

The Greedy Gates Immigration Gambit

BY GENE A. NELSON

This article establishes that “Things of Value” were provided by Microsoft Corporation in order to facilitate “Official Acts”—changes beneficial to Microsoft in H-1B Visa law in 1996, 1998, and 2000. Microsoft Lawyer—lobbyist (and felon) Jack Abramoff played a critical role in conspiring with 10 members of his network and elected officials to expand the “Abramoff Visa” (The H-1B Visa.) As a consequence of the employment discrimination against older and minority American citizens, this author seeks prosecution of the conspiring parties under RICO.

Introduction

The U.S. “Baby Boom” generation (born from 1946 to 1964) had to deal with the consequences of “too many all at once” from the moment of birth into typically overcrowded hospital delivery rooms. Like a “pig in a python” the Baby Boomers then endured overcrowded schools. Demographer Landon Jones noted in his influential 1980 book—where he coined the term “Baby Boomer”¹ that as a consequence of their great numbers, the Baby Boomers would have a lifelong

Gene Nelson has opposed expansion of increased caps in 1998 and 2000 of the controversial H-1B Visa program. He testified twice in the U.S. House of Representatives (July 1998 and August 1999) and twice to the National Academy of Science (NAS) (April, 1996 and December, 1999).

competition for available employment that would make use of their training and experience. The Baby Boomers were the first generation in history to have ready access to a college education, with about one-fourth of them earning a bachelor’s degree.

This author has noted that the U.S. government made available to colleges and universities tremendous economic resources subsequent to the Soviet 1957 launch of *Sputnik* and President Kennedy’s May 25, 1961 goal to put a man on the moon before 1970. There were unprecedented increases in federal R&D funding, with a rapid rise to over 11 percent of the federal budget in FY1964 to FY1966. (See figure 1 next page.) These resources facilitated the Baby Boomer’s college attendance and a massive U.S. college building boom. However, “high tech” employers enjoyed their first taste of “fresh (inexpensive) young blood” as the first Baby Boomers earned bachelor’s degrees in 1967. Once high tech employers became accustomed to the resultant high profit margins, they were reluctant to give them up, as we shall see later in this article.

By the late 1970s, federal R&D funding, which is a key funding source for higher education, had returned to the more typical value of about 4 percent. Around this time, college and university administrators were apparently becoming concerned with the cost of faculty and researchers needed to staff the recently enlarged campuses. The administrators utilized their trade association, The Association of American Universities, to influence Rep. Joshua Eilberg (D-PA) who chaired the House Immigration Subcommittee. Rep. Eilberg utilized once-in-a-lifetime parliamentary tactics to sneak through a change in 1976 to U.S. immigration law that granted to colleges and universities the right to import unlimited numbers of professors and researchers—and to avoid any attestations that these employers were harming the employment

rights of qualified American citizens. More details are available in the author's 2005 article about the "Eilberg Amendment." Title 8, section 1182, U.S.C. 1976².

