

**September 30, 2007**

EDITORIAL OBSERVER

## **Worker Solidarity Doesn't Have to Stop at the Rio Grande**

By **LAWRENCE DOWNES**

Comprehensive immigration reform was supposed to overcome the debate's dead-end disagreements — It's amnesty! No, it's not! — by tackling multiple problems at once. It failed, miserably, twice in two years. Congress tiptoed back to the battlefield this month with a modest attempt to legalize some immigrant children who go to college or serve in the military. That failed too. Federal agents, meanwhile, have been feverishly raiding immigrants' homes, taking parents away in the dead of night. The illegal population has not left the country yet, but it is terrified.

And yet for all that, the country is still no closer to figuring out how to handle the stream of workers over its borders, or how to be a global fortress when it is already a global magnet. What we need is a better debate.

Jennifer Gordon, a professor at Fordham Law School who won a MacArthur award for her work with immigrant laborers, is offering one. In a recent article she presents a compelling way out of one of immigration's trickiest riddles: how to manage the immigrant flow in a way that is realistic, workable and fair to both newcomers and to native-born Americans.

Sealing them all out is impossible, throwing the border open unthinkable. Creating a permanent underclass of guest workers has a long, nasty history.

The challenge is to build institutions that conform to reality but lessen its ill effects. "We can't revert to the fantasy that we can just turn the tap off," Professor Gordon said. "We have to engage with the question, not abdicate the debate to restrictionists on the one hand and a corporate-designed guest worker program on the other."

In "Transnational Labor Citizenship," published last spring in the Southern California Law Review, Professor Gordon offers a new way to structure labor migration.

Her proposal would link the right to immigrate not to a job offer from an employer but to membership in a cross-border worker organization — a kind of transnational union. Migrants could work here legally, but only after agreeing not to undercut other workers by accepting substandard pay or job conditions. The organizations would enforce the agreement and protect members' rights here and in their home countries.

The goal, she says, is "to bring up the bottom, not by shutting immigrants out, but by organizing them before they come." Workers who follow the rules would become "transnational labor citizens" — supporting their families and the American economy while offering a powerful check on under-the-table exploitation.

Professor Gordon readily acknowledges the implausibility of winning that One Big Union on a continental scale. But persuasive precedents for her approach exist. The Farm Labor Organizing Committee, an agricultural

workers' union, signed a contract in 2004 to protect thousands of Mexican guest workers in North Carolina. In 2005, it opened an office in Monterrey, Mexico, to further its organizing efforts and defend its members from abusive recruiters there.

Last year, the United Farm Workers and Global Horizons, one of the largest suppliers of agricultural guest workers, signed the first nationwide contract covering immigrants. It provides employer-paid medical care, a seniority system and a grievance procedure to ensure that employers comply with the law.

Doubters will insist that it is crazy to expect immigrants to risk their meager paychecks to defend their rights and abstract notions of worker solidarity.

But they have already shown that they will. Professor Gordon won her genius grant after creating the Workplace Project, an organization of Latino immigrants on Long Island that uses its members' collective power to regain withheld or stolen wages. Worker centers like it around the country are providing a surge of energy and optimism to the labor movement. Latino day laborers, organizing themselves at hiring corners around the country, are putting a floor on wages and thwarting abusive employers.

That's why John Sweeney, president of the A.F.L.-C.I.O., went to the annual convention of the National Day Laborers Organizing Network in Silver Spring, Md., in August and lauded their shared struggle.

The heart of Professor Gordon's proposal is the insight that we can enlist immigrants themselves in upholding the lawfulness and high standards we hold dear. An immigrant worker who is unafraid is better than one who is vulnerable and easily abused.

As she sees it, politicians who so bitterly oppose day-laborer hiring sites and other attempts to regularize the underground economy are unwittingly enabling the exploitation and lawlessness they profess to oppose. The "transnational labor citizens" Professor Gordon envisions, on the other hand, would uphold American working standards as they assert and defend their own.

[Copyright 2007 The New York Times Company](#)

[Privacy Policy](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)

---