public welfare is one tool for maintaining this exploitable labor supply, and as Piven and Cloward show, to keep an excess labor supply requires no small amount of tending.

During periods of economic growth, an ample surplus labor pool ensures that businesses have a sufficient supply of workers to draw on as increased production leads to higher labor demand. An adequately large pool of able and willing workers helps to ensure that economic growth hits no snares, or at least that a shortage of available laborers is not a problem with which capital must contend. A shortage of workers during economic expansion would dampen growth, or possibly bring it to a grinding halt. Labor shortages drive up wages, thereby diminishing profits and slowing or stopping processes of capital accumulation. However, the significance of the surplus labor supply is not confined to capital's demand for workers during economic booms.

The surplus labor supply serves a vital purpose for capital even while the economy is steady or declining, primarily because a large labor reserve empowers capital in relation to labor, allowing capitalists to maintain profit margins with minimal disruption from the working class. An oversupply of laborers creates fierce competition for jobs and deprives workers of bargaining power, so that if one worker demands better wages, there are many more waiting in the wings, ready to work for any wage. Because of the abundance of job-seekers in competition with each other for work, wages stay low, and workers tend not to protest for fear of losing their livelihoods. Since the existence of a surplus labor pool suppresses wages, surplus labor helps maximize capitalists' profits, and high profits are required to maintain a high rate of capital accumulation. Additionally, by keeping workers powerless, the surplus labor supply keeps them from disrupting the political and social order, as well as the economic system that feeds on their desperation.

It is not surprising that the task of regulating labor would fall to the state. It is in the state's interest for capitalism to thrive. After all, the very existence of the state relies upon taxation of profits, earnings, and earnings spent. As we are seeing right now in the United States, economic instability threatens a multitude of government-run programs, programs whose faltering threatens societal stability as well. Furthermore, the stability of society depends upon people feeling relatively secure in their occupations, and thus "the regulation of civil behavior in all societies is intimately dependent on stable occupational arrangements."³ This link between individual occupational stability and the overall stability of society is a key point for Piven and Cloward. However, it is also in the interest of the state to ensure workers feel enough occupational insecurity to keep them cooperative and pliable. The surplus labor supply serves this purpose by providing constant labor market competition, creating an atmosphere in which workers know they are disposable and replaceable.

Piven and Cloward identify a cyclical relationship between the American welfare system and labor. There welfare provision increases when high levels of unemployment lead to unrest and decreases when stability is regained, despite any ongoing need for public assistance. During periods of high unemployment, welfare expands in order to calm civil disorder and minimize potential political crises caused by "large and volatile masses of unemployed."⁴ Once public order has been restored, welfare shrinks and becomes a tool for reinforcing "work norms"⁵ and perpetuating the low-wage job market. According to Piven and Cloward, these regulatory effects of the public welfare system are in fact its purpose, and the system has "two main functions:

³ Ibid., 6.

⁴ Ibid., 123.

⁵ Ibid., xv.

maintaining civil order and enforcing work.”⁶ The cycle of welfare expansion and contraction effectively controls the low-wage labor market and maintains a surplus labor supply to meet the needs of capital, while in the process also securing the social order during economic crises.

An additional feature of the low-wage sector of the economy is a large concentration of immigrant workers, documented and undocumented, permanent and temporary. When Piven and Cloward introduced their labor regulation theory of welfare in the 1970s, immigrants were not a primary focus in these workforce dynamics. But because immigrants perform much of the low-wage work in the United States today, and because United States capital has a long history of reliance on the labor of sometimes celebrated, sometimes marginalized, recent arrivals, an examination of the state’s relationship to immigration as a source of surplus labor merits exploration.

State regulation of immigration and welfare likely exhibit some parallels as they are both directed toward labor markets, though possibly to varying degrees. The populations affected by welfare policy and immigration policy have much in common, as well: they are both relatively powerless in relation to the state and to capital, they are resource-poor, and they are heavily regulated. In this chapter, I will borrow the framework Piven and Cloward have so painstakingly laid out in *Regulating the Poor* to examine the link between the United States immigration system and labor.

Applying this framework to immigration, we would expect United States immigration regulation to become more permissive or restrictive according to labor market demand, on the one hand, and the need to maintain social stability, on the other. Immigration expansion takes the form of permissive laws and/or lax enforcement, while immigration contraction involves

⁶ Ibid., xvii.

restrictive laws and/or strict enforcement. In order for the immigration expansion-contraction cycle to fit Piven and Cloward's framework, it must follow the opposite pattern than that of welfare. That is, according to this model, poor economic conditions lead to social unrest, which prompts an expansion of welfare. Immigration policy, on the other hand, constricts under the same set of conditions. And while the welfare system contracts in response to restored social order, immigration would become more permissive.

The immigration and welfare cycles will mirror each other if both are in fact helping to maintain a surplus labor supply for capital. Both systems should contribute to creating a surplus of workers when the economy is sound, and both should help to remove excess workers from the labor pool when unemployment is high. In Piven and Cloward's formulation, "relief arrangements are initiated or expanded during the occasional outbreaks of civil disorder produced by mass unemployment, and are then abolished or contracted when political stability is restored."⁷

Once order has been restored, the welfare system releases workers back into the labor pool by diminishing benefit amounts and/or directly ejecting people from the welfare rolls. This slashing of welfare releases people from public assistance—and therefore economic reliance on the state—back into the low-wage labor pool. In sum, the expansion of welfare *removes* excess workers from the labor pool, and the contraction of welfare *adds* people to the labor pool. Therefore we have a workforce-regulating cycle of welfare expansion when high unemployment has led to social and political turmoil, contraction once order has been restored, and continued constriction when unemployment is low.

⁷ Ibid., xv.

For the immigration system to contribute to regulation of the surplus labor supply, it too will have to add people to the labor pool when unemployment is low and remove excess workers when unemployment is high. During periods of economic growth, capitalists' demand for workers will pressure the state to liberalize immigration policy in order to allow a free flow of laborers into the country. Immigration policy will therefore become more tolerant during good economic times, both as a way to fill job vacancies and as a way to replenish the surplus labor pool with job seekers. If a simple opening of the borders is not enough, recruitment of immigrants might occur. During economic downturns, xenophobia rises, and popular pressure leads politicians to enact restrictive immigration policies. The resulting constriction of immigration will limit the growth of the labor supply or, through workplace raids and deportations, shrink it.

We would expect this policy of openness to immigrants and/or encouragement of immigration to continue until a point is reached at which it threatens the American social or political order. After that moment, immigration policy would become more constrictive until unrest is calmed and order is restored. To accomplish this, the state will adjust immigration policy in order to remove excess labor, by clamping down on the inflow of immigrants, and deporting and/or detaining undocumented immigrants. Whether unemployment is high or low, however, the general preference will be toward liberal immigration policy that allows for a steady stream of incoming workers.

An important point of note is that neither the welfare nor the immigration expansion-contraction cycle will follow a pattern of economic cause and effect, wherein high unemployment instantly yields an expansion of welfare, and an improved economy brings welfare retrenchment. If increasing poverty and desperation alone were enough to bring about

welfare expansion, this would give credence to the common notion that welfare exists for purely humanitarian purposes. If it were true that the state provided welfare assistance simply because people were in need, then poor relief would seem to be a manifestation of benevolent state intentions. There would thus be little delay between economic crisis and the offering of relief. However, dispelling the notion of welfare as compassionate aid is one objective of *Regulating the Poor*, which offers rather “an analysis of relief-giving that focuses on its functions in relation to both economy and polity” and details “the political conflicts through which these functions were realized.”⁸ That is to say that the provision of welfare serves political and economic aims, and political conflicts have been a central feature in the evolution of the American welfare system.

These political conflicts are the intermediate conditions between high unemployment levels and an expansion of welfare programs targeting the poor. Here it is important to distinguish between types of state-provided assistance, as only expansion of programs directly targeting the poor will require this intermediate stage of political conflict. There are two categories of public assistance in the United States: means-tested programs, which require recipients to meet certain low-income guidelines, and social insurance programs, which are broadly available to the general population, based on labor force participation. Means-tested programs are targeted specifically to the poor, and include the now defunct Aid to Families with Dependent Children (AFDC), Temporary Assistance to Needy Families (TANF), which replaced AFDC, food stamps, and Medicaid. Social insurance programs, by contrast, are considered “universal,” as they are broadly available to the general population. Such programs include unemployment insurance, Social Security, and Medicare.

⁸ Ibid., 421.

Both categories of state assistance in the United States were established only in the wake of social unrest and intense political pressure following the stock market crash of 1929. Rapidly rising poverty levels themselves were insufficient to bring about government relief, because “for a considerable period of time elites remained aloof from the suffering in their midst. But then the destitute became volatile, and unrest spread throughout the country. It was only when these conditions, in turn, produced a massive electoral convulsion that government responded.”⁹ Since their inception during the New Deal, social welfare programs have been subject to periodic campaigns to dismantle them, and the direct cash benefits programs (AFDC, TANF) are perhaps the most thoroughly stigmatized and criticized. These have been subject to intense political fights each time rising unemployment and increasing destitution have boosted demand for them.

The social insurance program most intimately connected to the health of the United States economy is unemployment insurance. Its rolls will expand automatically and relatively quickly when economic decline leads to an increase in joblessness. Unemployment insurance is, in the truest sense, a social safety net for full-time workers, that catches the newly unemployed with minimal delay. However, eligibility restrictions and benefit limits ensure that the unemployment compensation program serves the labor market while it provides a temporary safety net to the unemployed.

In many ways, the Federal-State Unemployment Insurance Program reinforces work norms, and especially the work norm of full-time, permanent employment. Because unemployment benefits are available almost exclusively to those who have worked full-time for a minimum number of weeks during a qualifying period, unemployment insurance rewards consistent, full-time labor. This safety net program is not available to “contingent” workers, the

⁹ Ibid., 66–67.

part-time, temporary, seasonal, and contract workers who were estimated to make up 31 percent of the United States workforce in 2005.¹⁰ Nor are benefits available to workers who quit their jobs or are fired. In this way, unemployment insurance reinforces the value of certain behavior traits among laborers, such as compliance and agreeability.

Unemployment insurance also reinforces the value of work by emphasizing ongoing job seeking among benefit recipients, who on a weekly or biweekly basis must report any income received, jobs offered, or jobs refused for the duration of the benefits period, which in most states is a maximum of 26 weeks. The 26-week maximum helps to reinforce work norms by ejecting benefit recipients from the program whether or not they have secured employment by then. Benefit amounts are also kept below the worker's previous rate of pay, and are determined based on a percentage of one's earnings over the past year, up to a certain maximum level. In this way the state ensures that unemployment benefits will not be as rewarding as participation in the labor market, and that the unemployed will stay in the labor pool and continue to seek work. Additionally, those receiving unemployment benefits may be required to register with the State Employment Service for help finding work, and may be referred to job training agencies.¹¹ The features of the unemployment insurance program that reinforce work norms are crucial to the regulation of labor, because whenever the rewards of the marketplace are severely undermined there is a danger that people will give up on the formal economy and cease to look for work. The unemployed only belong to the surplus labor pool if they are willing and able to rejoin the workforce.

¹⁰ Ruth Mantell, "United States Employers Shift to Temp Workers," *Market Watch*, n.d., http://articles.marketwatch.com/2011-04-27/finance/30752291_1_temp-workers-contingent-workers-alternative-workers.

¹¹ "State Unemployment Insurance Benefits, Employment & Training Administration (ETA)," *U.S. Department of Labor*, n.d., <http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp>.

Unemployment insurance is less effective as workforce regulation than programs such as AFDC, however. Because the Unemployment Insurance Program is funded through a tax on employers, businesses pay for this safety net program on behalf of all workers. Whether or not a particular business will ever have to lay off any employees, it will pay into the Unemployment Insurance Program in the form of a tax per employee for the duration of the employee's tenure. The relatively modest tax is unlikely to be a deterrent to hiring, but it does signify a rare instance in which business is "on the hook" for the potential repercussions on workers of an inherently unstable, crisis-prone economic system.

Another factor that decreases the labor regulating potential of the Unemployment Insurance Program is that it does not undergo a similar cycle of expansion and contraction in response to social and political conditions. Protest and unrest are not required for the unemployment insurance program to absorb increasing numbers of laid-off workers when the economy teeters. Occasionally, the program expands to provide higher benefit amounts or to extend the duration of benefits from the normal maximum of 26 weeks. For example, in 2008, the maximum duration increased first to 52 and then to 72 weeks.¹² In 2009, Congress increased the maximum yet again, to 92 weeks.¹³ None of these increases was in response to violent protest, but rather the series of increases was part of a larger plan to cushion the blow of a severe economic recession and to stimulate economic growth and job creation anew.

Because unemployment insurance functions as a short-term safety net for only those workers who have "established their eligibility by their sustained participation in the

¹² Casey B. Mulligan, "With Unemployment Insurance, Is 99 Weeks the Magic Number?," *Economix Blog*, n.d., <http://economix.blogs.nytimes.com/2012/01/04/with-unemployment-insurance-is-99-weeks-the-magic-number/>.

¹³ *Ibid.*

workforce,”¹⁴ its regulatory power over the low-wage labor pool will not compare to that of means-tested direct cash programs, such as AFDC and TANF. These programs have had much greater regulatory control over the surplus labor supply, as they reach the working poor and other able-bodied workers whose attachment to the labor market is most tenuous, such as seasonal, temporary, and part-time workers.

Piven and Cloward focus their analysis of state relief on the cash-benefits program AFDC, which from 1935 to 1996 was the program most synonymous with the word “welfare” in the United States. AFDC was the longest running means-tested relief program in the United States. By contrast, food stamps and Medicaid have been in existence only since 1964 and 1965, respectively, and while these two programs do not figure much into Piven and Cloward’s argument, I would postulate that the patterns of expansion and contraction would be the same for these as for AFDC.

AFDC was replaced in 1997 with TANF, a cash-benefits program modified with a work requirement and 60-month lifetime maximum for recipients. President Clinton promised to “end welfare as we know it,” and he did, with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. Tellingly, the United States Department of Health and Human Services presents this legislation as

a comprehensive bipartisan welfare reform plan that will dramatically change the nation's welfare system into one that requires work in exchange for time-limited assistance. The law contains strong work requirements, a performance bonus to reward states for moving welfare recipients into jobs, state maintenance of effort requirements, comprehensive

¹⁴ Piven and Cloward, *Regulating the Poor*, 114.

child support enforcement, and supports for families moving from welfare to work -- including increased funding for child care and guaranteed medical coverage.¹⁵

Through PRWORA, the open-ended benefits AFDC provided to poor families with children were replaced with TANF's more restrictive, labor market participation welfare scheme.

The key to understanding resistance to means-tested programs like AFDC by both government and the general public is in the fact that they are programs targeted specifically to the poor, and are thus heavily stigmatized. Furthermore, during the course of the history of means-tested social programs "poor" has become synonymous with "black." For the purposes of this analysis, therefore, "welfare" will refer to the much maligned means-tested programs as a whole. As PRWORA makes clear, work is favorable to welfare. However, underlying the welfare-to-work model is the assumption that full employment is possible, which is untrue in an economic system whose health depends on the existence of a pool of unemployed workers. Another assumption behind PRWORA is that welfare recipients are likely to become independent from labor markets and capital for their income, and thus must be funneled into the workforce to prevent ongoing idleness and dependence.

There are certain circumstances that must transpire to catalyze both welfare expansion after an economic crash and subsequent welfare contraction. High unemployment is a necessary but not sufficient condition to bring about more generous welfare policy. Civil disorder and political conflict resulting from high levels of unemployment provide the push for government to act, and thus it would be specious to claim that government is acting *on behalf* of the poor. Rather, government acts to preserve the social and political order only when it is seriously threatened. Up until the point at which civil disorder—in the form of crime, mass protests, or

¹⁵ U.S. Department of Health and Human Services, "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", n.d., <http://aspe.hhs.gov/hsp/abbrev/prwora96.htm>.

riots—threatens the fabric of society and the economic order, there is no regulatory use in intervening. Thus, the necessary preconditions for welfare expansion are, first, mass unemployment, and, second, civil disorder caused by the “large and volatile masses of unemployed.”¹⁶

To follow Piven and Cloward’s regulatory framework, the conditions leading up to such contractions of immigration policy will include both the necessary precondition of high unemployment and an intermediate stage at which the severity of political conflicts will determine government’s response. An ironic challenge emerges in the case of undocumented immigration, because the state must somehow find a way to regulate what is by definition largely out of its reach: an underground market of undocumented workers whose labor is immensely valuable to American capital.

The state has few options for encouraging illegal solutions for the problems of capital, and so lax enforcement of borders and immigration laws might be seen as tacit consent to the presence of undocumented immigrants. If undocumented workers serve a vital purpose for the economy, the state will have an interest in letting undocumented labor flourish. Only if anti-immigrant sentiments become too threatening to the social or political order will the state have a vested interest in disrupting the cheap and pliable labor supply provided by undocumented immigration.

Because any disruption in the low-wage labor supply can threaten the stability of capitalism—and of the social order—it is in the state’s best interest to avoid long stretches of time without an abundant supply of excess laborers. Piven and Cloward confirm that this is indeed the case with welfare. The cyclical pattern of relief is weighted toward long stretches of

¹⁶ Piven and Cloward, *Regulating the Poor*, 123.

restrictiveness, interrupted by only short periods of welfare expansiveness,¹⁷ “depending on the problems of regulation in the larger society with which government must contend.”¹⁸ We would similarly expect the immigration cycle to consist of long stretches of permissiveness, punctuated by sudden, relatively brief clampdowns. The flow of workers into the labor pool must not be disrupted for too long if capital accumulation is to continue at a steady rate.

Capital accumulation is not the only process at stake during welfare expansions and immigration contractions, however. The broader social order also hangs in the balance. Typically the labor market controls people’s behavior to a great extent, and so when too many workers are jettisoned from the market, the government must work to provide a “surrogate system of social control,” at least temporarily.¹⁹ During stable economic times, people are “fixed in their work roles,” prepared to “do what they must and think what they must” in order to remain secure in their position.²⁰ However, an economic downturn that results in massive job losses disrupts the social order provided by participation in the labor market, “loosening people from the main institution by which they are regulated and controlled.”²¹ A certain amount of disorder might well be tolerated, but when it grows too severe, government will step in to reestablish control with the time-tested remedy of public relief.

During the transition from feudalism to capitalism, many European states discovered that policies of repression intended to quash rising vagrancy and disorder were unsuccessful. England was at the forefront in building national welfare policies in order to address disorder caused by

¹⁷ Ibid., 35.

¹⁸ Ibid., xv.

¹⁹ Ibid., 7.

²⁰ Ibid., 6.

²¹ Ibid., 7.

hunger and economic displacement when strictly suppressive policies had failed.²² Prior to state intervention, the only relief available was through churches and private charities, which meant that aid was purely philanthropic and by no means guaranteed. Once it was clear that economic conditions had created an epidemic of destitution that threatened the social order, and that force was an ineffective deterrent to begging and rioting, sixteenth-century England made poor relief the state tactic for dealing with turbulence caused by economic shifts.