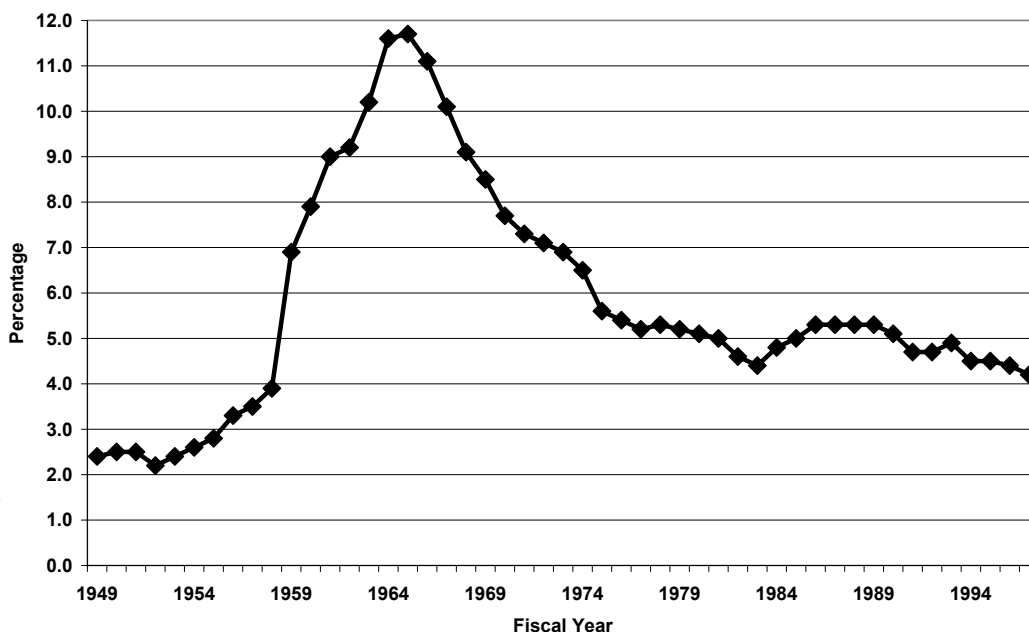
Private sector employers that learned about the "sweetheart deal" that colleges had obtained in 1976 desired to have access to the same pool of **young** reduced—cost highly—skilled labor. The levers of power in Washington, DC were manipulated by firms such as Microsoft, HP, IBM, Motorola, Raytheon, Intel, and DuPont in the late 1980s to accomplish this goal.

The astounding information that the U.S. government utilized taxpayer resources in the late 1980s to destroy the careers of both black and white Americans (the science, engineering, and information technology workforce that strengthened the U.S. economy) seems implausible. Legal researcher and MIT mathematician Eric Weinstein, Ph.D. unearthed this information and has published several on line articles regarding these policies.³ The policies included a set of NSF "reports" starting about 1985, claiming an incipient "looming shortage" of scientists and engineers. These "reports" were never subject to critical analysis by outside experts. (There are still versions of this myth being circulated in 2007 by public relations professionals paid by special interests.)

Weinstein noted, "The (National Science Foundation) NSF sponsored shortage initiatives emanated from a single division within the foundation. This insular unit was known as the Policy Research and Analysis division (PRA) and, together with its controversial director Peter House, maintained an especially close relationship with the then NSF director Erich Bloch."

A PRA salary analysis projected that U.S. Ph.D. researcher wages would roughly double between 1982 and 2000. Rather than allow the workings of a free marketplace, a strong government intervention was proposed by the NSF (which also employs young scientists, a conflict of interest.) Young, highly skilled foreign nationals would be imported in large numbers, mostly from "third

R&D as Percent of Federal Budget 1949-1997 Peak is 11.7% in 1965



world" nations. *Artificially low wages would be offered in exchange for potential U.S. permanent legal residency for the immigrant—and perhaps for his family.* These immigrants could in effect move to the head of the "green card" line rather than waiting for the typically decade or more waiting times. Since significant numbers of foreigners would be imported, there would be an advantageous (from the employer perspective) depression of salaries for U.S. citizens as a consequence of the law of supply and demand. Science, Engineering, and Technology (SET) fields are the first to be harmed by this mass importation, since natural laws are not dictated by political boundaries. A physicist trained in Beijing, Bangalore, or Boston learns the same principles. *Inflation-corrected wages of U.S. SET professionals have been essentially stagnant since 1996 as a result.*

Immigration policy researcher David North

noted in his 1995 book (publication was sponsored by the Sloan Foundation) that the employer—designed provisions of the Immigration Act of 1990 stipulated that the immigrant could be subject to immediate deportation if his job were cut. This provision insured that the imported high-skill work force was docile—and could be intimidated to avoid joining unions, for example.⁴ The visa program, like most special visa programs was “dual intent,” permitting the so-called temporary worker to apply for permanent residency if his current employer completed sponsorship documentation. This provision gave the employer unprecedented power over the immigrant, resulting in a de-facto indentured servitude during the typical seven year process to obtain permanent residency. If the immigrant left an employer, the sponsorship process would have to start all over. In a May, 1999 article, the president of a “high tech” recruiting company, John Wentworth, praised the “remarkable loyalty” that arises from this form of indenture.⁵

A related problem is the employer abuse of standards programs such as ISO 9000. (See the online version for more information.)