In England two centuries later, during the Industrial Revolution, government-provided poor relief became a major institution for maintaining civil order during economically tumultuous times.²³ According to Piven and Cloward, “the relief system, in short, was expanded in order to absorb and regulate the masses of discontented people uprooted from agriculture but not yet incorporated into industry.”²⁴ Relief proved a viable way to calm disorder caused by the displacement of peasants and workers’ maladaptation to new modes of production.

In contrast, until recently civil turbulence related to immigration was not caused by the immigrants themselves, but rather by anti-immigration, xenophobic groups and individuals protesting the presence and employment of immigrants during times of national economic hardship. Policy answers to nativist protest have not included repression of protest, which would be political untenable. Rather, political responses to anti-immigration fervor tend to range from debate and stagnation in Congress to increased action against undocumented immigrants and tightening of immigration policies.

Immigrants have throughout much of United States history been denied entry or driven from the country as part of a move toward immigration restriction, although, as I will discuss

²² Ibid., 12.

²³ Ibid., 12, 21.

²⁴ Ibid., 21.

later, these immigration clamp-downs typically have an air of theatricality about them. As responses to nativist protest, they appear to be driven in part by a desire to appease nativists while doing minimal damage to the labor market.

Federalism

Federalism plays a role in both welfare and immigration policy, lending to an unevenness of law and implementation across the country. Welfare policy contains federal requirements to which all states must adhere in order to receive federal funds, but states are allowed a great deal of flexibility in implementation as long as they meet these program requirements. For example, states may set lower benefit rates or shorter benefit durations than the federal guidelines. Under the AFDC program,

States defined ‘need,’ set their own benefit levels, established (within federal limitations) income and resource limits, and administered the program or supervised its administration. States were entitled to unlimited federal funds for reimbursement of benefit payments, at ‘matching’ rates that were inversely related to state per capita income. States were required to provide aid to all persons who were in classes eligible under federal law and whose income and resources were within state-set limits.²⁵

The Temporary Assistance for Needy Families program

gives states wide latitude in spending both Federal TANF funds and state MOE funds. Subject to a few restrictions, TANF funds may be used in any way that supports one of the four statutory purposes of TANF: to provide assistance to needy families so that children can be cared for at home; to end the dependence of needy parents on government benefits by promoting job preparation, work and marriage; to prevent and reduce the

²⁵ U.S. Department of Health and Human Services, “AFDC and TANF Programs”, n.d., <http://aspe.hhs.gov/hsp/abbrev/afdc-tanf.htm>.

incidence of out-of-wedlock pregnancies; and to encourage the formation and maintenance of two-parent families.²⁶

In practice, this flexibility means that some states spend more than others on direct cash relief, while others concentrate their efforts on assistance tied to work requirements.

In fact, local variation in relief policy is an important component of the United States welfare system as a whole. Because relief policy is shaped by states and localities in accordance with their particular economic needs, and not dictated by a stringent federal policy, state and local welfare provision are particularly sensitive to local market considerations. Piven and Cloward assert that “the variations in relief practices, like the similarities, can best be understood by the economic functions they serve.”²⁷ For example, in areas of the country with lower than average wages, relief payments will also fall short of the national average.

The development of immigration policy in the United States has been uneven because of federalist policies, as well. From the end of the 1880s to the mid-1990s, the United States government had absolute power over immigration. It had sole authority to treat people as immigrants, and to grant or deny constitutional protections based on a person’s membership status. Cities and states, on the other hand, were legally obligated to treat everyone, including immigrants, as people first, with full constitutional protections, regardless of national membership.²⁸ The federal government alone was empowered to decide issues of membership and belonging in the territorial polity of the United States. The mid-1990s saw a partial, though hazily articulated, dismantling of this exclusive authority of membership determinations,

²⁶ Ibid.

²⁷ Piven and Cloward, *Regulating the Poor*, 131.

²⁸ Monica W. Varsanyi, “Rescaling the ‘Alien,’ Rescaling Personhood: Neoliberalism, Immigration, and the State,” *Annals of the Association of American Geographers* 98, no. 4 (September 2008): 884.

however, when the federal government devolved many of its immigration powers to the state and local levels.²⁹

For example, the Clinton Administration's welfare reform act, PRWORA, barred undocumented immigrants and legal immigrants during their first five years in the United States from all federally-funded assistance except for some help for medical emergencies.³⁰ A provision in the law allowed states to create and fund their own assistance programs to help new and undocumented immigrants, thus giving states the power to decide to what degree these immigrants qualify as members of their territory, and how their membership should compare to that of citizens. By decentralizing the power to determine who qualifies for state-level assistance, "the PRWORA gives states the unprecedented ability to discriminate against noncitizens in deciding eligibility for their programs, an act that prior to 1996 was considered an unconstitutional encroachment into federal powers over membership policy."³¹

Similarly, the some immigration powers have been devolved from the federal to state level, giving states and localities some measure of authority to determine who belongs to the *national* polity and who has legitimate claims to United States constitutional protections. The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) "gave state troopers, county sheriffs, and city police agencies the authority previously restricted to federal agents to arrest individuals on civil immigration violations."³² This "rescaling of personhood" represents a major

²⁹ Ibid., 877–878.

³⁰ Cohen, *PRWORA's Immigrant Provisions* (Office of Labor Relations, December 13, 2007), <http://www.cga.ct.gov/2007/rpt/2007-R-0705.htm>.

³¹ Varsanyi, "Rescaling the 'Alien,' Rescaling Personhood," 889.

³² Ibid.

shift in conceptions of the power to determine who belongs and who is “alien.”³³ Changes in practice have been uneven and inconsistent because although the federal government has sanctioned the decentralization of immigration powers, the federal government has not mandated that states and localities actually wield their new powers. Participation has been voluntary, and degree of participation has varied from place to place.

AEDPA gives state and local law enforcement officers the power to arrest and detain undocumented immigrants who have previously been convicted of felony offenses in the United States and have left the country after their conviction, whether voluntarily or by deportation.³⁴ The same section mandates the United States Attorney General’s cooperation with states in their enforcement efforts, specifically by requiring the Attorney General to provide crime and immigration information to state and local law enforcement in order to assist them in their enforcement efforts.³⁵

IIRIRA grants state and local law enforcement authorities the power to assist the federal government in immigration enforcement (at the expense of the state government) on a voluntary basis.³⁶ Emphasizing the voluntary nature of state and local immigration activities, the IIRIRA explicitly states that no state or local authority will be required to participate in immigration enforcement activities, nor will they be required to provide to the United States Attorney General information about the immigration status of people within their state territory. Should a state or locality choose to participate in immigration enforcement activities, it must enter into a 287(g) agreement with the federal government, which will then provide training to the state or local law

³³ Ibid., 890.

³⁴ *Antiterrorism and Effective Death Penalty Act of 1996*, 1996, sec. 439, <http://www.gpo.gov/fdsys/pkg/PLAW-104publ132/html/PLAW-104publ132.htm>.

³⁵ Ibid.

³⁶ *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, 1996, sec. 133, <http://www.uscis.gov/ilink/docView/PUBLAW/HTML/PUBLAW/0-0-0-10948.html>.

officers. The law also gives states the right to discriminate among categories of noncitizens in state direct-cash public assistance programs.³⁷

Some cities and states have seized the opportunity to police immigration to their fullest ability and assist the federal government in identifying undocumented immigrants and initiating deportations, while others have opted for partial participation in the local-federal partnership, and still others have completely declined. At this time, United States Immigration and Customs Enforcement (ICE) “has 287(g) agreements with 68 law enforcement agencies in 24 states. Since January 2006, the 287(g) program is credited with identifying more than 279,311 potentially removable aliens — mostly at local jails. ICE has trained and certified more than 1,500 state and local officers to enforce immigration law.”³⁸

One purported impetus behind the 287(g) program was a perception among some law enforcement officers in high-immigration areas and some lawmakers that the now-defunct Immigration and Naturalization Service (INS, the predecessor to ICE) was not responsive enough to concerns over undocumented immigration and crimes committed by undocumented immigrants.³⁹ The program went largely unnoticed when the IIRIRA became law, only garnering attention after the terrorist attacks of September 11, 2001, and picking up steam and peaking under the George W. Bush presidency. One of the primary authors of the House version of the bill, Texas Representative Lamar Smith (R-Texas) said that the goal of 287(g) was “to help local law enforcement officials reduce the crimes committed by illegal immigrants” by letting “State

³⁷ Ibid., sec. 553.

³⁸ U.S. Department of Homeland Security, “Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act”, n.d., <http://www.ice.gov/news/library/factsheets/287g.htm>.

³⁹ Jessica Vaughan and James R. Edwards Jr., *The 287(g) Program: Protecting Home Towns and Homeland* (Center for Immigration Studies, October 2009), <http://www.cis.org/287greport>.

and local law enforcement officials help enforce all immigration laws and to remove illegal immigrants from the streets before they go on to commit preventable crime.”⁴⁰

The implication of 287(g) in this context is that the program was intended to fill a need not met by the INS, a sentiment echoed by a law professor in his testimony to a Congressional hearing on “Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws”:

It is a question of enforcing existing law. We have immigration laws, as one of the other Members pointed out. None of us here are against immigration law or the ability of the Nation to police its borders and enforce its law. If the Federal Government would step up and do its job, as a number of people have said here already, it wouldn't be necessary for local law enforcement to come into it.

So this isn't a 287(g) problem that Professor Tranchant was pointing out. It is a problem of Federal role being properly fulfilled.⁴¹

In an atmosphere of general agreement amongst anti-immigration policymakers and constituents in certain areas of the United States, the devolution of immigration-related powers to the state and local levels provides a relatively easy solution. Involving state and local law enforcement officers in immigration policing relieves the federal government of the responsibility for expanding INS commensurate with demand, rather allowing areas with the highest demand for greater enforcement to take on the responsibilities themselves. This approach allows the state to

⁴⁰ Lamar Smith, *Hearing on: The Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws*, 2009, 7, http://judiciary.house.gov/hearings/hear_090402.html.

⁴¹ David A. Harris, *Hearing on: The Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws*, 2009, 109, http://judiciary.house.gov/hearings/hear_090402.html.

pacify localized anti-immigration forces while also absolving itself of responsibility for funding and coordinating these increased immigration enforcement activities.

However, this framing of the “need” for 287(g) overlooks one of the primary forces behind efforts to strengthen immigration enforcement and detention, which is the private immigration detention industry. In the mid-1990s the relatively new private prison industry was faltering in the United States, but after the passage of IIRIRA (and 287(g)), the number of detainees in private detention centers began to swell, thanks to an increase in “the crimes for which noncitizens could be removed” and an expansion of “the categories of persons subject to mandatory detention.”⁴² The rate of immigrant detention again jumped after September 11, 2001, because of amplified efforts to detain undocumented immigrants in the wake of the terror attacks in New York. In total, the rate of immigration detention increased 457 percent between 1994 and 2011, with nearly half of detainees held in private facilities, thus feeding ever greater federal dollars into the privatized prison industry.⁴³

The 287(g) arrangement allows states and localities to determine their own need for increased immigration enforcement activity and to become partners with the federal government on a voluntary basis. The United States government is relieved of most financial pressure related to increased immigration enforcement, as well, as it provides training to the partner officers and reimbursement of incarceration costs for inmates in local prisons and jails who qualify for deportation. All other costs are borne by the state and local governments participating in 287(g).

⁴² Donald Kerwin and Serena Yi-Ying Lin, *Immigrant Detention: Can ICE Meet Its Legal Imperatives and Case Management Responsibilities?* (Migration Policy Institute, September 2009), 6, http://www.migrationpolicy.org/news/2009_9_10.php.

⁴³ *Banking on Bondage: Private Prisons and Mass Incarceration* (American Civil Liberties Union, November 2011), 17, <http://www.aclu.org/prisoners-rights/banking-bondage-private-prisons-and-mass-incarceration>.

Since 2008, however ICE has been piloting its Secure Communities program, which mandates one form of local and state cooperation with federal immigration enforcement. Secure Communities instituted a system of FBI to DHS cross-checking of fingerprints of those arrested or booked into jails in order to locate deportable immigrants.⁴⁴ If DHS identifies an unauthorized immigrant, the agency initiates enforcement procedures. The program is slated to become standard procedure throughout the United States during 2013.

Among the localities that have declined to participate in 287(g), some cities have determined that localized immigration enforcement poses too large a threat to diversity and democracy, and have gone so far as to declare themselves “sanctuary cities” for immigrants.⁴⁵ The list of cities is ever fluctuating, as some states have taken legislative action to outlaw sanctuary cities, but as of the mid-2000s, sanctuary cities included New York City, Los Angeles, Detroit, Santa Fe, Houston, San Francisco, Denver, Austin, Tucson, and Washington, DC.⁴⁶

At the other extreme, some states and localities have sought even greater powers than have been offered by the federal government, and have initiated bottom-up efforts to seize immigration powers still held exclusively at the federal level. Through such local legislation as Illegal Immigration Relief Acts (IIRAs), “some jurisdictions have sought to deter illegal immigration by imposing their own restrictions upon unauthorized aliens’ access to housing, employment, or municipal services.”⁴⁷ Cities that have passed IIRAs include Hazleton,

⁴⁴ “Secure Communities,” *United States Department of Homeland Security: ICE*, n.d., http://www.ice.gov/secure_communities/.

⁴⁵ Varsanyi, “Rescaling the ‘Alien,’ Rescaling Personhood,” 891.

⁴⁶ *Ibid.*, 891.

⁴⁷ “*Sanctuary Cities*”: *Legal Issues* (Congressional Research Service, January 15, 2009), 1, <http://www.google.com/url?sa=t&rct=j&q=congressional%20research%20service%202005%20sanctuary%20cities&source=web&cd=1&ved=0CFkQFjAA&url=http%3A%2F%2Fwww.ilw.com%2Fimmigrationdaily%2Fnews%2F2011%2C0106->

Pennsylvania, and Farmers Branch, Texas. In 2010, a United States circuit court in Philadelphia ruled Hazleton's IIRA laws, which limited where undocumented immigrants could live and work, unconstitutional.⁴⁸

The impact of federalism on both welfare and immigration policy is a necessary consideration at the intermediate level of the Piven and Cloward framework, as civil unrest surrounding what is perceived to be a local or state obligation will not necessarily inspire a reaction from the federal government. If poor relief, for example, is considered a local problem, federally elected officials will be shielded somewhat from electoral repercussions and will have little motivation to intervene. Civil disorder in the wake of mass unemployment must be widespread and pervasive enough that it becomes a threat to the federal political order, or such a serious threat to the local order that local political figures plead for help from the federal government.

The threat is not just one of riots or a tearing of the social fabric, but also one of electoral realignments that might cost politicians their jobs. When the existing political order fails to calm catastrophe, voters defect from their parties and turn against their elected leaders. After all, the purpose of an electoral system is to allow the public to register their discontent and their political priorities. In the United States,

the tenure of officeholders is intimately dependent on the stability of institutions in the larger society, especially economic institutions, for any breakdown in their functioning stirs unrest and conflict and causes disaffection and division among voters...Where in the

crs.pdf&ei=yzmsT52OJKLo2QXoutCnAg&usg=AFQjCNFbhBfb1QOsOYZS7R0PLYj-O3kXA&cad=rja.

⁴⁸ Logan Burruss, "United States Circuit Court Rules Against Illegal Immigration Laws," *CNN.com*, September 10, 2010, <http://www.cnn.com/2010/US/09/09/pennsylvania.immigration.case/index.html>.

past such disaffection was signaled primarily by disorder in the streets, the electoral system is designed to channel it into the voting booth. The electoral system is, moreover, sensitive to the outbreaks of disorder that do occur, for disorder generally leads large masses of voters to shift their votes to new leaders and parties.⁴⁹

The threat of losing the support of their constituents is a powerful motivator for politicians, usually motivating them to alter their positions on key issues to secure the favor of voters.

Restoring Order by Restoring Labor Market Participation

Once civil disturbances have been calmed by expansion of the relief system, there arises a need to inculcate a “work ethic” in welfare recipients, not only to ensure their continued readiness to enter the job market, but also to restore the social order after a period of chaos and disruption. The welfare system deals “with disorder, not simply by giving aid to the displaced poor, but by granting it on condition that they behave in certain ways, and most important, on condition that they work.”⁵⁰ Work has been used to help restore the social order in two particular ways, depending upon the particular cause of unemployment. When a collapse in labor demand is the cause of unemployment, such as after the 1929 stock market crash, public works projects provide an effective way to put an unemployed population back to work.⁵¹ Alternatively, “when rapid changes in markets or technology render a segment of the labor supply temporarily maladapted,” worker contracting and on-the-job training programs have proven useful ways to retrain the workforce.⁵²

In both of these scenarios, the federal government finances all or part of the maintenance of the surplus labor supply. During public works projects, the government becomes the

⁴⁹ Piven and Cloward, *Regulating the Poor*, 40.

⁵⁰ *Ibid.*, 22.

⁵¹ *Ibid.*, 23.

⁵² *Ibid.*

employer, propping up labor demand by hiring the jobless to build roads, bridges, parks, etc. The government fully funds the projects, and thus pays the full cost of upkeep of the workforce. In the case of working contracting and on-the-job training, welfare recipients will be required to work as a condition of receiving benefits. No new labor demand is created in this case, but the government subsidizes the cost of employing the unemployed in existing businesses, thus supporting capitalists' profit margins. The working welfare recipients might receive no pay other than ongoing welfare benefits, an arrangement that provides businesses free or nearly free labor and ostensibly brings the maladjusted workers up to speed on new developments in technology or the new economic landscape.

In the case of immigration, contraction would be the answer to disorder caused by anti-immigration sentiments. Restricting immigration in response to nativist stirrings effectively answers the cry to remove the group of workers perceived as “stealing” American jobs. However, a mere immigration clampdown includes no promises to American workers that their job prospects will improve. Tightening immigration and ramping up enforcement are both negative measures to appease popular protest, and neither promises anything but an effort to rid the country of one particular population of workers.

When Stability Is Restored: Enforcing Low-Wage Work

As mentioned above, the relief system expands only after unemployment rises to the point at which political stability and social order are threatened, and then contracts again after relief provisions have restored stability. According to Piven and Cloward,

As disorder subsides, elite preoccupation with work discipline comes to the fore. The better off (and, given our regressive tax structure, even the slightly better off) resent the costs of relief, and complain about the poor rates or tax rates. However, the deeper

opposition results because employer groups fear that relief undermines labor discipline. Employers have always understood that by shielding working people from some of the hazards of the market, relief reduces the power of employers over workers... Because the stakes are high, struggles for social protection from below are always answered by resistance from above. Accordingly, once a measure of social peace has been restored following a large relief rise, employers press to restrict and reshape the programs. They exert themselves to lower benefits, to tighten eligibility criteria so fewer people can receive benefits, and to attach such punitive conditions to the receipt of aid that few people would willingly apply for it. Such measures are intended to compel workers generally to sell their labor on whatever terms the market offers.⁵³

At no time is welfare intended to support everyone who qualifies, not even during the bleakest economic times.

Both the AFDC and TANF programs effectively created financial incentives for states to keep welfare enrollment low. Under AFDC, the federal government would pay only a set fraction of the costs of the program, the rest of which had to be covered by the states and localities implementing the program.⁵⁴ Under TANF, states operate under the restrictions of a federal block grant, and often must trim their rolls (especially of non-working relief recipients) in order to avoid penalties and increased expenditures of state funds.

When economic conditions deteriorated during the AFDC program's existence, instead of expanding the program to reach all eligible poor people, the rolls would be expanded just enough

⁵³ Ibid., 345.

⁵⁴ Frances Fox Piven, "Chapter 5: The Welfare Rights Movement - 1977," in *Who's Afraid of Frances Fox Piven?: The Essential Writings of the Professor Glenn Beck Loves to Hate*, 1st ed. (New Press, The, 2011), 107.

to quell “serious threats to civil order posed by large and volatile masses of unemployed.”⁵⁵ After order was restored, the relief system would then be reworked on an ongoing basis, as dictated by the needs of the labor market. While the purpose of the relief system in dire economic times is to prevent or subdue disorder, its purpose during times of stability is to enforce work norms and work habits among low-wage earners, thereby supporting the low-wage market.⁵⁶

Central to Piven and Cloward’s thesis is the idea that during times of economic stability, reinforcing the norm of work is essential to maintaining the surplus labor supply. According to Piven and Cloward, “in the labor-regulating phase of relief cycles, poor law authorities reorganize relief arrangements to enforce work, both by expelling people from the rolls and by intensifying the degradation of those ‘impotents’ allowed to remain on the rolls in order to reinforce work norms.”⁵⁷ Indeed, enforcing work is one of the primary methods of keeping a population of unemployed laborers—who are seen as potential workers rather than obsolete ones—interested in returning to a capitalist labor market that may, on its own, offer inadequate rewards to those at the lowest rungs of the wage scale. Low-wage work especially must be enforced to provide the unemployed with adequate incentive to return to poor-paying jobs when the economy once again requires an infusion of laborers, which, of course, ensures a continuous supply of cheap labor for capital.

In applying Piven and Cloward’s thesis to immigration regulation, we would expect to see immigration policy and practice enforcing low-wage work for the same reasons: to maintain a class of surplus (immigrant) workers conditioned to accept low wages, so that capital has an always-ready supply of cheap labor. According to Piven and Cloward, the labor market itself

⁵⁵ Piven and Cloward, *Regulating the Poor*, 123.

⁵⁶ *Ibid.*, 123–4.

⁵⁷ *Ibid.*, 366.

controls workers only insofar as they are well indoctrinated into the market's own system of rewards and punishments.⁵⁸ Even in the most fully developed capitalist societies some people will undoubtedly be insufficiently trained to seek those rewards. Additionally, if there were a perfect way of instilling market values in an entire population, the rewards of the market would not always meet the expectations of—and thus provide adequate incentive for—all laborers.

On the other side of the coin is the punishment the market metes out to those who do not participate in wage labor. The main penalty for nonparticipation in the labor market, of course, would be the threat of starvation, a specter few would face rather than sell their labor at the going rate, however low.⁵⁹ According to Polanyi, facing hunger is the “final stage” of inducement for the low-wage laborer to work. Before hunger come the persuasive functions served by low wages themselves. First, those who loathe their work or their workplace conditions will have incentive to do the minimum possible to attain a subsistence income. Polanyi offers this vivid example of the phenomenon:

...the higher the wages the smaller the inducement to exertion on the part of the native, who unlike the white man was not compelled by his cultural standards to make as much money as he possibly could. The analogy was all the more striking as the early laborer, too, abhorred the factory, where he felt degraded and tortured, like the native who often resigned himself to work in our fashion only when threatened with corporal punishment, if not physical mutilation.⁶⁰

If wages are sufficient to allow such workers to support themselves with a mere 20 hours per week of labor, capitalists will likely face a labor shortage. If the laboring conditions are terrible

⁵⁸ Ibid., 32.

⁵⁹ Karl Polanyi, *The Great Transformation* (Beacon Press, 1957), 164.

⁶⁰ Ibid., 164–165.

enough, an employer would be hard pressed to persuade workers to endure enough deplorable workdays to amass any wealth. In this way, somewhat ironically, low wages help to ensure adequate participation of the working poor in the labor market.

Secondly, keeping wages low is another method for preventing workers from forming relationships with other workers that might then provide a mutually beneficial social safety net. Rather, it is in the capitalists' interests for workers to be "overworked and downtrodden" so that they will not have the energy or spirit for consorting with similar workers, who then might decide to band together to support one another.⁶¹ This was, at least, the reasoning behind low manufacturing wages in Lyons in the 1700s, and likely held some truth in an era of widespread hostility toward union organizing.

In the industrialized United States, however, the primary challenges in inducing "all people at all times to do the particular work required of them" are inadequate incentives and inadequate socialization to the rewards of the labor market.⁶² This shortcoming creates a need for supplementary means of regulating the workforce and the unemployed, and it is the economic ill for which the control mechanisms of relief system are a remedy. To wit, "the point is, then, that relief practices are not a mere reflection of market ideology; they are an agent in nurturing and reinforcing that ideology."⁶³ In the welfare system, the methods of enforcing low-wage work, and thus controlling the workforce, exist at the levels of both law and implementation. The legal, or statutory, methods are built into the policy itself, while the practical, or administrative, methods are the result of interpretations and implementations of that policy.

⁶¹ Ibid., 165.

⁶² Piven and Cloward, *Regulating the Poor*, 32.

⁶³ Ibid., 149.

The relief system enforces low-wage work in many ways, several of which have been written into the laws governing welfare provision. Some statutory methods used to reinforce work norms and enforce the act of working itself include minimum residency requirements, exclusion of the able-bodied from relief, tight restrictions on benefit amounts to ensure that they always stay lower than the lowest wages available, work requirements, very low income eligibility limits, restriction of benefits to those with stable work histories, and the coupling of benefits with job training requirements.⁶⁴

Additionally, in the past the United States relief system allowed states and localities to discriminate openly on the basis of race—specifically by barring or removing language from legislation that would prohibit such discrimination—in accordance with racialized labor patterns. It was and still is the case that certain racial groups become associated with particular sectors in the labor market, and certain minority groups will often be concentrated in the lowest-wage jobs in a given region. By excluding certain minorities from relief or by minimizing their benefit levels in relation to white workers, the class of workers in the lowest-wage labor pool will by and large remain unemployed and off the welfare rolls.⁶⁵ Thus has racial discrimination in welfare policy helped to keep large numbers of low-wage workers in the surplus labor pool, desperate and ready to reenter the low-wage job market as soon as it could accommodate them.

Although statutory methods of enforcing low-wage work are plentiful, the law is less than half of the story, because as Piven and Cloward write, “relief practice is always more restrictive than relief law.”⁶⁶ This truth has a parallel in the case of immigrant labor as well, as I will detail shortly. Many methods of enforcing low-wage work have been applied in practice that are not

⁶⁴ Ibid., 123–145.

⁶⁵ Ibid., 133.

⁶⁶ Ibid., 147.

written into law or explicitly sanctioned by policymakers. For example, relief-dispensing agencies will often engage in obstructionist procedures, to make applying for relief so difficult, time-consuming, and humiliating that only the most desperate would dream of attempting it.

Some methods of discouraging applicants include requiring them to produce hard-to-find documents in order to apply, fabricating months-long waitlists, making the application process confusing and time-consuming, and, of course, subjecting applicants to scorn and shame when they attempt to apply. The shaming of welfare applicants during the period of economic stability from the 1940s through the 1960s was overt and intrusive. Even those who made it through the process and were approved for benefits were subject to ongoing stigmatization and degradation by relief administrators, which reinforced the idea among relief recipients that it is preferable to work for rock-bottom wages than to stay on the relief rolls, and also deterred others from applying for relief in the first place. Piven and Cloward offer this apt explanation of the phenomenon during this era:

Market values and market incentive are weakest at the bottom of the social order. To buttress weak market controls and ensure the availability of marginal labor, an outcast class—the dependent poor—is created by the relief system. This class, whose members are of no productive use, is not treated with indifference, but with contempt. Its degradation at the hands of relief officials serves to celebrate the virtue of all work, and deters actual or potential workers from seeking aid.⁶⁷

Administrators would also discourage people from seeking aid by withholding information about relief programs from the general public. Programs that were available for the poor went unadvertised, so that most eligible people never heard of the programs, and those who

⁶⁷ Ibid., 165.

did often assumed they were ineligible.⁶⁸ Additionally, although “keeping people off the rolls is the main method by which relief administrations keep costs down and ward off public attack,” another technique used from the 1940s through 1960s was “underbudgeting” welfare payments—giving people less than the law allowed for.⁶⁹

The purpose these practices serve, of course, is to ensure a population of unemployed but employable people who are conditioned to accept low wages. Another factor creating the need for these phenomena, however, is public opinion. Because relief programs serve a central economic function for capitalism, those with economic and political power hold no small amount of sway over the operations (if not the very existence) of these programs. There has long been a stigma on relief recipients, and for just as long there has been ample public ire directed at governments seen as supporting the indolent and enabling laziness and dependency among the able-bodied.

Relief agencies must therefore walk a fine line between remaining useful in times of widespread unemployment and appeasing constituents with political power, especially capitalists who need cheap labor.⁷⁰ If they fail at the former, political and social unrest will follow. If they fail at the latter, they risk the dismantling of relief programs, which would be disastrous for political and social stability, as well as for the maintenance of a surplus labor supply. Relief administrators also presumably have a personal interest in walking this fine line, as their own livelihoods depend upon the continued existence of welfare programs. It is in their interest to ensure that relief agencies have continued relevance even when the rolls must be slashed.

⁶⁸ Ibid., 150.

⁶⁹ Ibid., 161.

⁷⁰ Ibid., 148.

How exactly relief administrators might achieve this is not mentioned by Piven and Cloward, who emphasize the pains welfare workers take to ensure that the public stays in the dark about the benefits available to them. The principal approach to which administrators of relief programs gravitate is to do their best to hinder enrollment and limit benefits, while also adopting the public's derogatory attitude toward welfare in order to appease political interests. Programs administered as such serve to pacify enough poor people to prevent uprisings, and all without attracting too much opposition from the public or from legislators for giving aid too liberally. It is possible that the needs of poor people will ensure a steady stream of welfare applicants, at least enough to keep welfare programs "in business."

The immigration system also ought to contain mechanisms for enforcing low-wage work, if indeed it functions to regulate the surplus labor supply. The suppression of wages and the willingness of workers to accept very low wages are both essential ingredients to the maintenance of a reserve army of labor. It is easy to imagine what some of these mechanisms might be, especially considering the precariousness that comes with being even a legal immigrant in a new country, to say nothing of the situation of undocumented immigrants.

For example, while new legal immigrants might fear speaking out against bad working conditions or low pay, undocumented workers have absolutely no legal basis for doing so. They can be fired at will, with no justification and no recourse. Both legal and undocumented immigrants might be in a precarious position because of language barriers and/or lack of knowledge about labor laws in the United States.

Legal and undocumented immigrants are often afraid to protest their working conditions because they risk being fired and possibly blacklisted by employers for "causing trouble." Undocumented workers run the risk not just of being fired, but also of being detained and/or

deported. Because of these dangers, many immigrants will accept poor working conditions, wages below the legal minimum, and abusive treatment by their employers, rather than draw attention to themselves by asking for better treatment. The fact that these workers are robbed of a voice by their tenuous situations helps to ensure that wages will stay low. As long as there is a class of disposable workers at the lowest levels of the economy, wages can remain far below a true living income.

Moreover, because undocumented immigrants enter the United States in order to seek work and typically to remit money to their families across the border, work norms among this population of workers do not require much enforcing. It is enough that these immigrants are both far from home and intending to return home on improved financial footing to keep them laboring for whatever wages the market offers.

Racialized Work And Welfare

In the past, the United States welfare system allowed states and localities to discriminate based upon race, specifically by barring or removing language from legislation that would prohibit such discrimination. “Under pressure from Southern congressmen, any wording that might have been interpreted as constraining the states from racial discrimination in welfare was deleted from the Social Security Act of 1935. The Southern states then proceeded to use the free hand they had been given to keep blacks off the rolls.”⁷¹

Under the AFDC program, state and local welfare agencies used their power to discriminate in such a way that it would maintain a “caste labor system, one in which the subjugation of particular ethnic or racial groups...serves to lower the price of labor generally.”⁷² This phenomenon was most prominently displayed in the South, where agencies would structure

⁷¹ Ibid., 133.

⁷² Ibid., 131.

their eligibility requirements and benefit levels in accordance with which racial group typically performed the bulk of the lowest-wage work in the region. The selected racial group would be excluded from relief so far as was possible, and payments to those approved for benefits would be lower than payments to other racial groups.⁷³ The idea behind this policy was to keep the lowest-earning class of workers desperate enough to reenter the low-wage job market as soon as it could accommodate them.

In the South prior to passage of the Civil Rights Act, this lowest-earning class was made up primarily of African Americans, who did most of the region's menial labor and seasonal agricultural work, and also were disproportionately denied welfare benefits.⁷⁴ Attitudes about race contribute to attitudes about the "proper" roles of different racial or ethnic groups in the workforce, creating a hierarchy in the labor force. The workers at the bottom of the hierarchy will lack economic mobility, and will usually come to be seen as suited only to menial labor. Racial and ethnic stereotypes become fused with the reputations of certain categories of labor.

Southern agriculture relied primarily on a grossly underpaid African American workforce, a group whose sudden absence would have spelled crisis for the cotton industry. During cotton-picking season, in fact, African Americans in the South were cut from the welfare rolls in order to push them back into the fields as cheap laborers.⁷⁵ Denying state assistance to these marginalized laborers leaves them desperate enough to perform the grueling work demanded of them, at wages far below the poverty level. This arrangement suppresses wages not just for the lowest earners, but "serves to lower the price of labor generally."⁷⁶

⁷³ Ibid.

⁷⁴ Ibid., 133.

⁷⁵ Jill Quadagno, *The Color of Welfare : How Racism Undermined the War on Poverty* (Oxford University Press, USA, 1996), 128.

⁷⁶ Piven and Cloward, *Regulating the Poor*, 131.

Racialized Work And Immigration

Immigrant workers in the United States have also typically become associated with certain sectors of the labor market. Today one obvious and widely held association is between Latin American immigrants, especially Mexicans, and seasonal farm work. As in the case above, this association is beneficial for employers, who can claim that Mexican labor is the kind they need, and that this agricultural work is undesirable for white Americans. Employers capitalize on racist sentiments, encouraging the stigmatization of arduous low-wage work as being “beneath white Americans,” so that they can keep their more exploitable, powerless pool of Mexican immigrant laborers.⁷⁷ Workers who have traveled hundreds or thousands of miles at great personal risk in pursuit of employment are more willing to tolerate both low pay and inhumane working conditions than domestic workers, as American farm employers are well aware.

The racialization of categories of work is not permanent, however, and sentiments about particular immigrant groups may shift over time. Historically, “established residents of the United States, themselves immigrants, perceived each succeeding immigrant group (especially Asians and Mexicans) as base and threatening to the American value system. According to these ‘nativists,’ new immigrants occupied the lowest-paid occupations because they were suited for them.”⁷⁸ There is often a tension between the labor desires of employers and the popular sentiment toward different immigrant groups, which can lead to seismic shifts in both immigration law and the racialization of the lowest-wage labor. As concentrations of particular immigrant groups residing in the United States rise, so does the anti-immigration backlash against those groups. Certain ethnicities and/or countries of origin will be targeted and vilified,

⁷⁷ Bill Ong Hing, *Defining America Through Immigration Policy* (Philadelphia: Temple University Press, 2004), 123–124.

⁷⁸ *Ibid.*, 119.

often leading to immigration restrictions designed to reduce those particular immigrant populations. Meanwhile, capitalists, well aware that they are about to be deprived of their primary sources of low-wage workers, will turn to other countries of origin for their labor needs.

For example, Chinese immigrants were actively recruited for low paying jobs until the Chinese Exclusion act of 1882, after which recruitment efforts were aimed at Japanese immigrants up until they were excluded by Gentlemen's Agreement of 1907-1908. The shortage of cheap labor that followed led to "intensified recruitment in Mexico and increased immigration from southern and eastern Europe."⁷⁹ Each time the target group shifted, the perception that this group was the right one for the job shifted as well. After recruitment of Mexican laborers was accepted as the desirable solution to United States labor shortages, the attitude that "these were Mexican jobs" took hold, "just as they had once been Chinese and Japanese jobs, and that, being by nature brutally difficult, they were especially suitable for persons with the presumed mental and physical attributes of Mexicans."⁸⁰

⁷⁹ Ibid., 121.

⁸⁰ Ibid., 123–124.

CHAPTER THREE

Accumulation by Dispossession

My adaptation of Piven and Cloward's framework explains United States immigration policy and practice in terms of state regulation designed to maintain a surplus labor supply for capital, while David Harvey emphasizes the role of neoliberal economic policies abroad in fueling the supply of immigrants to Northern economies. Harvey's interpretation of the relationship between United States capital and immigration does not necessarily preclude a Piven-Cloward regulatory approach. Rather, Harvey's analysis of economic development in immigrant sending countries complements Piven and Cloward's labor regulation framework by providing a possible explanation for the supply of immigrant workers in the United States surplus labor pool.

One of Harvey's primary foci in his discussions of neoliberal economic policy and immigration is the necessity of continuous "accumulation by dispossession" for the reproduction of the workforce in highly developed countries. According to Harvey, accumulation by dispossession can take different forms, but is always primarily a process of taking away people's rights.¹ In the Global South, this typically takes the form of dispossessing peasants of their land or otherwise depriving people of the right to control the resources on which their subsistence depends, such as their farmland or their water. People are deprived of their ability to subsist and are thereby pushed into the wage labor market, and the resources that are appropriated from them are privatized and commodified, transformed into capital.

Accumulation by dispossession is a modification of Marx's concept of "primitive accumulation." Primitive accumulation occurred at the beginning of capitalist economic

¹ "A Conversation with David Harvey," *Logos* 5, no. 1 (Winter 2006), http://www.logosjournal.com/issue_5.1/harvey.htm.

production, when the capitalist became a “commodity producer and exchanger” and when labor-power itself became a commodity.² For Marx, this process only had to happen once. For Harvey, the concept of original accumulation does not suffice, because it relegates “accumulation based upon predation, fraud, and violence to an ‘original stage’ that is considered no longer relevant or...as being somehow ‘outside of’ capitalism as a closed system. A general reevaluation of the continuous role and persistence of the predatory practices of ‘primitive’ or ‘original’ accumulation within the long historical geography of capital accumulation is, therefore, very much in order...”³ Because Harvey postulates an ongoing process, he coins the term “accumulation by dispossession” to take the place of Marx’s original or primitive accumulation.

According to Harvey, the process of accumulation by dispossession is necessary to capitalism. It is a central feature of the capitalist system, and is in fact a part of the logic of capitalism. To see why, we must look to the inherent limitations of capitalism that must be overcome in order to avert capitalist crises. Of particular import to the topic of immigration are the limits that pertain to labor, and how primitive accumulation can help capitalism overcome these limits.