A particularly striking example of the dangers associated with intellectual property theft by high-skill nonimmigrant workers is the story of Pakistani Abdul Kadeer Khan, Ph.D. Khan was a gifted and articulate Pakistani who received a master’s level degree in West Germany followed by earning a Ph.D. in metallurgy from the Catholic University of Leuven in Brussels, Belgium in 1972. Utilizing some form of a Dutch work visa analogous to the H-1B, Khan started work in 1972 for URENCO, a European conglomerate in Almelo, the Netherlands. This author believes that the likely eventual result

of Khan’s intellectual property theft will be the detonation of a nuclear device in a U.S. city that will dwarf the September 11, 2001 attacks on the New York World Trade Center and the Pentagon. (See the online version for details.)



Bill Gates, chairman of Microsoft, Corp., has been a major lobbyist for H-1B visas.

Overpopulation via special visa programs in the U.S. benefits many of the economic elite at the expense of the middle class (of all races.) The resultant labor gluts depress wages and benefits, enhancing employer profitability. The increasing U.S. population pushes up the demand for the necessities of life such as food, shelter and transportation, yielding higher prices and higher profit margins for the economic elite. (Overpopulation is the biggest cause of environmental degradation.)

The author believes that Bill Gates, III became the world’s wealthiest man as a result of U.S. special visa programs which served to provide a “government subsidy” for Microsoft Corporation in the form of young pliant, low—cost imported labor. Gates’s wealth has given him unimaginable power. As a recent example, Bill Gates, III had the ear of the U.S. Senate HELP Committee on March 7, 2007 during his solo two hour speech in which Gates demanded “infinite” H-1B visas.⁶ See additional details online.

A “bloated government subsidy program”

The late free-market advocate and Nobel Laureate Milton Friedman accurately characterized the H-1B visa program as a “government subsidy” in a 2002 *ComputerWorld* article.⁷ This government subsidy extends to an “alphabet soup” of work visa programs procured by special interests—and to the intentional Federal non-enforcement laws prohibiting the employment of illegal aliens in the

American Citizens Can't Apply for These Jobs

Year	L1 Visa	H-1B Visa	TN Visa	F1/M1 Visa	J1 Visa	Ann. Totals (Millions)	Est. Total Since 1975 (Millions)
1975	12,570	15,550		107,495	46,001	0.182	0.182
1976	15,112	47,387		121,317	44,486	0.228	0.410
1977	17,673	47,387		154,507	50,507	0.270	0.680
1978	21,495	42,979		191,139	53,319	0.309	0.989
1979	16,423	32,942		106,977	30,644	0.187	1.176
1981	38,595	44,770		240,805	80,230	0.404	1.580
1982	47,893	52,482		263,176	85,382	0.449	2.029
1983	62,025	39,944		286,909	89,969	0.479	2.508
1984	62,359	42,473		227,394	94,008	0.426	2.934
1985	65,349	47,322		257,069	110,942	0.481	3.415
1986	66,925	54,426		261,081	130,416	0.513	3.928
1987	65,673	65,461		261,829	148,205	0.541	4.469
1988	63,849	77,931		312,363	166,659	0.621	5.090
1989	62,390	89,856		334,402	178,199	0.665	5.755
1990	63,180	100,446		326,264	174,247	0.664	6.419
1991	70,357	118,038		282,077	182,940	0.653	7.072
1992	75,347	110,193		241,093	189,919	0.617	7.689
1993	82,606	92,795		370,620	196,782	0.743	8.432
1994	98,189	105,899	19,806	394,001	216,610	0.835	9.266
1995	112,124	117,574	23,904	364,220	201,095	0.819	10.085
1996	140,457	144,458	26,987	426,903	215,475	0.954	11.039
1997	140,457	144,458	26,987	426,903	215,475	0.954	11.994
1998	203,255	240,947	59,061	564,683	250,959	1.319	13.312
1999	234,462	302,421	68,411	567,146	275,545	1.448	14.760
2000	294,658	355,605	91,279	659,081	304,225	1.705	16.465
2001	328,480	384,191	95,486	698,595	339,848	1.847	18.312
2002	313,699	370,490	73,699	646,016	325,580	1.729	20.041
2003	298,054	360,498	59,446	624,917	321,660	1.665	21.706
2004	314,484	386,821	66,219	620,210	321,975	1.710	23.416
2005	312,144	407,418	65,010	629,556	342,742	1.757	25.173
Est. Totals 1975-2005	3,700,284	4,443,162	676,295	10,968,748	5,384,044	25.173	25.173
Grand Estimated Total	25,172,533						

File: Visa Statistics-Complete.xls

Sources: 1976 -2001 Statistical Yearbooks of the Immigration and Naturalization Service, U.S. Dept. of Justice

Federal Repository Library Reference Catalog Number J.21.2-2.982 for the 1982 Yearbook. Microfilm copies used for some years.

Per 1982 Yearbook, page 107, Basque Sheepherder admissions. 1977:206, 1978:274, 1979:258, 1980:149, 1981:206, 1982:185.

Up to 500 Basque Sheepherder visas issued per year by the Immigration Act of April 9, 1952

Year skipped (no data available): 1980. FY1997 duplicates FY1996 data, as no reliable INS data exists. (System re-engineering problems.)

Online Statistical Yearbooks: <http://www.dhs.gov/ximgtn/statistics/publications/yearbook.shtm>

1996-2005 summary statistics: <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/Table26D.xls>

Prior to October 1, 1991 (fiscal year 1992), H1B admissions were termed "Distinguished merit or ability."

Note that for the H-1B visa tabulation, admissions are substantially above statutory limits from FY 1992 to Present

U.S. (Approximately 41-45 percent of the estimated 20 million U.S. illegal aliens are visa overstayers—and a large fraction of this population are employed in high-skill positions)



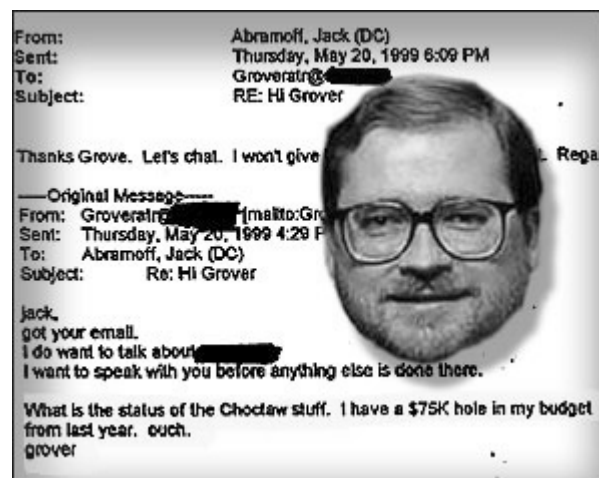
To obtain an estimate of the economic value to employer interests from these 24.4 million visa admissions, assume that a modest \$50,000 reduction in salary and benefit expenditures results from each admission as a result of the direct and indirect effects of the resulting labor gluts. Over the past two decades, employer interests pocketed a approximately \$24 trillion dollars that should have gone into the wallets of experienced American citizen technical professionals.