Several limits to capital accumulation must be overcome for capitalism to function smoothly. If any of these limits is not successfully negotiated, capital flow will be disrupted; and if the disruption is not resolved quickly, the threat of economic crisis will loom large. Labor is of course one significant potential barrier to capital accumulation, and as Piven and Cloward demonstrate, the welfare system is one regulatory mechanism for controlling the labor supply in service of capital. As I have just proposed, state regulation of immigration might be seen as

² David Harvey, *The New Imperialism* (New York: Oxford University Press, USA, 2005), 143.

³ *Ibid.*, 144.

-serving the same purpose. This equation is straightforward: high demand for labor leads to the allowance of more immigration, while low demand for labor leads to immigration constriction.

Harvey, however, goes beyond this construction and asserts that perpetual primitive accumulation is required for the reproduction of the reserve army. In this formulation, it is not sufficient to have and maintain an “active” reserve army of labor—that is, a surplus of people who are already selling or attempting to sell their labor in the capitalist marketplace.⁴ Rather, new workers must continually be brought into the capitalist economy from outside it, i.e., from the “latent” reserves.

The regulation approach, as I have constructed it based on Piven and Cloward’s welfare model, treats the immigration system as a mechanism that allows, encourages, halts, or reverses the flow of immigrants as labor demand in the destination country dictates. Absent from this model, however, is an explanation for the pressure behind the flow of immigrants, in their home country. Accumulation by dispossession might provide an explanation for the pressure behind the spigot, so to speak. We must ask what creates this supply of would-be border crossers, and whether the push of workers from their home countries provides a key to understanding the ebb and flow of immigration into the United States. If so, we might expect to see an immigration flow that does not correlate well with the level of unemployment in the United States.

Another related question Harvey’s approach allows us to consider is whether immigration might solve labor problems beyond a straightforward shortage of workers, such as the maladaptation of available workers to new workplace demands. Immigration regulation may be part of the solution to United States labor shortages, but the sources of new immigrants also require examination. In Harvey’s view, scarcity of labor is just one piece of the labor problem,

⁴ Harvey draws this conclusion in particular from Rosa Luxemburg, *The Accumulation of Capital*, 2nd ed. (Routledge, 2003).

because capital also requires the right kinds of workers and the freedom always to obtain them. The freedom of access to any and all kinds of workers, in abundance, requires not just a population of laborers conditioned to seek the rewards of the marketplace; it requires the continual addition of new bodies to capitalism, a condition that is met through ongoing accumulation by dispossession.

One means by which the capitalist labor market gains access to new workers is by dispossessing peasants of their land and their traditional, subsistence livelihoods. Peasants are thereby brought into the capitalist economy and forced to sell their labor on the marketplace in order to survive. Harvey states that “the need to deny labour access to the land as means of production in no way diminishes with the advance of capitalism. Indeed, it remains a permanent necessity if the reproduction of the class relation between capital and labour is to be assured.”⁵ Here Harvey makes two salient points: first, as opposed the idea of “original” primitive accumulation, Harvey argues that primitive accumulation did not cease after the transition from feudalism to capitalism in Europe; and second, he suggests that capital needs not just access to adequate supplies of labor, but also whatever kind of labor power it needs at any given time, in any given place. In order for capitalists to have access to as many kinds of labor power as possible, traditional ways of life and sustenance must continually be disrupted and destroyed through primitive accumulation.⁶ Yet, the conditions most conducive to capital accumulation also have the potential to create economic, social, and political instability, as we will see.⁷

An idea that ought to be stressed is that capitalists require different kinds of labor at different times, and would prefer to have all of them at their disposal at all times. For this reason,

⁵ David Harvey, *The Limits to Capital* (Chicago: University of Chicago Press, 1982), 359.

⁶ *Ibid.*, 381.

⁷ Kitty Calavita, *U.S. Immigration Law and the Control of Labor: 1820-1924* (Academic Press, 1984), 12.

a domestic pool of surplus laborers might be inadequate to meet the labor needs of capital. It is, after all, the case that many of the lowest wage jobs done by immigrants and guest workers in the United States are not in fact unskilled jobs. Fruit picking and other agricultural labor require skill, a certain amount of delicacy, and exceptional endurance, and many workers would be unable to perform these tasks both adeptly and efficiently. Capitalists would prefer to import skilled workers directly rather than train less willing American workers. It is also the case that these jobs pay very poorly, and American workers would rather seek other opportunities—perhaps for less arduous low-wage work, such as in the service sector—rather than acquire the skills to perform such difficult work for such minimal pay. In certain industries, such as agriculture, job training will be no match for the lifetimes of experience immigrant farm laborers bring with them.

Another way accumulation by dispossession occurs is by bringing in populations traditionally excluded from the formal labor market, such as women whose primary roles have been in the home or elsewhere in the informal economy. Hartsock argues that contemporary processes of capital accumulation are “built on the backs of women,” and actually have a disproportionate impact on women.⁸ One reason is that women are more likely than men still to exist outside of the formal economy, and so if new workers/consumers will be brought into the capitalist system through accumulation by dispossession, they are today more likely to be women. The process of dispossessing peasants of their land and their subsistence livelihoods, the “creation of a new class of landless free laborers,” is pulling a disproportionate number of women into the workforce because of several contributing factors: “the fact that in many places

⁸ Nancy C.M. Hartsock, “Globalization and Primitive Accumulation: The Contributions of David Harvey’s Dialectical Marxism,” in *David Harvey: A Critical Reader*, 1st ed. (Wiley-Blackwell, 2006), 168.

women cannot own land, the pressures that lead women to migrate in search of jobs to support their children, the worldwide traffic in persons, especially women and girls, the impact of welfare reform in the USA, with its work requirement for recipients, etc.”⁹

Additionally, because women are more responsible for social reproduction than men, accumulation in the form of expanded reproduction will put greater pressure on women.¹⁰ Women bear a greater burden in human reproduction, during pregnancy, childbirth, nursing and caring for the infant, and in raising children. Women also more often bear the primary responsibility for the daily efforts involved in sustaining home and family life, including cooking, cleaning, and other household tasks. To complicate matters, driving women into the workforce does not relieve women of their responsibilities for social reproduction, but rather just adds to the demands on women. Hartsock’s point, in sum, is that primitive accumulation and ongoing accumulation by dispossession, are fundamentally gendered processes.

As increasing numbers women are pushed into the labor market, the proportion of women immigrating to the United States seeking work increases as well. This phenomenon brings new realities to the politics of immigration. For one, immigrant women can bear children in the United States. Not only does this situation decrease the likelihood that an undocumented immigrant woman’s stay in the United States is temporary, but it also complicates issues of deportation for mothers whose children have a right to stay in the United States while they themselves do not. Because of *jus soli* laws, these children will be United States citizens, a fact that anti-immigration groups have focused on as they have begun protesting birthright citizenship laws in recent years.

⁹ Ibid., 181.

¹⁰ Ibid., 177.

When undocumented immigrant women bear children in the United States, the dynamics of social reproduction also shift. After all, the state has an obligation to these citizen children and thereby incurs some responsibility for the social reproduction of this new generation.

Furthermore, the increase in female immigrants changes the composition of the labor pool, because immigrant women often enter different economic sectors than men. Undocumented immigrant women can be found in high concentrations in domestic work such as nannying and housekeeping, for example, one consequence of which is the racialization of these jobs.

On the other side of this labor supply is the demand generated by accumulation processes in the Global North. Accumulation by dispossession is occurring in the United States as the state reduces public expenditures and privatizes public goods and services. This process has forced women into the labor market from roles as wives, mothers, and caretakers outside of the formal economy, which has not only added new wage workers to the labor pool but has generated a new demand for the services these women used to provide. The heightened demand for services such as cooking, cleaning, and childcare translates to a demand for more immigrant labor, in this case most often female workers.

By freeing the labor-power of both men and women in the Global South, accumulation by dispossession helps capital overcome potential labor bottlenecks, a subject to which I will now turn. Capital needs willing and eager laborers, always at the ready to take whatever jobs happen to be available. There must be enough workers with appropriate skills to ensure a constant oversupply, because the smooth functioning of capitalism, and the management of capitalist crises, requires a constant rate of growth. With constant growth comes a need for a guaranteed source of ever more laborers, available when capital needs them. But Harvey points out that the relationship between capital accumulation and labor is not always as simple as this.

The demand for workers is in fact complicated by geography, political processes, the role of the state, the labor process, and the particular characteristics of the labor supply.

Labor Limit: Resistance And Political Difficulties

One category of labor limitation Harvey cites is that of worker resistance and/or political difficulties with labor. For example, demands for better working conditions or higher wages, or slowdowns or strikes can cause serious problems for capital. Such political difficulties can negate the usefulness to capital of the surplus labor supply, regardless of how abundant the pool of laborers may be. If surplus laborers succeed in organizing and demanding more from capitalists, their usefulness as a labor supply diminishes. Their unwillingness to sell their labor at any price will render the low-wage workforce less disposable, and will undermine the low-wage labor market. This will cut into capital accumulation and the rate of growth required to sustain capitalism.

During the 1800s in the United States, immigrants were frequently recruited to break strikes, with a dual effect: their willingness to break strikes severely diminished the negotiating power of workers and also suppressed or decreased wages. Employers often lowered wages when recent immigrants were hired on as strikebreakers.¹¹ With the labor supply problem solved by securing access to willing workers who were not yet organized, capitalists were free to ignore the strikers. Employers no longer had any reason to negotiate with the strikers, let alone strive to meet their demands. According to Manuel Castells, “*the utility of immigrant labour to capital derives primarily from the fact that it can act towards it as though the labour movement did not*

¹¹ Calavita, *United States Immigration Law and the Control of Labor*, 25.

exist, thereby moving the class struggle back several decades.”¹² Thus immigration can be used as a tool for thwarting the interests of native-born workers in favor of capital.

Immigrants need not be used to break strikes to have this same effect, however. The mere presence of an abundance of willing-to-work immigrants, legal or undocumented, weakens the power of labor in relation to capital. As Castells notes, “It remains true, *as a tendency*, that the very possibility of recourse to immigration causes a relative lowering of wages...”¹³ An adequate supply of labor power for capital ensures that demand for labor will stay low and that laborers will lack bargaining power. Resistance will therefore be minimal and poorly organized, as is the case today, thanks in part to the role immigration plays in assuring a never-ending supply of workers.

Scarcity of labor drives wages up, and rising wages have a detrimental effect on capital accumulation. When capital has an overabundant labor supply at its disposal, employers can underpay workers. Low wages help capitalists achieve higher profits and a steady rate of accumulation. Because immigration has the potential to continuously feed the available labor supply, and thus help suppress wages, a steady stream of immigrant workers is beneficial to capital. Moreover, immigration replenishes the surplus labor pool while also protecting the state from other costly and disruptive methods capitalists have traditionally used to increase the surplus labor supply, such as lay-offs or technological changes that render many workers temporarily maladapted.¹⁴

¹² Manuel Castells, “Immigrant Workers and Class Struggles in Advanced Capitalism: The Western European Experience,” *Politics & Society* 5, no. 1 (March 1, 1975): 52. (Emphasis in original.)

¹³ *Ibid.*, 49.

¹⁴ David Harvey, *The Enigma of Capital* (Profile Books Ltd, 2010), 60.

Moreover, the availability of the immigrant labor force may well allow capitalists to conciliate collective labor interests to a certain extent, knowing full well that they have an alternate source of workers who are not yet organized or, if they are undocumented, have no power to protest substandard wages or working conditions. Since the 1986 passage of the Immigration Control and Reform Act, which made it illegal to hire undocumented workers, undocumented immigrants have even less power to organize. According to David Bacon, “Since passage of the law, immigration raids have led to firings and deportations of thousands of people in workplaces across the country. In many cases employers have used the law as a way to intimidate immigrant workers, and rid themselves of those trying to organize unions and protest bad wages and conditions.”¹⁵ With such an exploitable group of workers available, it is also conceivable that capitalists may be freer to appease union interests and appear to “do the right thing” with respect to labor while quietly counting on the cheaper and less powerful sources of labor supply guaranteed by.

Thus we see that immigration does indeed help capital to overcome the challenge presented by worker resistance or political difficulties with labor, and how ongoing primitive accumulation might be necessary for immigration to serve this function. Without a means for incorporating ever more new workers from outside the capitalist economy, the demand for docile and compliant laborers who are as yet unaffiliated with union or workers rights groups might exhaust the available supply. Time has shown that new immigrants do not stay unorganized for long, and in fact they often become labor organizers and union leaders themselves.

¹⁵ David Bacon, “Divide and Deport: On Immigration, Thom Hartmann and Lou Dobbs Have Much in Common,” Online Magazine, *Working In These Times*, February 28, 2011, http://www.inthesetimes.com/working/entry/7007/divide_and_deport_on_immigrants_thom_hartmann_and_lou_dobbs_have_much_/.

Even with the 1986 law in effect, the labor movement has persisted in including undocumented workers, despite their risk of being fired and/or deported. In fact, over the past two decades, immigrants have themselves become some of the primary labor organizers in the United States. This reality would be an enormous liability for United States capitalists were there not an abundant and ever-available supply of new laborers from across the border. In fact, the difficulties caused for United States capital by labor organizing and activism would be detrimental were it not for ongoing primitive accumulation. If the supply of immigrant workers was not assured by prevailing bad conditions in their countries of origin, United States capital would lack the leeway it currently has to pay unlivable wages and to fire workers for organizing. As Bacon writes, “Whether acknowledged or not, displacement has been indispensable to the growth of capitalism from the beginning.”¹⁶

Labor Limit: Obsolescence/Readiness/Socialization Of Labor

Another labor limit identified by Harvey concerns the quality of the labor supply. It is not only important to have a labor supply that is available when needed, but also that it meet certain standards of readiness, socialization, and relevance. As with the reserve army thesis, how well the available workforce is suited to the current needs of capital is as important as the sheer abundance of workers. Suitability to the current conditions of the economy is a multi-faceted issue, involving not just skills and training, but also how well workers have been conditioned to accept the rewards of the marketplace.

Piven argues that the marketplace no longer provides incentives that surpass those of the welfare system. In 1995 she wrote that wages for unskilled jobs were lower than “the welfare package of benefits and food stamps,” which undermines the possibility of escaping poverty

¹⁶ David Bacon, *Illegal People: How Globalization Creates Migration and Criminalizes Immigrants* (Beacon Press, 2009), 68.

through work, and consequently diminishes the willingness of the reserve army to trade welfare for work.¹⁷ To be sure, this unappealing differential between welfare benefits and incentive to work is not the result of generous benefits, as both benefit levels and wages have fallen significantly since the 1970s.¹⁸ However, it should be noted that just after Piven's assessment of the welfare to wages differential, the Clinton administration passed its welfare reform act, PRWORA. With its five-year lifetime limit on cash welfare payments and work requirements, the new welfare law was intended to resolve the problem of people preferring welfare to work.

Harvey argues that the labor supply problem has been solved for the past twenty to thirty years partly thanks to immigration, and that the effect of such a steady source of labor has been to suppress wages in the United States. According to Harvey, "labour reserves exist everywhere and there are few geographical barriers to capitalist access to them."¹⁹ This abundance of workers would not be available without the spread of neoliberal economic policies, a mainstay of which is accumulation by dispossession. The neoliberal tactics of privatizing public goods and dispossessing people of their non-market livelihoods in the Global South, and have contributed to the overall lack of economic prospects in the countries that supply the United States with laborers. This is also to say that United States labor needs would not be met so thoroughly were it not for the neoliberal policies that drastically altered so many economies during the 1970s and 1980s.

Mexico's economy, in particular, has become deeply intertwined with the United States economy. The linking of the United States and Mexican economies is partly attributable to the International Monetary Fund's structural adjustments following the Mexican debt crisis in the

¹⁷ Sanford Schram and Frances Fox Piven, *Words of Welfare: The Poverty of Social Science and the Social Science of Poverty* (University of Minnesota Press, 1995), xi.

¹⁸ *Ibid.*, x.

¹⁹ Harvey, *The Enigma of Capital*, 66.

early 1980s, as well as the deregulation of the Mexican economy that accompanied NAFTA. The United States has benefitted from these developments while Mexico has suffered.

The United States economy has gained a steady supply of new workers as Mexican and Central American peasants have been dispossessed of their land and thus robbed of their ability to support themselves through subsistence farming. Additionally, NAFTA allowed the United States to flood the Mexican market with grain so cheap that Mexican grain farmers cannot possibly remain competitive. With traditional livelihoods made impossible and the removal of regulations protecting the Mexican economy from the vicissitudes of global capitalism, Mexico found itself in economic crisis. Still today Mexico's local economies offer so little work and so little reward that workers have little choice but to seek their livelihoods elsewhere.

CHAPTER FOUR

Evidence

United States immigration trends are the product of the logic of capitalist accumulation within United States borders and beyond. This logic manifests in a complex mixture of state regulatory and economic practices in the United States, and in processes of displacement in immigrant sending countries. Immigration policy in the United States is characterized by the sometimes contradictory regulatory demands of a capitalist state. On the one hand, the state plays an important but ill defined role in ensuring a steady supply of labor for capital, while on the other, the state has an institutional imperative to maintain order. United States immigration regulation is marked by a tension between these two state functions, as politicians respond to the ebbs and flows of capitalist accumulation as well as the class struggle that results from these processes.

Immigration trends cannot be explained by immigration policy alone, however. The provenance of the immigrant labor supply must also be accounted for. Here too, the logic of capitalist accumulation provides an explanation. Accumulation by dispossession in the Global South creates the push of migrants into the United States, an ongoing process that has displaced masses of rural people and forced them into the wage economy. From conditions of landlessness and joblessness in their countries' weak economies, these displaced people migrate to the Global North in pursuit of work.

To illustrate these dynamics in the history of United States immigration, I will borrow Piven and Cloward's timeline in *Regulating the Poor*. The periods they define are: the Great Depression, a stable period from 1940-1960, the tumultuous 1960s, and the period of deindustrialization, economic decline, and the "war against labor" during 1970-1990. For the

periods before 1930 and after 1990, I will rely on an immigration history written by Bill Ong Hing, *Defining America Through Immigration Policy*, and *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* by Massey, Durand, and Malone.

1840-1929

Until the 1910s, the United States economy required a constant influx of new laborers to fuel economic growth. Prior to the end of the First World War, overall admission of immigrants was liberal, and there were few policies in place that would prohibit such growth. In fact, unskilled immigrant laborers were instrumental to the industrialization of the United States, as well the building of infrastructure for American cities.¹

Immigrants had not only been allowed in, but had been actively recruited, including a large influx of Chinese workers to solve the western labor shortages during the 1840s. Chinese laborers “became increasingly reviled during the recessionary times of the 1870s” after the Civil War ended and the war economy dried up, resulting in the Chinese Exclusion Act of 1882.² The act was the “first broad modern assertion of the federal regulatory power” over immigration.³

The anti-Chinese sentiment that grew during the post-Civil War economic downturn led to the first qualitative restrictions on immigration, illuminating the role that race played not only in anti-immigrant crusades, but also in employer strategies to ensure a continued supply of cheap labor. According to Hing, “there is substantial evidence that employers acquiesced in

¹ Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 18, <http://quod.lib.umich.edu/offcampus.lib.washington.edu/cgi/t/text/pageviewer-idx?c=acls;cc=acls;rgn=full%20text;idno=heb06691.0001.001;didno=heb06691.0001.001;view=image;seq=9;page=root;size=100>.

² Michael E. Fix and Jeffrey S. Passel, *Immigration and Immigrants: Setting the Record Straight* (Washington, D.C.: The Urban Institute, May 1, 1994), 9, <http://www.urban.org/publications/305184.html>.

³ Ibid.

exclusionary acts that originated with the labor groups and that many who did were comforted by the prospect of their replacement by potentially more compliant new immigrants from Mexico.”⁴ While just one immigrant group was targeted and vilified, employers could appear sympathetic to nativist and labor concerns about immigration, while knowing that they could turn their attention to other sources of immigrant workers, such as Japan and Mexico.

Extensive recruitment strategies in the Mexican interior by American employers existed long before the turn of the century, and after the exclusion of Chinese immigrants, large-scale immigration from throughout Mexico began. These efforts were aided by the United States-financed railway system connecting the far reaches of Mexico to the United States.⁵ The railroads, built in the 1880s to 1890s, were instrumental in making “mass migration between Mexico and the United States possible, if not inevitable.”⁶ Recruitment of Mexican labor further intensified after anti-Chinese sentiment became a more general anti-Asian sentiment and led to the exclusion of Japanese immigrants in 1907 and then all Asians in 1917.⁷

Political and economic conditions in Mexico also contributed to the flow of Mexicans into the United States in the early 1900s. Industrialization in the late nineteenth century led to rampant accumulation by dispossession throughout Mexico, and “through privatization, enclosure, and land consolidation, more than 95 percent of rural households had become landless by 1910.”⁸ Additionally, agricultural mechanization and the flow of manufactured goods into rural areas left many Mexicans jobless and also had a devastating effect on wages. Thus United

⁴ Hing, *Defining America Through Immigration Policy*, 120.

⁵ Ibid.

⁶ Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (Russell Sage Foundation, 2003), 27.

⁷ Hing, *Defining America Through Immigration Policy*, 121.

⁸ Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 29.

States efforts to recruit Mexican laborers were enormously successful. According to Massey et al, Mexican immigrants

sought to move northward temporarily to solve economic problems their families faced at home... What the first migrants sought were ways to manage the risks associated with the structural transformations at home, to buffer the vicissitudes of civil war, and to acquire the capital they could not otherwise hope to gain so as to be able to buy land, construct homes, purchase equipment, and generally enter the emerging market economy as producers and consumers.⁹

United States labor demand provided a solution to Mexican political problems, and Mexican labor provided a solution to United States labor shortages. Because the two countries are neighbors, the expectation among both Mexicans and Americans was that the northward migration of Mexican workers was temporary, and would not result in long-term or permanent residence in the United States.

Until World War I began in 1914, immigration from southern and eastern Europe also provided a steady, reliable stream of new laborers. With the onset of the war, the flow of European immigrants into the United States ceased. At the same time, the war brought major economic growth, causing a significant labor shortage that was filled by Mexican immigrants. The United States began to rely so heavily on Mexican labor that when Congress passed the 1917 Immigration Act, with its head tax and literacy test requirements for new immigrants, Mexicans were exempted through a special provision (that would later become the basis for the “Bracero” guest-worker program).¹⁰ United States dependence on cheap Mexican labor had been growing since the 1800s, but it was the labor shortage during World War I that firmly cemented

⁹ Ibid., 31.

¹⁰ Hing, *Defining America Through Immigration Policy*, 122.

the relationship between the United States labor market and Mexico's young, mobile working population.

The clear pattern during these decades of strong demand for labor is employer and lawmaker acquiescence to nativism and the anti-immigration demands of organized labor. At the same time, because anti-immigration laws were largely ineffectual and employers continued to push for sources of cheap immigrant labor, immigration continued unabated. Efforts to restrict immigration were largely "for show," to calm disorder and appease political constituencies. Ultimately, while nativists successfully agitated for some major immigration restrictions, employers quietly got their way and the flow of immigrant workers continued largely unimpeded.

Another consequence of the economic expansion caused by World War I was an internal migration of African Americans from the rural South to northern cities in pursuit of industrial jobs. The Great Migration that began during the 1910s was also fueled by troubles in the cotton industry, and the desire of African Americans to escape the widespread poverty, racism, and lack of opportunity they faced in the South. For Northern industries, the migrants provided a new source of cheap labor when slackened immigration and military conscription produced a substantial labor shortage.¹¹

In 1918, the war-time boom had ended, the return of troops had created a high level of unemployment, and a fervent nationalism that had taken hold during the war was feeding anti-immigration hysteria. This set of circumstances would soon result in more stringent immigration laws, including the first quantitative immigration restrictions in 1924. From the start, however, the needs of the United States agricultural sector ensured exemptions for Mexicans, both

¹¹ "The Negroes' Temporary Farewell," *Black Americans in Congress*, n.d., <http://baic.house.gov/historical-essays/essay.html?intID=5&intSectionID=28>.

immigrants and nonimmigrant contract laborers, upon whose labor the agricultural industry in California, Texas, Arizona, and New Mexico had been built.¹² Although on the whole the United States economy was in decline after World War I, the agricultural sector still boomed because of continuing urbanization and because European agriculture had been devastated by the war. The use of Mexican labor, upon which the agricultural sector had come to depend, continued unabated.

Industrial and agricultural interests exerted pressure on the United States government to continue to allow Mexican labor, even testifying “before congressional committees in the 1920s that Mexican labor had been a vital factor in the development of their enterprises.”¹³ Indeed, it had. The interests of capital prevailed despite “a post-World War recession, an increasingly powerful domestic labor movement, and mobilized restrictionist sentiment.”¹⁴ Despite the recession, it should be noted, the agricultural sector continued to grow, and thus so did the demand for the laborers who had proven so suitable for farm work.

One tactic employers used to persuade the federal government to allow them continued access to cheap immigrant labor was to argue that Americans would not perform these particular jobs at any price. Another tactic, as mentioned above, was to exploit racist sentiment and bolster the racialization of certain jobs, such as those in the Southwest and Texas agricultural industries, by arguing that these jobs were not good enough for Americans. In both of these cases, “American” was understood to mean white American. This definition excluded not just African Americans, who were still the backbone of Southern agriculture, but also many immigrants from southern and eastern Europe.

¹² Ngai, *Impossible Subjects*, 19, 50.

¹³ Hing, *Defining America Through Immigration Policy*, 123.

¹⁴ *Ibid.*

However, xenophobic, anti-Mexican sentiment was rising, and when employers thought their supply of Mexican laborers might be cut off by immigration quotas, they began recruiting workers from the Philippines.¹⁵ Capitalists fought for their interests, but knowing they had alternatives, were willing to lose the battle for Mexican labor should political conditions prove too problematic. When the quota system was enacted in the Immigration Act of 1924, countries in the Western Hemisphere were excluded, to the benefit of employers and the dismay of immigration restrictionists. At the same time, a 450-man Border Patrol was formed, resulting in a couple of years of increased apprehensions and deportations of undocumented immigrants. Its overall effect on immigration was negligible, however, as the “booming United States economy of the ‘Roaring Twenties’ continued to generate a high demand for unskilled workers.”¹⁶ Employers kept up recruitment efforts in Mexico despite nativism, the new Border Patrol presence, and the fact that at by this time most Mexicans were crossing the border without authorization.

The Great Depression

After the stock market crash in 1929, the United States unemployment rate skyrocketed, and so did xenophobia. According to Hing, “ridding the country of workers who were ‘no longer needed’ became a priority.”¹⁷ Hostility toward immigrants rose, and Mexican immigrants, who now were a very large and visible population in the southwestern states, made a particularly convenient target. The economic crisis had no easy solutions, but blaming the large population of Mexican laborers was one simple palliative measure for a hurting and hungry working class with limited organizational capacity. Massey et al. claim that politicians seized on the mood and

¹⁵ Ibid., 124.

¹⁶ Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 33.

¹⁷ Hing, *Defining America Through Immigration Policy*, 125.

sought to “address, if only symbolically, the concerns of frightened United States workers” with a “massive roundup and deportation of Mexican immigrants.”¹⁸ Legal immigration into the United States came almost to a standstill, and hundreds of thousands of Mexicans were apprehended and deported in the eight years following the stock market crash.¹⁹ Even agriculture relinquished its reliance on Mexican labor and hired “Americans” displaced by the economic catastrophe.

Far from the concentrated populations of Mexican immigrants in the western and southwestern states, low-wage workers also came under attack in the northern United States. There the vilified populations were southern and eastern European immigrants, in addition to African Americans who had recently migrated from the rural South. Prior to the stock market crash, nativists had set their sights on southern and eastern European immigrants, including Jews, Italians, Slavs, and Greeks, who were widely considered “not the right stock from which true Americans were bred.”²⁰ Immigration quota laws enacted in 1921 and 1924 particularly targeted these groups. African Americans and southern and eastern European immigrants lost jobs in disproportionate numbers during the 1930s, and because of the racist and anti-immigration politics of the American Federation of Labor (AFL), they were also shut out by the largest and strongest unions in the country.

The AFL sought to protect the position of white workers within the skilled trades, but did not want to represent the immigrants and African American migrants who made up the unskilled labor force. “When the National Labor Relations Act, or Wagner Act, of 1935 granted workers the right to organize unions and bargain collectively with employers, unskilled workers clamored

¹⁸ Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 34.

¹⁹ Ibid.

²⁰ Hing, *Defining America Through Immigration Policy*, 63, 69.

to join unions,” but legally sanctioned racial discrimination would ultimately frustrate the attempts of non-white workers to join existing unions.²¹ For a time, anyway, non-whites (including, at the time, Jews, Italians, Slavs, and other disfavored immigrant groups) were relegated to the low-wage labor pool, while the coveted jobs in the skilled trades were protected by unions for white workers. On the other hand, the Congress of Industrial Organizations (CIO) was open to African Americans since its establishment in 1938.

Years Of Stability: 1940-1960

With the relative security that followed Roosevelt’s New Deal legislation, social unrest abated, and as the United States prepared to enter World War II the economy began to enter what would be a sustained period of growth. With the expanding economy, American workers who had migrated from the Dust Bowl to California and the Southwest to become agricultural laborers quickly left these poor-paying, arduous jobs. Fearing a labor shortage, agricultural employers sought assistance from the federal government, which quickly moved to initiate a new program to recruit Mexican labor. The 1942 Labor Importation treaty between the United States and Mexico became known as the Bracero Program and survived until 1964, despite a massive immigration crackdown during the 1950s. Industrial employers in the North recruited women and southern African Americans, in the former case drawing women from outside the formal economy into wage labor, and in the latter contributing to the ongoing migration of African Americans from the rural South to northern cities.

The United States economy continued to boom even after the end of World War II, and though the Bracero Program was renewed on an annual basis, farm employers found the labor supply inadequate. By the late 1940s, employers had begun a large-scale recruitment of

²¹ Quadagno, *The Color of Welfare*, 21.

undocumented workers to fill in the gaps, an act implicitly allowed by the “Texas Proviso,” which “prohibited the prosecution of employers for hiring undocumented workers.”²² However, after the Korean War (1950-1953), a recession and rising McCarthyism put illegal immigration on the political agenda once again.

Even though agricultural employers still pressed for more workers, American citizens demanded better border control. According to Massey et al, the INS response “was a bureaucratic tour de force. In 1954 the INS launched a well-publicized, two-pronged attack known as ‘Operation Wetback’ that brilliantly managed to satisfy all sides, putting the INS simultaneously in good stead with growers, the public, nativists, and members of Congress.”²³ The border was militarized, and more than one million immigrants were apprehended and deported in 1954 alone.

At the same time, the number of Bracero visas more than doubled, and behind-the-scenes tactics allowed the INS to appear tough on immigration while also ensuring that ample Mexican laborers found their way to agricultural employers: “At one point the INS was raiding agricultural fields in the southwestern United States, arresting undocumented workers, transporting them back to the border, and deporting them into the waiting arms of officials from the United States Department of Labor, who promptly processed them as braceros and retransported them back to the very fields where they had been arrested in the first place.”²⁴ This deceitful strategy allowed employers to meet their needs for cheap labor and also pacified nativists with the appearance of a secure border and a sturdy immigration enforcement regime.

²² Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 36.

²³ *Ibid.*, 37.

²⁴ *Ibid.*

The Bracero Program allowed the United States to “have its cake and eat it too.”²⁵ Operation Wetback so thoroughly soothed anti-immigration sentiment that the issue fell from public view, and after just one intense year of deportation activity, deportations again declined and undocumented immigration picked back up.

The Tumultuous 1960s

In the early 1960s, employers became increasingly uninterested in the Bracero Program, with its contract hassles and bureaucratic expenses. When the program came into the crosshairs of the Civil Rights Movement for being exploitative and discriminative, employers, who had grown more and more reliant on undocumented workers, put up little resistance.²⁶ The Bracero Program died without much opposition in 1964 and a sustained increase in undocumented immigration followed with scant effort on the part of United States employers. A century of migratory tradition had cemented the habit, and word of the benefits of seeking temporary employment in the United States continued to spread in Mexico. Also contributing to the push of migrants from Mexico were the population explosion from the 1950s to 1970s and Mexico’s embrace of import substitution industrialization. Although import substitution industrialization created a sustained economic boom in Mexico, the “rate of job creation in urban areas was no match for Mexico’s burgeoning rural population,” thus increasing the flow of immigrants into the United States.²⁷

The economy was strong, American confidence was high, and immigration once again diminished as a political issue. Because of “explosive growth in income and rising standards of living, United States citizens were able to turn their attention to moral contradictions at home,”

²⁵ Ibid., 39.

²⁶ Ibid., 41.

²⁷ Ibid., 36.

such as racial discrimination.²⁸ In the spirit of fighting inequities, opinion turned against immigration policies based on national origin, and in 1965 amendments to United States immigration policy were passed creating a fairer visa quota system. As a result, when the new visa allocation system took effect in 1968, Mexican immigration was subject to new quantitative restrictions, with the entire Western Hemisphere suddenly competing for a mere 120,000 visas.²⁹ This restriction led to a decline in legal immigration and another substantial rise in undocumented border crossings.

During the same period, despite a thriving economy, there was a welfare explosion that Piven and Cloward attribute to the political disorder of the 1960s. The unrest of the civil rights and black power movements was fed by the Second Great Migration, which further urbanized African Americans in the northern United States and gave them greater political power than they had possessed in the rural South. Overall, African American migrants experienced poor economic prospects in northern cities, facing twice the unemployment rate of white Americans.³⁰ In response to the severe economic difficulties and racial discrimination they faced, African Americans in the 1960s were now causing “trouble in the streets, and trouble at the polls,” leading to a sharp increase in the welfare rolls by 1964, when government had to step in to quell the turbulence.³¹

The mid-1960s saw an expansion in undocumented immigration, an expansion in welfare provision, and an expansion in rights for African Americans and women with passage of the Civil Rights Act. It is plausible that the relief explosion and the Civil Rights Movement both contributed to the need for undocumented immigrant laborers in the United States. New anti-

²⁸ Ibid., 39.

²⁹ Ibid., 43.

³⁰ Piven and Cloward, *Regulating the Poor*, 217.

³¹ Ibid., 222.

discrimination laws in the civil rights era likely made women and African Americans less desirable as low-wage laborers. Suddenly employers faced laws barring discrimination and unequal pay based on race and gender, and thus were suddenly deprived of any legally sanctioned way to underpay laborers.

The benefit to capital that once came with marginalized, underprotected populations of workers was rendered null during the 1960s, thus potentially increasing the attractiveness of undocumented immigrant workers. Additionally, with a doubling of the welfare rolls from 1960 to 1969, many surplus laborers were lost from the labor pool during a period of relative economic strength in the United States. This loss of surplus laborers especially from urban centers might have made employers eager for a steady flow of immigrants to replenish the surplus labor pool.

Deindustrialization, Stagnation, and the War Against Labor: 1970-1990

In the early 1970s, the steady economic growth that marked the post-World War II era came to a close. Thanks to competition from industrialized and industrializing countries, work in United States manufacturing declined sharply. The service sector, with its poor wages and lack of benefits, was growing, and “for millions of people, work became less secure and less remunerative in the 1970s.”³² The United States economy entered a long stretch of recessions, stagnation, and high rates of unemployment, during which the pro-union, welfare-rights mood of the 1960s shifted toward a fever for dismantling social programs and curtailing the power of organized labor.

A global crisis of capital accumulation led the United States to embrace neoliberal policies as a means to restore economic profitability when it seemed that Keynesian social

³² Ibid., 346–347.

democratic policies had failed. Neoliberal reforms, set in motion by the Carter administration and carried out with even greater vigor by Reagan, would include massive cutbacks in social welfare spending, privatization of public services, deregulation of markets, tax cuts for businesses and individuals, and a formidable attack on organized labor. This neoliberal campaign was not just a good-faith attempt to jump start capital accumulation processes, however. The opening for reform provided by economic decline was also an opportunity for “top elites” to regain class power.³³ Neoliberal policies did not actually generate new wealth, however. Through accumulation by dispossession, neoliberalism has been a process of redistribution of wealth from the “mass of the population toward the upper classes” and “from vulnerable to richer countries.”³⁴ This redistribution was driven by the interests of capital but legitimated and institutionalized by the state.

Anti-immigration sentiment rose again during this period of economic distress, leading to the Immigration Reform and Control Act of 1986 (IRCA). IRCA expanded the Border Patrol, introduced employer sanctions for hiring undocumented workers, and instituted amnesty and legalization for both undocumented long-term residents of the United States and undocumented agricultural workers.³⁵ Although wages were depressed and unemployment was high, neoliberal reforms had been effective in restoring capital accumulation, resulting in high demand for very cheap labor. The fact that IRCA included provisions for legalization of undocumented immigrants is evidence of the tension between the interests of capital and popular pressure. The state attempted to satisfy anti-immigration demands through increased immigration enforcement

³³ David Harvey, *Spaces of Global Capitalism: A Theory of Uneven Geographical Development*, 1st ed. (Verso, 2006), 31.

³⁴ *Ibid.*, 43.

³⁵ Jorge Durand and Douglas S. Massey, eds., *Crossing the Border: Research from the Mexican Migration Project* (Russell Sage Foundation, 2006), 19.

but also catered to the interests of employers by legalizing millions of undocumented immigrant workers.

In the years following IRCA, the United States-Mexico border became increasingly militarized. Despite new legal restrictions, however, undocumented immigration continued to rise. In fact, the increased border enforcement did more to discourage undocumented immigrants from returning home to Mexico than it did to keep them from entering in the first place, “yielding an increase in the number of long-term undocumented residents.”³⁶ The massive push toward border enforcement allowed the state to appear vigilant about immigration while the inflow of immigrants into the country actually continued to increase.