See the online version of the article for details regarding the total \$73.2 billion benefit of H-1B visa program in increased profitability to Microsoft Corporation since 1991. (An April 5, 2007 AP story noted that according to Microsoft Spokeswoman Ginny Terzano, about 1/3 of their 46,000 [15,333] U.S. employees are on work visas or are legal permanent residents.) Other external costs shifted to American citizens as a result of these policies include training and equipment expenditures, untreated illnesses arising from a lack of health insurance

(while unemployed or under-employed), premature death or suicide—as in the case of former Bank of America programmer Kevin Flanagan⁸, and an increased divorces as a consequence of economic hardships caused by the premature end of their technology-based careers.

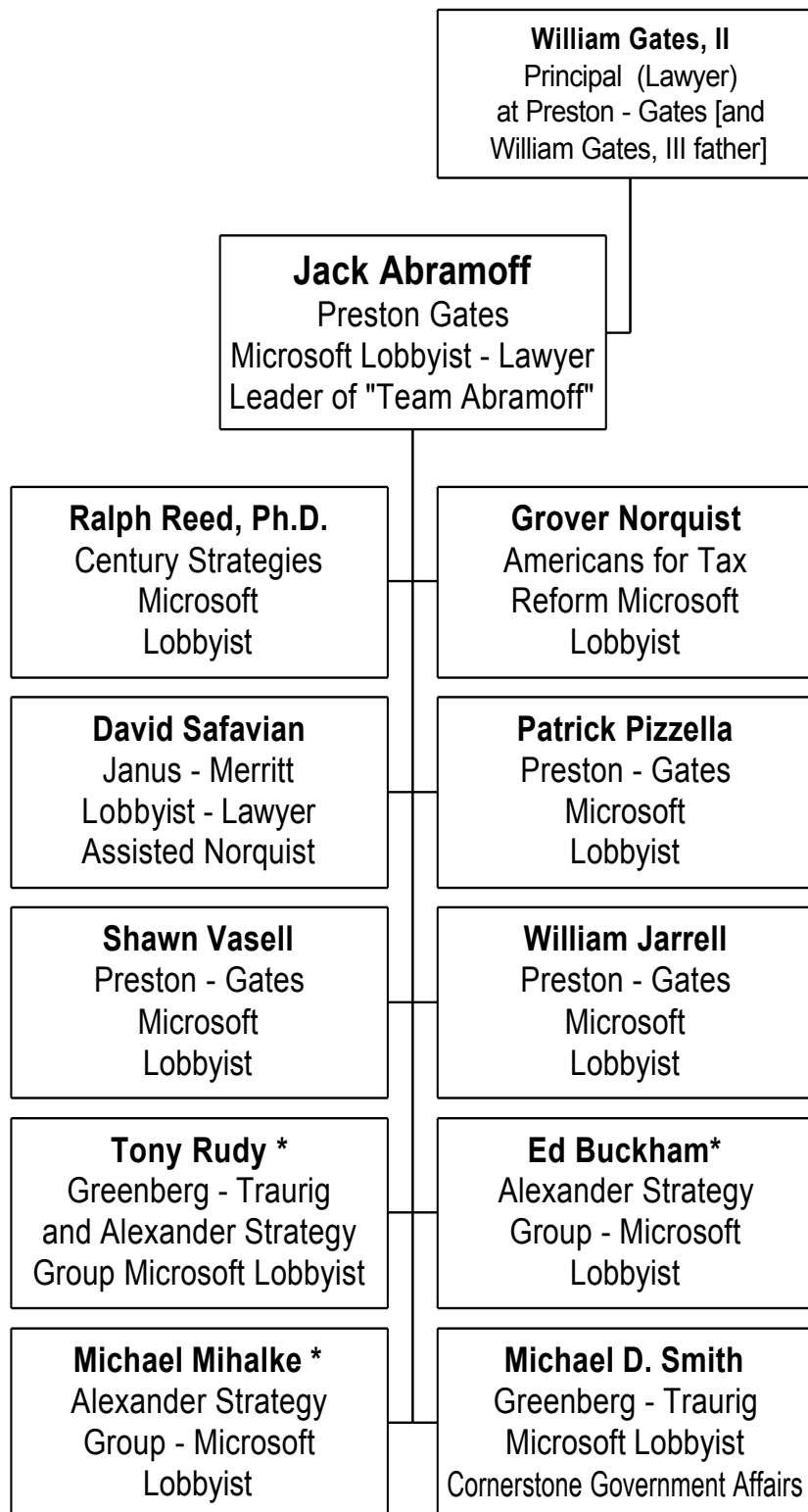
The Corrupt roots of the “Abramoff Visa.”