Meanwhile, in Mexico in the late 1980s, neoliberal economic restructuring imposed by the International Monetary Fund and the World Bank, and backed by the United States, led to rapid economic changes that displaced still more workers in Mexico. After the General Agreement on Tariffs and Trade (GATT) “lowered tariffs, eliminated restrictions and foreign business ownership, reduced barriers to capital mobility, privatized state enterprises, downsized the state bureaucracy, and phased out subsidies to producers and consumers” and privatized communal lands in rural areas, immigration into the United States from Mexico only increased.³⁷ These neoliberal policies stimulated a new wave of accumulation by dispossession, displacing Mexican peasants and transforming them into sellers of labor-power. In order to sell their labor-power, however, they had to emigrate, because labor demand in the Mexican economy was insufficient to absorb these newly marketized laborers. Thus accumulation by dispossession created a migratory push out of Mexico toward the United States.

³⁶ Ibid., 23.

³⁷ Ibid., 22.

After IRCA's amnesty provisions were announced, however, undocumented immigration dropped off dramatically as millions of eligible immigrants opted to pursue legalization. Massey et al. show that in the decade after IRCA's passage, there was a persistent "trade-off between legal and undocumented migration." When amnesty increased legal immigration, undocumented immigration dropped off in kind, and when amnesty ended, undocumented entry again rose to make up the difference.³⁸ In other words, although the proportion of legal to undocumented immigrants changed, net immigration was unaffected by IRCA's legalization and enforcement provisions.

1990-Present

When it became clear that IRCA was not reducing Mexican immigration, and that in fact both legal and undocumented immigration were still rising, politicians were again pressured by anti-immigration constituents to secure the border. In response, Congress passed the Immigration Act of 1990 which provided funding for another thousand Border Patrol agents, "tightened employer sanctions, streamlined criminal and deportation procedures, and increased penalties for numerous immigration violations."³⁹ It also imposed a strict quantitative limit on the total number of immigrants allowed per year. While unofficial policy continued to be "admitting Mexican workers while pretending not to do so," efforts by the state to reassure the public that the border was under control were becoming increasingly difficult and costly.⁴⁰

Immigration enforcement serves an additional purpose beyond appeasing anti-immigration groups, however. The practices of heightening border enforcement, conducting workplace raids, and increasing detentions and deportations all serve to increase fear among

³⁸ Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 49.

³⁹ *Ibid.*, 91.

⁴⁰ *Ibid.*, 74.

immigrants, especially undocumented immigrants. Immigration enforcement is therefore an effective way to discipline immigrant labor. With the threat of apprehension, deportation, or detention looming, immigrant laborers are less likely to attempt to organize or to protest poor working conditions. Interestingly, large-scale undocumented immigration can also be seen as a tool for disciplining native-born workers, who have reason to fear the loss of their jobs to cheaper and more flexible immigrant labor.

The United States economy experienced a turnaround in 1993 that began a period of neoliberal economic expansion that would last until the end of the century. However, attempts to restrict immigration continued, despite a growing economy. A desire to close the borders to immigrants was made even more paradoxical by increased efforts to open them to the free flow of capital and goods. In 1994, the North American Free Trade Agreement (NAFTA) eliminated trade barriers between Canada, the United States, and Mexico, providing resulting in United States exports flooding the Mexican market, undercutting prices for Mexican agricultural goods. The result of these neoliberal policies in Mexico was a loss of jobs in the formal economy, growth in the informal sector, and a dramatic lowering of wages.⁴¹ Although this United States-backed economic restructuring created conditions in Mexico that encouraged even greater migration of dispossessed Mexican peasants into the United States, the United States persisted in its attempts to convince the public that the borders were under control, resorting to “increasingly harsh and repressive policies.”⁴²

These policies led to rampant accumulation by dispossession, with devastating effects in Mexico. True to Hartsock’s proposition that ongoing accumulation is a fundamentally gendered

⁴¹ Douglas S. Massey, Magaly Sanchez, and Jere R. Behrman, eds., *Chronicle of a Myth Foretold: The Washington Consensus in Latin America* (Sage Publications, Inc, 2006), 16.

⁴² Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 49.

process, women have been increasingly dispossessed of their roles outside the market economy. In the beginning, “households responded as they always had—by intensifying their work effort. Women supplied more hours of labor, and children entered the workforce at younger ages and in greater numbers, yielding a ‘privatization’ of the economic crisis, with families, and especially women, bearing the brunt of the consequences of economic adjustment.”⁴³ When these measures were not enough to make up for lost income, international migration would become one of the only viable options for securing work that paid well enough for workers to support themselves and their families.

In response to the still significant flow of immigrants into the United States, IIRIRA in 1996 provided more funds for border enforcement, funds for the fortification of San Diego’s border fence, and introduced harsher penalties for “smugglers, undocumented migrants, and visa over-stayers.”⁴⁴ As mentioned in the previous chapter, the 287(g) provision of IIRIRA also allowed states and localities to exercise some immigration enforcement functions, and gave states the power to deny public assistance to different categories of immigrants. The 287(g) program would not become widely publicized until after the terror attacks of September 11, 2001, however.

Although economic growth slowed in the new millennium, undocumented immigration continued to increase until the unauthorized immigrant population peaked at about 12 million in 2007, just as the United States entered a recession from which it is still recovering.⁴⁵ Since the

⁴³ Massey, Sanchez, and Behrman, *Chronicle of a Myth Foretold*, 16.

⁴⁴ Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 95.

⁴⁵ Jeffrey S. Passel and D’Vera Cohn, *Unauthorized Immigrant Population: National and State Trends, 2010* (Pew Research Center, February 1, 2011), <http://pewresearch.org/pubs/1876/unauthorized-immigrant-population-united-states-national-state-trends-2010>.

start of the recession, however, immigration has been declining.⁴⁶ After 2001, federal immigration policy became aligned with issues of homeland security and the apprehension of criminal immigrants, resulting in increased cross-checking of records between ICE, DHS, and the FBI. Deportation rates nearly doubled from 1999 to 2008, as well, with the lion's share of deportees being Mexican nationals.⁴⁷

During the mid-2000s, anti-immigration fervor in some parts of the United States had grown so much that some cities and states, fed up with a perceived federal inactivity on immigration reform, began passing their own anti-immigration legislation. Most notably, five states have signed anti-immigration laws since Arizona led the way with its SB 1070 in 2010: Alabama, Georgia, South Carolina, Utah, and Indiana. These laws have all been under federal review, and some, such as Hazleton's Illegal Immigration Relief Act Ordinance, have been ruled unconstitutional. Some states, such as Alabama and Georgia, have seen negative impacts especially in agriculture since both legal and undocumented immigrants have fled the states. Farmers have found that domestic workers willing to do the work at the going rate have been in scarce supply, and those who have tried have been mostly unable to match the productivity of the immigrant laborers.⁴⁸

While state and local efforts to crack down on unauthorized immigration have been a frustrated response to stalled talks on comprehensive immigration reform in Congress, increased immigrant activism has been a response to both of these factors. Since the mid-2000s, immigrants have become prominent supporters of comprehensive immigration reform that

⁴⁶ Ibid.

⁴⁷ Kyung Jin Lee, "United States Deportations Double Over 10 Years," *Medill Reports Chicago*, February 23, 2010, <http://news.medill.northwestern.edu/chicago/news.aspx?id=157904>.

⁴⁸ Neal Conan, "How New Immigration Laws Are Changing States," *Talk of the Nation* (NPR, April 30, 2012), <http://www.npr.org/2012/04/30/151700266/how-new-immigration-laws-are-changing-states>.

recognizes the human rights of immigrants, promotes legalized labor mobility, reduces exploitation of undocumented workers, and provides pathways to citizenship for those who are currently living in the United States without authorization.⁴⁹ Immigrant rights activists have taken to the streets to protest both federal inaction on immigration reform and anti-immigrant legislation passed by states and localities. Furthermore, although labor unions have historically favored strict immigration control, within the last decade they have become increasingly vocal supporters of immigrant rights.⁵⁰ At present, there is a burgeoning immigrant rights movement alongside a nativist, anti-immigration crusade, and all of this while the United States economy still sputters.

⁴⁹ “About,” *Reform Immigration For America*, n.d., <http://reformimmigrationforamerica.org/blog/about/#content>.

⁵⁰ Robin Jacobson and Kim Geron, “Unions and the Politics of Immigration,” *Socialism and Democracy* 22, no. 3, Radical Perspectives on Immigration (November 2008): 105–122.

CHAPTER FIVE

Discussion

Since the mid-1800s the United States economy has had a strong dependence on foreign-born workers, a relationship that has grown increasingly complex as American capitalism has matured. This relationship is characterized both by United States efforts to regulate labor and by accumulation by dispossession in the Global South, as well as in the United States itself.

Within the United States, government regulation of labor leads to permissive immigration policy most of the time, but especially when labor demand is strong. When the social order has been disrupted by anti-immigration agitation—typically a manifestation of xenophobia and racism—the state responds with repression of immigration in the form of harsher enforcement and/or new restrictions. These repressive policies have not curbed the flow of immigrants, however, which until 2007 had been steadily increasing. Rather, state crackdowns on immigration serve to discipline labor, and by disciplining labor to help maintain the supply of low-wage workers. Nevertheless, the flow of immigrants into the United States is not entirely within the state’s power to control, perhaps to the benefit of capital, because of the push of migrants from their home countries.

Beyond United States borders, particularly in Latin America, accumulation by dispossession—in the form of neoliberal policies of privatization and enclosure—has provided a steady stream of job-seeking migrants into the United States labor pool. Neoliberal economic policies such as NAFTA have “changed rural livelihoods in Mexico and elsewhere” creating a push of workers out of Mexico, while high demand in the United States for “inexpensive, flexible labor” has created a pull of workers into the United States.¹ The dispossession of

¹ Varsanyi, “Rescaling the ‘Alien,’ Rescaling Personhood,” 878.

peasants from their land and their subsistence livelihoods has created a supply of workers south of the United States border who possess a particular skill set that is in demand in the United States, in construction and agriculture, primarily.

The young men who make up the bulk of the population of undocumented immigrants from Latin America have skills that most Americans today do not. This mismatch between the labor market and the labor pool is, as Harvey argues, a limit to capital accumulation that must be overcome in for capitalism to thrive. The pools of surplus laborers in the urban and suburban United States are at a comparative disadvantage in a labor market whose needs are most easily met with immigrant workers who already possess the necessary skills for the available jobs. Furthermore, immigrants tend to be much more mobility in both location and the labor market, “moving more fluidly across regions, industries and occupations” than native-born Americans.²

The rate of accumulation in many of the largest economic sectors in the United States would be better served by aptly trained immigrants than by unskilled or underskilled American workers. In fact, the state itself is likely better served by allowing immigration to fill labor market demand, because high unemployment rates caused by mismatch between worker skill and labor market needs has historically required government intervention in the form of subsidized work programs.³ Through state-sponsored job training or apprenticeship programs, private employers hire and train unemployed workers but the state pays all or part of the workers’ wages. The unemployed are not only put back to work but are retrained with relevant skills at little cost to businesses, which would be reluctant to hire during economic downturns anyway. This approach benefits capital, but costs the state immensely. If the state instead allows

² Rakesh Kochhar, *New Jobs in Recession and Recovery: Who Are Getting Them and Who Are Not* (Pew Research Center, March 10, 2011), <http://pewresearch.org/pubs/1922/congress-testimony-new-jobs-recession-recovery-who-are-getting-them-and-who-are-not>.

³ Piven and Cloward, *Regulating the Poor*, 23.

immigration to fill the surplus labor pool with qualified workers, it avoids costly intervention programs and potentially lengthy political battles over the implementation of such a program.

Accumulation by dispossession in “developing” countries continuously replenishes the global supply of mobile laborers, providing United States capital (and other advanced capitalist countries) with the workers it needs. This phenomenon benefits the state in another way, as well, as the government is relieved of many of the costs and duties associated with reproducing the workforce. The state is relieved of the burdens of educating, socializing, and indoctrinating market values in immigrant workers, and it thus benefits from the skills, mobility, and eagerness of these laborers while bearing none of the costs of their production and reproduction.

The United States has promoted processes of accumulation by dispossession in Mexico since the 1800s, encouraging liberal economic reforms and backing leaders whose interests are aligned United States capital. For instance, President Porfirio Díaz “came to power in 1876 with significant backing by United States industrialists” and proceeded to privatize commonly held lands, promote mechanization of agriculture, and usher in a massive shift from an agrarian economy to an industrial one.⁴ And of course the United States heartily encouraged neoliberal economic restructuring in Mexico in the 1980s and 1990s.

The neoliberal transformation of both United States and world economies since the 1980s has wrought significant changes at the United States-Mexico border and in economic relations between the two countries. Neoliberal governance is characterized by “free trade, privatization, financial deregulation, monetarism, fiscal austerity, welfare reform, and the punitive policing of the poor.”⁵ The neoliberal restructuring of Mexico’s economy in the 1980s, exacerbated by

⁴ Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 29.

⁵ Matthew B. Sparke, “A Neoliberal Nexus: Economy, Security and the Biopolitics of Citizenship on the Border,” *Political Geography* 25, no. 2 (February 2006): 154.

NAFTA, devastated Mexico's peasant populations and domestic manufacturing sectors, creating a population dispossessed Mexican peasants who saw temporary migration as their only means of achieving financial stability at home. The United States also experienced a wave of neoliberalizing reforms beginning in the 1980s under Reagan, leading to what would become a persistent contradiction between borders open for trade but closed to immigrants.

However, because the free flow of workers across borders would now be met with extreme xenophobic protest, opening the border to the free movement of laborers would be politically untenable in the United States. The result is an incoherent set of policies regarding immigration: a militarized border, lax internal enforcement, and devolution of certain immigration powers.⁶ Couple this with the economic imperative of borders open to commerce, and it is little wonder that the border has become a "revolving door" for immigrants from Mexico (many of whom are Central American). The "revolving door" is marked by a still-high rate of undocumented entry as well as a high rate of apprehensions and deportations, though not high enough to disrupt the supply of labor-power.

The creation of the contested United States-Mexico border is most starkly seen in President Clinton's signing of NAFTA in 1994, followed by the enactment of Operation Gatekeeper in 1996. The juxtaposition of these two powerful pieces of legislation shows with striking clarity the "intersection of homeland securitization" with the economic openness demanded by North America's transnational economic agreement.⁷ Government intervention in North American economies was rolled back, per NAFTA's rules, and more militant government control over territorial membership was rolled out.

⁶ Varsanyi, "Rescaling the 'Alien,' Rescaling Personhood," 879.

⁷ Sparke, "A Neoliberal Nexus," 153.

Of course, the United States has not given up its subsidies for the agricultural sector, and the continued allowance of large scale immigration may be seen as one such subsidy. Moreover, the militarization of the border has deterred immigrants from certain paths of entry, and has made crossing the border more dangerous, but it has done little to diminish the flow of immigrants into the United States. Repressive enforcement policies make being an undocumented immigrant more dangerous and more frightening, effectively disciplining immigrant labor.

Economically, the signatories of NAFTA are far from equals. United States capital benefits far more than Mexican capital from the agreement, and the United States also controls the border to a much greater extent than the Mexican state. Although United States dominance at the border is predictable given its economic and political hegemony, any time a border region between two sovereign states is not governed equally by both, it raises questions as to the nature of the dominant state's assertions of power. According to Coleman, "relations in the border region are characterized by a mix of interdependence and asymmetry, with the United States the dominant partner that defines in large part the terms of collaboration and integration."⁸ For Coleman, the asymmetry arises from the intersection of security and economy at the border: there is a palpable tension between United States territoriality in the name of national security and the borderless geography of open markets.⁹

However, this stressing of national security obscures the real tension at the border between the state's obligation to maintain order and its role as a regulator of the labor supply for capital. National security fears were heightened for a period after the terror attacks of September

⁸ Mathew Coleman, "United States Statecraft and the United States-Mexico Border as Security/Economy Nexus," *Political Geography* 24, no. 2 (February 2005): 186.

⁹ *Ibid.*, 188.

11, 2001, when open borders for commerce were “spun as a possible geopolitical Trojan horse” that increased the probability of further terrorist attacks on the United States.¹⁰ Nevertheless, the state’s response only highlights the contradictions between its roles as facilitator of capitalist accumulation and guarantor of order. Indeed, sometimes a population’s fears and feelings of insecurity trump the maintenance of a good business climate: the short-term “hardening” of United States borders after 9/11 temporarily decreased undocumented immigration but also seriously disrupted transnational commerce with both Mexico and Canada.¹¹ Economic consequences of tighter security led the United States to “soften” the borders again before a crisis of capital accumulation developed.

There is also an ideological distance from the economic realities affecting the border region, namely the fact that closing the border to people—Mexicans, workers—demonstrates a refusal to acknowledge the role the United States played in disabling the Mexican economy and creating the migratory push out of Mexico. Nevins demonstrates a causal link between “out-migration from ‘neoliberalised’ agricultural areas and United States economic policies”¹² and shows that the strengthening of the border since the 1990s has not resulted in a decline of undocumented immigration, but rather has resulted in increased deaths among would-be border crossers.¹³ After all, militarizing the border does nothing to decrease the strong out-migration pressure from Mexico that has resulted from accumulation by dispossession driven by neoliberal economic policies.

¹⁰ Mathew Coleman, “A Geopolitics of Engagement: Neoliberalism, the War on Terrorism, and the Reconfiguration of US Immigration Enforcement,” *Geopolitics* 12, no. 4 (September 2007): 613.

¹¹ Coleman, “United States Statecraft and the United States-Mexico Border as Security/Economy Nexus,” 197.

¹² Joseph Nevins, “Dying for a Cup of Coffee? Migrant Deaths in the US-Mexico Border Region in a Neoliberal Age,” *Geopolitics* 12, no. 2 (2007): 231.

¹³ *Ibid.*, 242.

The ideology underlying processes of capital accumulation, and especially the “freeing” of labor-power from subsistence livelihoods, absolves capitalists of guilt in this process. The mythology of the origins of private property and capitalist economies is that “long, long ago there were two sorts of people; one, the diligent, intelligent and above all frugal élite; the other, lazy rascals, spending their substance, and more, in riotous living... Thus it came to pass that the former sort accumulated wealth, and the latter sort finally had nothing to sell except their own skins.”¹⁴ Therefore, capitalist ideology supports accumulation by those who are ostensibly industrious enough to extract as much surplus value from the earth and its inhabitants as possible. According to this deeply ingrained belief system, capitalists in fact need no excusing for dispossessing peasants from their land and livelihoods. Rather they are to be praised for their assiduousness.

Economically the United States and Mexico are highly integrated, despite the heavily militarized border and an ever-increasing emphasis on apprehension, detention, and deportation. The United States has an aging population, a low fertility rate, and a high demand for young workers, while Mexico has a weak economy and a high fertility rate, conditions which have resulted in a large population of young unemployed men.¹⁵ Add geographic proximity to these complementary demographics, and the Mexican migratory trend becomes inevitable. Indeed, “other rich low-fertility areas of the world” are experiencing the same migratory phenomenon.¹⁶

Even though the economic interconnection between these two neighboring countries/economies is obvious, because “the demand for immigrants exceeds the legal limits,”

¹⁴ Karl Marx, *Capital: Volume 1: A Critique of Political Economy*, trans. Ben Fowkes (Penguin Classics, 1992), 873.

¹⁵ John R Weeks, Justin Stoler, and Piotr Jankowski, “Who’s Crossing the Border: New Data on Undocumented Immigrants to the United States,” *Population, Space and Place* 17, no. 1 (January 1, 2011): 2.

¹⁶ *Ibid.*, 24.

most young Mexican workers cross the border without permission.¹⁷ If indeed economic concerns trumped all, the United States labor market demand for Mexican workers would be unproblematic. The United States would let them in and allow the market sort out the rest. However, access to an “illegal” labor supply benefits capital, giving capitalists more power to leverage over labor—and effectively giving capitalists the upper hand in the class struggle. An abundant supply of cheap, undocumented, and therefore relatively powerless labor allows employers to offer unlivable wages, potentially suppressing wages for domestic workers. Furthermore, the presence of this “illegal” underclass of laborers encourages domestic labor to turn its ire against immigrants instead of capitalists themselves, thereby dividing and weakening labor. Thus undocumented workers and their vilification benefit capital, and conflicts between immigrant and domestic labor undermine opportunities for worker solidarity. Additionally, because racism exacerbates the animosity American workers harbor for immigrants, the racialization of whole economic sectors is another tool capitalists use to divide and weaken labor.

Prior to the enactment of major immigration restrictions in the 1960s civil rights era, periods of high labor demand were rather quickly met with liberal immigration policies. So long as workers were needed, the United States allowed and even encouraged the free flow of immigrants, often butting heads with anti-immigration factions but sometimes coming up against little resistance from an American population that understood the tremendous value of imported labor during severe shortages. When the labor market would dry up, however, the government would not immediately act to stop the flow of incoming immigrant workers.

¹⁷ Ibid., 1.

Anti-immigration sentiment has long gone hand in hand with economic slumps, emerging each time unemployment levels rise. In line with Piven and Cloward's regulatory framework, rising unemployment has since the late 1800s led to nativist uprisings and anti-immigration protest. True to this framework, when nativist unrest has reached a high enough pitch, government has responded with new anti-immigration legislation and/or intensified enforcement measures.

Despite the connection between nativist protest and tightened immigration, it is clear that capital's labor needs relatively uncontroversially guided United States immigration policy until the late 1910s, when the country's post-war nationalism and an economic slowdown inspired the first quantitative restrictions on immigration in 1921 and 1924. This period signaled a turning point in the contest between capital and anti-immigration forces, as business interests were now pitted more directly against a popular restrictionist agenda that sought to curtail not just immigration of a certain ethnic group, but of all groups.

With the exemption of Mexican immigrants from the quota laws of the 1920s, however, labor market needs trumped the anti-immigration movement. In this case the restrictionist forces achieved some success in significantly curtailing immigration, but their efforts were undermined by the interests of capital, and United States employers got to keep their cheap Mexican labor for the time being.

The United States Civil Rights Movement marked the first time legislation to restrict immigration came in response to non-restrictionist forces. In this instance, perceptions that the Bracero Program was racist and exploitative and criticisms of quota laws as lopsided and unfair led to deep cuts in the number of Mexican immigrants legally allowed into the country. This curtailment resulted in a 21 year period of "mass undocumented migration" from 1965 to 1985

during which the United States essentially “operated a de facto guest-worker program. Just enough resources and personnel were allocated to border enforcement to reassure the public that the border was under control. The costs of border crossing were raised to the point where some selection was achieved, but they were never raised high enough to hamper seriously the flow of Mexican workers to United States jobs.”¹⁸ The appearance of strong border control pacified restrictionists enough to allow the “revolving door” policy to continue. Undocumented immigration swelled, and apprehensions increased in kind, although there was tacit acknowledgement that Mexicans removed to Mexico would simply attempt crossings until they were successful.

This era of undocumented immigration and the “revolving door” policy shows that policymakers took pains to protect capital’s interest in a surplus labor supply comprised of cheap, mobile immigrant workers while also averting xenophobic social unrest that might disrupt this labor flow. The enormous flow of Latin American immigrants into the United States during this time changed the political landscape related to immigration, however. A growing population of Latin Americans, many who were now seeking permanent residence in the United States, was also a growing population of pro-immigration constituents. The Latino lobby added fuel to the concerns that had first sprung up prominently during the Civil Rights Movement, creating a strong presence of immigrant advocates who exerted considerable pressure on politicians.

From the mid-1960s to the mid-1980s, the increasing population of Latin Americans in the United States began to compound feelings of social insecurity amongst Americans that had taken root during an era of economic crises and neoliberalization. This wariness exacerbated feelings of economic insecurity that had been growing since the early 1970s, leading to

¹⁸ Massey, Durand, and Malone, *Beyond Smoke and Mirrors*, 45.

xenophobia and a renewed push to tighten border security. The resulting legislation, IRCA, both promised to heighten enforcement and to expand legalization of immigrants, a contradiction inspired by the political challenges of passing restrictive legislation in an atmosphere of strong immigrant advocacy and Latino lobbies.¹⁹ As noted earlier, however, this temporary tradeoff of legal immigration for undocumented immigration was reversed after IRCA's amnesty program wound down, and undocumented immigration once again began to rise, largely driven by accumulation by dispossession in a newly neoliberalized Mexico.

Since the 1960s, the trend has overwhelmingly been one of an unstoppable flow of immigrants from Latin America, primarily Mexico, and East Asia, and efforts by United States policymakers not only to ensure capital's continued access to these cheap laborers but also to minimize political difficulties related to immigration. Failures to pass comprehensive immigration reform during the past decade further illustrate how deeply entrenched this approach has become. Although immigration reform proposals have been on the table multiple times since 2001, reform remains an almost impossible hurdle because of popular and political preferences for emphasis on enforcement, and because of the enormous lobbying power of the privatized detention industry.

Increasing neoliberalization in the United States led to the first privatized prisons in the 1980s, though business for the private detention industry failed to pick up steam until the late 1990s when the private detention lobby began to flex its political muscle. Other groups that have a stake in immigration control include "construction and surveillance companies responsible for southern border enforcement, Customs and Border Protection agencies (CBP) and Immigration and Customs Enforcement (ICE) unions, and state and local law enforcement agencies that have

¹⁹ Ibid., 49.

formed ICE partnerships.”²⁰ To stay in business and turn a profit, these groups all depend upon tough enforcement policies.

In one sense the interests of these immigration industries run counter to those of most American businesses that rely on immigrant workers. Agriculture and construction, for example, lose cheap labor in the course of immigration crackdowns. On the other hand, industries that profit off of enforcement also have an interest in undocumented immigrants continuing to cross or at least attempt to cross the border. Undocumented immigrants are, after all, the objects of the apprehension and detention industries.

²⁰ Mark R. Rosenblum, *US Immigration Policy Since 9/11: Understanding the Stalemate Over Comprehensive Immigration Reform* (Migration Policy Institute, August 2011), 11, <http://www.migrationpolicy.org/research/usimmigration.php>.

CHAPTER SIX

Conclusion

The frameworks provided by Piven and Cloward and David Harvey contribute a great deal to an understanding of the economic and political underpinnings of United States immigration trends. Piven and Cloward's examination of the labor regulating functions of welfare provides an apt framework for a consideration of United States capital's use of immigrant labor, and its regulation by the state. On the other side of the immigration story, Harvey's theory of accumulation by dispossession contributes an explanation for the push of economic migrants into the United States. The synthesis of these two frameworks yields a picture of United States immigration trends as a product of the logic of capital accumulation as well as a state imperative to maintain order.

Piven and Cloward's labor regulation framework illuminates the historical pattern of immigration policy in the United States. During times of low unemployment and high labor demand, the United States has tended to allow liberal immigration in order to fill the surplus labor pool. But when the economy slumps and unemployment levels rise, the state does not immediately act to curb immigration, suggesting a tacit acknowledgement of immigrant labor's ongoing usefulness to capital. Rather, an intermediate stage of political and social unrest caused by anti-immigration agitation must occur before politicians take action to constrict immigration. The results of immigration constriction are not consistent throughout the history of United States capitalism, however.

During the Great Depression, restrictive immigration policies and harsh enforcement removed immigrant workers from the surplus labor pool for the better part of a decade, but this would prove to be the only time repression of immigration would "succeed" in so clear and

straightforward a manner. A critical factor during this era, however, is the unparalleled economic devastation the United States experienced. This was the only time period—until perhaps the present—in which United States economic conditions had deteriorated so much that surreptitious migration into the country was simply not worth it.

Prior to the Great Depression, anti-immigrant sentiment was most often directed toward one specific ethnic or racial group at a time. Because there were still many untapped sources of immigrant labor-power in the world, the state could respond to anti-immigration hysteria with restrictions on immigration only from certain countries or regions, thereby calming the hysteria while also leaving immigration from other parts of the world unrestricted. The state thus maintained domestic order without significantly threatening capital accumulation processes, successfully achieving its dual imperatives of maintenance of order and facilitation of accumulation.

After the Great Depression, the next major push to restrict immigration would come during the Civil Rights Era, when the Bracero Program was terminated. The Bracero Program had set in motion a significant flow of undocumented laborers from Mexico that would prove almost unstoppable (thanks in part to geographical proximity), and United States agriculture was still profoundly attached to Mexican labor. Policy responses to restrictionist concerns would now be set against a backdrop of tacit acknowledgement that capital accumulation was well served by undocumented immigration. As long as unauthorized immigrants continued to flow across the border, the state could adopt official policies of immigration repression without producing a crisis of capital accumulation.

Thus, until the mid-1960s, the labor regulating function of immigration policy was transparent, and official government positions on immigration were relatively uncomplicated.

Unconcealed campaigns to fill labor shortages with immigrants ensued during economic booms, including extensive recruitment programs in the favored countries of the moment. When periods of strong economic growth wound down and unemployment levels rose, the inevitable anti-immigration protests would pressure politicians to enact more restrictive immigration laws and/or to increase enforcement of existing laws.

The one major exception to this pattern came when the Civil Rights Movement brought objections to immigration not born of anti-immigration sentiment, which was also during an era of low unemployment overall. This time calls to revise immigration policy sprang from concerns about the racism and the rights of immigrants, and it drastically altered the United States government's official policy responses toward immigration. The resulting immigration clampdown ushered in an era of mass undocumented migration from Mexico, as well as a turn toward border enforcement as the official United States immigration policy. Unofficial policy, on the other hand, was to turn a blind eye to the ever increasing flow of unauthorized immigrants into the United States—and into the surplus labor pool. This dual official-unofficial approach has allowed politicians to satisfy capital's need for cheap labor while also appeasing anti-immigration constituents.

Although United States immigration policy evolved in response to labor needs, restrictionist demands, and eventually civil rights pressure, a strong push of migrants toward the United States is evident throughout the history of United States immigration policymaking. Accumulation by dispossession in the Global South explains this migratory push. The United States has strongly backed deregulation of Mexico's economy in particular, beginning as far back as the 1800s, thus supporting the dispossession of peasants and more recently the dislocation of women from roles in the informal economy. Whether by design or by chance,

many United States policies that have supported domestic capital accumulation have also triggered waves of accumulation by dispossession in Latin America.

Taken together, the theories of accumulation by dispossession and United States labor regulation highlight the deep economic interconnection between United States capital and labor-power from the Global South, and also offer a plausible explanation for the United States government's current inertia on the subject of comprehensive immigration reform. Immigrant labor has been crucial to American capital since its beginning, and immigration is still too entangled with American economic interests for there to be a quick or easy way to unlink the two. Proposals to increase repressive enforcement are popular among anti-immigration constituents, and are thus readily backed by politicians. Proposals to change the immigration system in any substantive way, however, would not be easy to sell to a public that blames immigrants for many of the economic and societal ills in the United States.

Xenophobic, anti-immigration sentiment represents, in one sense, a win for capital against the interests of labor. Not only do repressive immigration policies discipline labor, but they also divide it, decreasing chances of solidarity among native-born and immigrant workers. At present, however, a confluence of factors threatens to disrupt the immigration status quo in the United States, potentially punishing capital in the process. With rising pressure for harsher enforcement from private detention contractors and other pro-enforcement parties on the one hand, and increasingly loud and visible agitation on behalf of immigrants' rights on the other, capitalists are facing what could amount to formidable opposition. In the meantime, the state has largely sidestepped issues related to the maintenance of the social and political order by devolving some immigration powers to states and localities. This devolution of powers further allows the federal government to avoid or delay addressing the increasingly intense

contradictions between the interests of capital and the state's institutional imperative of maintaining order.

However, rates of immigration in the United States have been falling for the past five years. Both legal and undocumented immigration have steadily declined since 2007, perhaps marking the first instance since the Great Depression that poor economic conditions in the United States have deterred in-migration. It is possible that the United States recession and persistently high unemployment have diminished the potential rewards of immigration, although there are two other significant factors likely affecting the downward trend.

One possibility is that repressive immigration policies have finally succeeded in deterring would-be immigrants. With the private detention industry's massive lobby to increase the need for immigrant detention, as well as the increasing criminalization of immigration and sanctioning of racial profiling in places like Arizona and Alabama, it is not hard to imagine the United States becoming less and less appealing as a destination for migrants. The other factor likely influencing the current immigration decline is the changing demographic and economic conditions in Mexico and the rest of Latin America, a change of conditions that is probably decreasing the push of migrants toward the United States. Birth rates have slowed and economic conditions have improved, and thus even if accumulation by dispossession continues to bring new sellers of labor-power into the formal economy, there is a greater chance that they will not have to leave their home countries to find work.

Immigration trends throughout the history of United States capitalism have been subject to the rhythms of capitalist accumulation processes, and the current situation is no different. What remains to be seen, however, is how the current global capitalist crisis will affect the processes—and ramifications—of capitalist accumulation going forward. The current global

economic crisis has inspired immigrants, laborers, students, and many others whose lives and livelihoods have been disrupted by the economic slump and state responses to it to position themselves loudly and visibly against the interests of capital. Protests, marches, the Occupy Movement, and riots have been assertions of solidarity against rampant capitalist accumulation, in a sure sign that the working (non-capitalist) classes are finding enough common ground to wield some power in the class struggle. Solidarity with immigrants' rights has grown enough that future immigration trends might well follow a rhythm less driven by capitalist accumulation—one less tied to the ebbs and flows of capitalism, and perhaps more closely aligned with the cycles of human life and well being. In any event, this global crisis has inspired solidarity among the non-capitalist classes, which is a boon not just to immigrants and displaced populations but to possibilities for human flourishing on this planet. This solidarity opens the possibility to a future in which workers, immigrant or otherwise, are no longer disposable tools for capitalist accumulation, a future in which economic processes are in fact subservient to prospects for human flourishing.

References

- “A Brief Timeline of U.S. Policy on Immigration and Naturalization.” *The Flow of History*, 2010. http://www.flowofhistory.org/themes/movement_settlement/uspolicytimeline.php.
- “A Conversation with David Harvey.” *Logos* 5, no. 1 (Winter 2006).
http://www.logosjournal.com/issue_5.1/harvey.htm.
- “About.” *Reform Immigration For America*, n.d.
<http://reformimmigrationforamerica.org/blog/about/#content>.
- Annual Statistical Supplement, 2005 - TANF/AFDC and Emergency Assistance (9.G)*. U.S. Social Security Administration Office of Policy, n.d.
<http://www.ssa.gov/policy/docs/statcomps/supplement/2005/9g.html>.
- Annual Statistical Supplement, 2005 - Unemployment Insurance (9.A)*. U.S. Social Security Administration Office of Policy, 2005.
<http://www.ssa.gov/policy/docs/statcomps/supplement/2005/9a.html>.
- Antiterrorism and Effective Death Penalty Act of 1996*, 1996.
<http://www.gpo.gov/fdsys/pkg/PLAW-104publ132/html/PLAW-104publ132.htm>.
- Associated Press. “Number of Undocumented Workers in Us Now Declining.” *ABC Action News*, September 1, 2010. <http://www.abcactionnews.com/dpp/news/national/number-of-undocumented-workers-in-us-now-declining-EWS-AP-WPTV-NTW-201009011283396192439>.
- Bacon, David. “Divide and Deport: On Immigration, Thom Hartmann and Lou Dobbs Have Much in Common.” Online Magazine. *Working In These Times*, February 28, 2011.
http://www.inthesetimes.com/working/entry/7007/divide_and_deport_on_immigrants_thom_hartmann_and_lou_dobbs_have_much_/.

———. *Illegal People: How Globalization Creates Migration and Criminalizes Immigrants*.

Beacon Press, 2009.

Banking on Bondage: Private Prisons and Mass Incarceration. American Civil Liberties Union,

November 2011. <http://www.aclu.org/prisoners-rights/banking-bondage-private-prisons-and-mass-incarceration>.

Barr, M. *Non-Immigrant Admissions to the United States: 2007*. DIANE Publishing, 2010.

Bean, Frank D., Rodolfo Corona, Rodolfo Tuiran, and Karen A. Woodrow-Lafield. *The*

Quantification of Migration Between Mexico and the United States. Migration Between

Mexico and the United States - Binational Study. U.S. Commission on Immigration

Reform, 1998. <http://www.utexas.edu/lbj/uscir/binpap-v.html>.

Beirich, Heidi. "Essay: The Anti-Immigrant Movement | Southern Poverty Law Center."

Southern Poverty Law Center, 2012. <http://www.splcenter.org/get-informed/intelligence-files/ideology/anti-immigrant/the-anti-immigrant-movement>.

Burruss, Logan. "U.S. Circuit Court Rules Against Illegal Immigration Laws." *CNN.com*,

September 10, 2010.

<http://www.cnn.com/2010/US/09/09/pennsylvania.immigration.case/index.html>.

Calavita, Kitty. *Inside the State: The Bracero Program, Immigration, and the I.N.S.* Quid Pro,

LLC, 2010.

———. *U.S. Immigration Law and the Control of Labor: 1820-1924*. Academic Press, 1984.

Camarota, Steven A. "Immigration and Economic Stagnation: An Examination of Trends 2000

to 2010." *Center for Immigration Studies*, November 2010. <http://www.cis.org/highest-decade>.