Two books released in 2006 provide background regarding Jack Abramoff’s tight control of “Team Abramoff”—and his desire to attract deep-pocketed lobbying clients such as Microsoft Corporation (and one of Microsoft’s proxy organizations, The Business Software Alliance.) The long-term relationships between lawyer Jack Abramoff, lobbyist Grover Norquist, and lobbyist Ralph Reed are underscored. Lawyer David Safavian is also involved with Microsoft. *The K Street Gang: The Rise and Fall of the Republican Machine* by Matthew Continetti (Doubleday) was completed in late January, 2006. The second book, *Heist: Superlobbyist Jack Abramoff, his Republican Allies, and the buying of Washington* by Peter H. Stone (Farrar, Straus, and Giroux) was finished in early Summer, 2006. (Neither author anticipated that both the House and Senate would shift to the Democratic party in the November, 2006 mid-term elections as a result of the “Culture of Corruption.”)



This is an organization chart for members of “Team Abramoff” that were paid by Microsoft. The three entries marked with an asterisk had roles in

The Abramoff network includes Microsoft and H-1b visas (beginning around 1995 and continues to 2007). Entries with asterisks became active after 2000 to obtain preferential tax treatment for H-1b related profits for the Microsoft Corporation.



procuring reduced tax obligations for the Microsoft profits that had been enhanced by the H-1b visa program since Jack Abramoff began work at the Washington, DC offices of Preston-Gates (now Kirkpatrick, Lockhart, Preston, Gates, Ellis LLP) in early 1995. Note that one of the principals in Pres-



ton Gates is Bill Gates, II, the father of the head of Microsoft, Bill Gates, III. This author believes that there is a strong connection between Abramoff starting to work at Preston—Gates and with Bill Gates, III becoming the “World’s Wealthiest Man” in 1995, a title that Gates has held until mid-2007.

References 11-15 (available online) document Microsoft’s 1996 payments to Grover Norquist and Norquist’s effectiveness in preventing Senator Alan Simpson’s 1995 reforms (S. 1394.IS) of the H-1B visa program that would have required firms to make meaningful attempts to recruit American citizens before hiring H-1b visa holders, among other still—needed changes to the H-1B visa regulations in 2007. This author’s February, 2007 telephone conversation with former Sen. Simpson confirmed that Simpson was angered by Norquist’s dirty tricks and hopes that Grover Norquist will eventually suffer legal sanctions for his conduct.

It is likely that “Team Abramoff” was emboldened by their Microsoft—financed 1996 victory against Senator Simpson’s H-1b visa program reform. Thus, they worked with House and Senate leaders to ram through H-1B visa level

increases in 1998 via S.1723, sponsored by Senator Spencer Abraham (R-MI) and passed on May 18, 1998 and the Rep. Lamar Smith sponsored (R-TX) H.R.3736 during the 105th Congress. The vehicle for 1998 passage was to bury the provisions of the employer-friendly S.1723 in the “must pass” bill, “The Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.” Public Law 105-277 signed by President Clinton on October 21, 1998. The H-1b section numbers are 401-431.

Again, on October 3, 2000, devious means were used to pass S.2045, Sponsored by Orrin Hatch (R-UT) and cosponsored by Sen. Spencer Abraham (R-MI) and 23 other Senators, which further increased the H-1B cap. It was passed in the Senate in the morning of October 3. This news story summarizes subsequent events that day.