- . *Immigration in a Time of Recession: An Examination of Trends Since 2000*. Center for Immigration Studies, November 2003. <http://www.cis.org/ImmigrationTrends2000>.
- Castells, Manuel. “Immigrant Workers and Class Struggles in Advanced Capitalism: The Western European Experience.” *Politics & Society* 5, no. 1 (March 1, 1975): 33–66.
- Cohen. *PRWORA’s Immigrant Provisions*. Office of Labor Relations, December 13, 2007. <http://www.cga.ct.gov/2007/rpt/2007-R-0705.htm>.
- Cohn, Raymond L. “Immigration to the United States.” *Economic History Services*, n.d. <http://eh.net/encyclopedia/article/cohn.immigration.us>.
- Conan, Neal. “How New Immigration Laws Are Changing States.” *Talk of the Nation*. NPR, April 30, 2012. <http://www.npr.org/2012/04/30/151700266/how-new-immigration-laws-are-changing-states>.
- “‘Deck Is Stacked’ Against U.S. Workers.” *Human Rights Watch*, August 30, 2000. <http://www.hrw.org/en/news/2000/08/30/deck-stacked-against-us-workers>.
- DeParle, Jason. “The Puzzle of Measuring Poverty.” *Economix Blog*, n.d. <http://economix.blogs.nytimes.com/2012/04/07/the-puzzle-of-measuring-poverty/>.
- . “Welfare Limits Left Poor Adrift as Recession Hit.” *The New York Times*, April 7, 2012, sec. U.S. <http://www.nytimes.com/2012/04/08/us/welfare-limits-left-poor-adrift-as-recession-hit.html>.
- Does Unemployment Insurance Inhibit Job Search?* U.S. Congress Joint Economic Committee, July 2010. http://www.jec.senate.gov/public/index.cfm?p=Reports1&ContentRecord_id=d80e4e96-c565-45b2-a04f-34bd7d439b1b&ContentType_id=efc78dac-24b1-4196-a730-

d48568b9a5d7&Group_id=c120e658-3d60-470b-a8a1-6d2d8fc30132&YearDisplay=2010.

“DOL Information Related to the American Recovery and Reinvestment Act of 2009.” *U.S.*

Department of Labor, n.d. <http://www.dol.gov/recovery/implement.htm>.

Durand, Jorge, and Douglas S. Massey, eds. *Crossing the Border: Research from the Mexican Migration Project*. Russell Sage Foundation, 2006.

Electronic Code of Federal Regulations: Title 20: Employees' Benefits. Electronic Code of Federal Regulations, n.d. <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=48ea74facf3827fce64815bcd3d148fa;rgn=div5;view=text;node=20%3A3.0.2.1.35;idno=20;cc=ecfr#20:3.0.2.1.35.1.16.16>.

Electronic Code of Federal Regulations: Title 29: Labor. Electronic Code of Federal Regulations, n.d. <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=48d6ee3b99d3b3a97b1bf189e1757786&rgn=div5&view=text&node=29:3.1.1.1.2&idno=29>.

Employment and Training Administration. “Temporary Agricultural Employment of H-2A Workers in the United States: 2010 Adverse Effect Wage Rates, Allowable Charges for Agricultural Workers’ Meals, and Maximum Travel Subsistence Reimbursement.”

Federal Register, February 18, 2010.

<http://www.federalregister.gov/articles/2010/02/18/2010-3078/temporary-agricultural-employment-of-h2a-workers-in-the-united-states-2010-adverse-effect-wage-rates>.

Employment and Training Administration: U.S. Department of Labor. “Agricultural Prevailing Wage Determinations and Agricultural Clearance Orders”, n.d.

http://www.foreignlaborcert.doleta.gov/fm/fm_08-02.htm.

Federation of Employers & Workers of America. "FEWA - H2A Visa Program", n.d.

<http://www.h2b-fewa.org/h2a.php>.

Fernández-Kelly, Patricia, and Douglas S. Massey. "Borders for Whom? The Role of NAFTA in Mexico-U.S. Migration." *The Annals of the American Academy of Political and Social Science* 610, no. 1 (March 1, 2007): 98 –118.

Fix, Michael E., and Jeffrey S. Passel. *Immigration and Immigrants: Setting the Record Straight*. Washington, D.C.: The Urban Institute, May 1, 1994.

<http://www.urban.org/publications/305184.html>.

Garcia, Michael John. "*Sanctuary Cities*": *Legal Issues*. Congressional Research Service, January 15, 2009.

http://www.google.com/url?sa=t&rct=j&q=congressional%20research%20service%202005%20sanctuary%20cities&source=web&cd=1&ved=0CFkQFjAA&url=http%3A%2F%2Fwww.ilw.com%2Fimmigrationdaily%2Fnews%2F2011%2C0106-crs.pdf&ei=yzmsT52OJKLo2QXoutCnAg&usg=AFQjCNFbhBfb1QOsOYzS7R0PLYj-_O3kXA&cad=rja.

Gonzalez, Gilbert. *Guest Workers or Colonized Labor?: Mexican Labor Migration to the United States*. Boulder: Paradigm Publishers, 2006.

Harris, David A. *Hearing on: The Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws*, 2009.

http://judiciary.house.gov/hearings/hear_090402.html.

Hartsock, Nancy C.M. "Globalization and Primitive Accumulation: The Contributions of David Harvey's Dialectical Marxism." In *David Harvey: A Critical Reader*. 1st ed. Wiley-Blackwell, 2006.

Harvey, David. "Reading Marx's Capital with David Harvey » Blog Archive » The Enigma of Capital", n.d. <http://davidharvey.org/2008/11/the-enigma-of-capital/>.

———. *Spaces of Global Capitalism: A Theory of Uneven Geographical Development*. 1st ed. Verso, 2006.

———. *The Enigma of Capital*. Profile Books Ltd, 2010.

———. *The Limits to Capital*. Chicago: University of Chicago Press, 1982.

———. *The New Imperialism*. New York: Oxford University Press, USA, 2005.

Hing, Bill Ong. *Defining America Through Immigration Policy*. Philadelphia: Temple University Press, 2004.

"Historical Statistics and Analysis", n.d. <http://www.friesian.com/stats.htm>.

"Historical U.S. Unemployment Rate." *The Wall Street Journal Online*, December 3, 2010.

<http://online.wsj.com/public/resources/documents/JOBSHISTORY09.html>.

"History of Migration and Immigration Laws in the United States", n.d.

<http://www.umass.edu/complit/aclanet/USMigrat.html>.

Van Hook, Jennifer, and Frank D. Bean. *Estimating Unauthorized Mexican Migration to the United States: Issues and Results*. Migration Between Mexico and the United States - Binational Study. U.S. Commission on Immigration Reform, 1998.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 1996.

<http://www.uscis.gov/ilink/docView/PUBLAW/HTML/PUBLAW/0-0-0-10948.html>.

Immigration and Naturalization Service. *1999 Statistical Yearbook of the Immigration and Naturalization Service*. Immigration and Naturalization Service, 1999.

———. *Annual Report of the Immigration and Naturalization Service (1949)*. Immigration and Naturalization Service, 1949.

<http://www.archive.org/stream/annualreportofim1949unit#page/n5/mode/2up>.

———. *Annual Report of the Immigration and Naturalization Service (1952)*, 1952.

<http://www.archive.org/stream/annualreportofim1952unit#page/n8/mode/1up>.

———. *Annual Report of the Immigration and Naturalization Service (1961)*, 1961.

<http://www.archive.org/stream/annualreportofim1961unit#page/34/mode/1up>.

———. *Annual Report of the Immigration and Naturalization Service (1969)*, 1969.

<http://www.archive.org/stream/annualreportofim1969unit#page/84/mode/1up>.

Jacobson, Robin, and Kim Geron. “Unions and the Politics of Immigration.” *Socialism and Democracy* 22, no. 3. Radical Perspectives on Immigration (November 2008): 105–122.

Kalhan, Anil. “Rethinking Immigration Detention (part I).” *Columbia Law Review* 110 (July 21, 2010). <http://www.columbialawreview.org/articles/rethinking-immigration-detention-part-i#9>.

Kerwin, Donald, and Serena Yi-Ying Lin. *Immigrant Detention: Can ICE Meet Its Legal Imperatives and Case Management Responsibilities?* Migration Policy Institute, September 2009. http://www.migrationpolicy.org/news/2009_9_10.php.

Knickerbocker, Brad. “Illegal Immigrants in the US: How Many Are There?” *The Christian Science Monitor*, May 16, 2006. <http://www.csmonitor.com/2006/0516/p01s02-ussc.html>.

Kochhar, Rakesh. *New Jobs in Recession and Recovery: Who Are Getting Them and Who Are Not*. Pew Research Center, March 10, 2011. <http://pewresearch.org/pubs/1922/congress-testimony-new-jobs-recession-recovery-who-are-getting-them-and-who-are-not>.

- Lee, Kyung Jin. "U.S. Deportations Double Over 10 Years." *Medill Reports Chicago*, February 23, 2010. <http://news.medill.northwestern.edu/chicago/news.aspx?id=157904>.
- Malone, N. J., and US Census Bureau. *The Foreign Born Population, 2000*. US Dept. of Commerce, Economics and Statistics Administration, US Census Bureau, 2003.
- Mantell, Ruth. "U.S. Employers Shift to Temp Workers." *Market Watch*, n.d. http://articles.marketwatch.com/2011-04-27/finance/30752291_1_temp-workers-contingent-workers-alternative-workers.
- Martin, P. *Guest Workers: New Solution, New Problem?* Pew Hispanic Center, 2002.
- Marx, Karl. *Capital: Volume 1: A Critique of Political Economy*. Translated by Ben Fowkes. Penguin Classics, 1992.
- Massey, Douglas S. "Backfire at the Border: Why Enforcement Without Legalization Cannot Stop Illegal Immigration." *Trade Policy Analysis*, no. 29 (June 13, 2005). <http://www.cato.org/publications/trade-policy-analysis/backfire-border-why-enforcement-without-legalization>.
- Massey, Douglas S., Jorge Durand, and Nolan J. Malone. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. Russell Sage Foundation, 2003.
- Massey, Douglas S., Magaly Sanchez, and Jere R. Behrman, eds. *Chronicle of a Myth Foretold: The Washington Consensus in Latin America*. Sage Publications, Inc, 2006.
- Massey, Douglas S., and Audrey Singer. "New Estimates of Undocumented Mexican Migration and the Probability of Apprehension." *Demography* 32, no. 2 (May 1, 1995): 203–213.
- . "New Estimates of Undocumented Mexican Migration and the Probability of Apprehension." *Demography* 32, no. 2 (May 1, 1995): 203–213.

“Mexican Workers in the United States: A Profile”, n.d.

<http://www.iupui.edu/~anthkb/a104/mexico/profile.htm>.

Mulligan, Casey B. “With Unemployment Insurance, Is 99 Weeks the Magic Number?”

Economix Blog, n.d. <http://economix.blogs.nytimes.com/2012/01/04/with-unemployment-insurance-is-99-weeks-the-magic-number/>.

Ngai, Mae M. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press, 2004.

<http://quod.lib.umich.edu/offcampus.lib.washington.edu/cgi/t/text/pageviewer-idx?c=acls;cc=acls;rgn=full%20text;idno=heb06691.0001.001;didno=heb06691.0001.001;view=image;seq=9;page=root;size=100>.

Office of Policy and Planning. *Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to 2000*. Immigration and Naturalization Service, 2001.

http://www.google.com/url?sa=t&rct=j&q=estimates%20of%20the%20unauthorized%20immigrant%20population%20residing%20in%20the%20united%20states%3A%201990%20to%202000&source=web&cd=1&ved=0CBsQFjAA&url=http%3A%2F%2Fwww.dhs.gov%2Fxlbrary%2Fassets%2Fstatistics%2Fpublications%2Ffill_report_1211.pdf&ei=WH6oTtr1AanjiALJmq3HBg&usg=AFQjCNFw_hvLWsd1cNLPMD6oOhuFTw2zKw&cad=rja.

Passel, Jeffrey S., Randolph Capps, and Michael E. Fix. *Undocumented Immigrants: Facts and Figures*. Urban Institute, January 12, 2004.

<http://www.urban.org/publications/1000587.html>.

Passel, Jeffrey S., and D’Vera Cohn. *U.S. Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade*. Pew Research Center, September 1, 2010.

<http://pewresearch.org/pubs/1714/annual-inflow-unauthorized-immigrants-united-states-decline>.

———. *Unauthorized Immigrant Population: National and State Trends, 2010*. Pew Research Center, February 1, 2011. <http://pewresearch.org/pubs/1876/unauthorized-immigrant-population-united-states-national-state-trends-2010>.

Piven, Frances Fox. “Chapter 5: The Welfare Rights Movement - 1977.” In *Who’s Afraid of Frances Fox Piven?: The Essential Writings of the Professor Glenn Beck Loves to Hate*. 1st ed. New Press, The, 2011.

Piven, Frances Fox, and Richard Cloward. *Regulating the Poor: The Functions of Public Welfare*. New York: Vintage Books, 1993.

Polanyi, Karl. *The Great Transformation*. Beacon Press, 1957.

Quadagno, Jill. *The Color of Welfare : How Racism Undermined the War on Poverty*. Oxford University Press, USA, 1996.

Rosenblum, Mark R. *US Immigration Policy Since 9/11: Understanding the Stalemate Over Comprehensive Immigration Reform*. Migration Policy Institute, August 2011.
<http://www.migrationpolicy.org/research/usimmigration.php>.

Schott, Liz. *Policy Basics: An Introduction to TANF — Center on Budget and Policy Priorities*. Center on Budget and Policy Priorities, July 6, 2011.
<http://www.cbpp.org/cms/?fa=view&id=936>.

Schram, Sanford, and Frances Fox Piven. *Words of Welfare: The Poverty of Social Science and the Social Science of Poverty*. University of Minnesota Press, 1995.

“Secure Communities.” *U.S. Department of Homeland Security: ICE*, n.d.
http://www.ice.gov/secure_communities/.

Smith, Lamar. *Hearing on: The Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws*, 2009.

http://judiciary.house.gov/hearings/hear_090402.html.

Southern Poverty Law Center. "A Brief History of Guestworkers in America", n.d.

<http://www.splcenter.org/publications/close-to-slavery-guestworker-programs-in-the-united-states/a-brief-history-of-guestwork#>.

Stark, Oded, and David E. Bloom. "The New Economics of Labor Migration." *The American Economic Review* 75, no. 2 (May 1, 1985): 173–178.

"State Unemployment Insurance Benefits, Employment & Training Administration (ETA)." *U.S. Department of Labor*, n.d. <http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp>.

Table 11. Citizenship Status of the Foreign-Born Population: 1890 to 1950 and 1970 to 1990.

U.S. Bureau of the Census, March 9, 1999.

"The Hispanic Experience - Stolen Birthright", n.d.

<http://www.houstonculture.org/hispanic/conquest6.html>.

"The Negroes' Temporary Farewell." *Black Americans in Congress*, n.d.

<http://baic.house.gov/historical-essays/essay.html?intID=5&intSectionID=28>.

"The Racial Blame Game." *Immigration Policy Center*, March 1, 2011.

<http://www.immigrationpolicy.org/just-facts/racial-blame-game>.

"The United States Unemployment Rate By Year", n.d.

<http://www.miseryindex.us/urbyyear.asp>.

U.S. Citizenship and Immigration Services. "Immigration and Nationality Act", n.d.

<http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?>

vgnextoid=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&vgnnextchannel=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&CH=act.

U.S. Commission on Immigration Reform. *Migration Between Mexico and the United States - Binational Study*. Mexican-United States Binational Commission, 1997.

U.S. Department of Health and Human Services. “AFDC and TANF Programs”, n.d.
<http://aspe.hhs.gov/hsp/abbrev/afdc-tanf.htm>.

———. “Personal Responsibility and Work Opportunity Reconciliation Act of 1996”, n.d.
<http://aspe.hhs.gov/hsp/abbrev/prwora96.htm>.

U.S. Department of Homeland Security. “Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act”, n.d.
<http://www.ice.gov/news/library/factsheets/287g.htm>.

———. “H-2A Temporary Agricultural Worker, Notice of Proposed Rulemaking”, n.d.
http://www.dhs.gov/files/laws/gc_1208188057025.shtm.

———. “Yearbook of Immigration Statistics (2009)”, 2009.
<http://www.dhs.gov/files/statistics/publications/yearbook.shtm>.

U.S. Department of Labor - Wage and Hour Division (WHD). “Migrant and Seasonal Agricultural Worker Protection Act (MSPA)”, n.d.
<http://www.dol.gov/whd/mspa/index.htm>.

U.S. Department of Labor. *Annual Report of the Commissioner-General of Immigration (1930)*. United States Department of Labor, 1930.
<http://www.archive.org/stream/annualreportofco1930unit#page/n3/mode/2up>.

———. “Foreign Labor Certification: H-2B Temporary Non-Agricultural Work”, n.d.
<http://www.foreignlaborcert.doleta.gov/h-2b.cfm>.

- U.S. Department of Labor Wage and Hour Division (WHD). “Minimum Wage Laws in the States”, n.d. <http://www.dol.gov/whd/minwage/america.htm>.
- U.S. Department of Labor Wage and Hour Division. “Fact Sheet #26: Section H-2A of the Immigration and Nationality Act (INA)”, March 15, 2010. <http://www.dol.gov/whd/regs/compliance/whdfs26.pdf>.
- “Uneasy Neighbors: A Brief History of Mexican-U.S. Migration.” *Harvard Magazine*, June 2007. <http://harvardmagazine.com/2007/05/uneasy-neighbors-a-brief.html>.
- “Unemployment Insurance Extended Benefits, Employment & Training Administration (ETA).” *U.S. Department of Labor Employment and Training Administration*, n.d. <http://www.workforcesecurity.doleta.gov/unemploy/extenben.asp>.
- Unfair Advantage: Workers’ Freedom of Association in the United States*. Human Rights Watch, August 2000. <http://www.hrw.org/legacy/reports/2000/uslabor/>.
- “Unit 11: The 1930s: The Great Depression | State Library Information Center”, n.d. http://slic.njstatelib.org/NJ_Information/Digital_Collections/AAHCG/unit11.html.
- United States Bureau of Immigration. *Annual Report of the Commissioner-General of Immigration (1923)*. United States Bureau of Immigration, 1923. <http://www.archive.org/details/annualreportofco1923unit>.
- United States Department of Labor. “Foreign Labor Certification: H-2A Temporary Agricultural Program”, n.d. <http://www.foreignlaborcert.doleta.gov/h-2a.cfm>.
- University of Washington Bothell. “U.S. Immigration Legislation”, n.d. <http://library.uwb.edu/guides/USimmigration/USimmigrationlegislation.html>.

- Varsanyi, Monica W. "Neoliberalism and Nativism: Local Anti-Immigrant Policy Activism and an Emerging Politics of Scale." *International Journal of Urban and Regional Research* 35, no. 2 (March 1, 2011): 295–311.
- . "Rescaling the 'Alien,' Rescaling Personhood: Neoliberalism, Immigration, and the State." *Annals of the Association of American Geographers* 98, no. 4 (September 2008): 877–896.
- Vaughan, Jessica, and James R. Edwards Jr. *The 287(g) Program: Protecting Home Towns and Homeland*. Center for Immigration Studies, October 2009.
<http://www.cis.org/287greport>.
- "Visa Services - Work Visas." *U.S. Embassy Mexico City*, n.d. http://www.usembassy-mexico.gov/eng/evisas_work_H2.html.
- Vogel, Richard D. "The U.S. Guest Worker Program of Exploitation - Monthly Review." *Monthly Review*, January 2007. <http://www.monthlyreview.org/0107vogel.htm>.
- Womach, Jasper. *Agricultural Programs, Terms and Laws*. Nova Science Pub Inc, 2006.