Doggett Annoyed by Stealth House Vote

By Marilyn Geewax, Cox News Service

http://www.americanvisas.com/chronicles_and_updates/chronicles/2000/10.htm#Doggett

WASHINGTON — The speed—and stealth—with which the House voted Tuesday to increase visas for skilled foreign workers left one lawmaker shaking his head. “Incredible,” said Rep. Lloyd Doggett, D-Texas, a major supporter of increased visas. Doggett said the voice vote on a bill to increase H-1B visas for foreign professionals came as such a surprise that only about 40 of 435 lawmakers were there. The GOP leadership’s decision to hold a vote on such an important issue with no warning was “pretty underhanded,” he said. Doggett, who had co-sponsored a bill to increase the so-called H-1B visas for foreign workers, gave this account of the evening: “At about 3:30, it was announced that there would be no further votes” on important issues in the House, he said. Because many lawmakers wanted to get home early to watch the presidential debates, nearly everyone left, he said. “But at about 5:30, an e-mail was sent over here” announcing that an H-1B debate would begin

shortly. "I didn't see the email until about 6," he said. Doggett said he scurried to the House floor, while other major supporters of the legislation also rushed back to Capitol Hill. Using various procedural moves, the GOP leaders ended the debate quickly and called for a voice vote, even though the House was nearly empty. "It's a really sorry way to run a railroad," he said. "This was very improper. We needed this bill, but I would hope that...a better job could be done by a new Congress."

The following news release from his Congressional website documented the leadership role of Rep. Chris Cannon (R-UT). http://www.house.gov/cannon/press_october18.html.

For Immediate Release, October 18, 2000

Cannon Manages House Passage of High Tech Visa Bill

WASHINGTON, D.C. — U.S. Rep. Chris Cannon (R-UT) hailed passage of S. 2045, the American Competitiveness in the Twenty-first Century Act of 2000, as a victory for both the economy and worldwide democracy. *Cannon managed the bill on the House floor*, completing swift passage of legislation approved earlier in the the day by the Senate. The quick action should provide immediate relief to the high tech industry....

Representatives Dick Armey (R-TX) who was the House Majority Leader and Tom DeLay (R-TX) "The Hammer", House Majority Whip, amassed huge leadership PACs, funded by Microsoft and other high tech firms, to "enforce party discipline" during the 105th and 106th Congresses. Armey and DeLay would dole out funds to Republican U.S. Representatives that voted according to their instructions. Both Representatives aggressively promoted H-1B visa program expansion. (Please see the online version for an excerpt from a related October 16, 2000 *WSJ* story documenting \$16 million in Microsoft political expenditures since 1997.)

With lobbyist Jack Abramoff's network beginning to collapse in 2005, Microsoft saw the benefit of retaining a Democratic lawyer-lobbyist who was an original member of "Team Abramoff" named Michael D. Smith. Michael now works for Cornerstone Government Affairs. (See Mike's biography here: <http://www.cgagroup.com/staffContent.aspx?id=20>.)



This biography neglects to mention that Mike was forced to leave Greenberg-Taurig in January, 2005 after an internal investigation uncovered that Mike had received kickbacks. The biography fails to mention that he was a member of "Team Abramoff." The biography doesn't even mention Greenberg-Taurig, instead referring instead to "a leading International law firm." There are some documented irregularities in lobbyist Smith's 2007 campaign finance disclosures. Furthermore, Cornerstone's lobbying disclosure forms for 2005 and 2006 mention that the work for client Microsoft Corporation included lobbying on "HB1 Visas" - perhaps to thwart research into Microsoft's recent lobbying. (The disclosure for the first half of 2007 identifies the visa correctly as "H1B".) Microsoft has expended about a quarter of a million dollars on this lobbying effort since 2005, just with Cornerstone. Microsoft continues to use many other lobbying firms in addition to a large in-house lobbying staff.

Next Steps

There needs to be a restoration of multi-decade long U.S. science and technology careers as

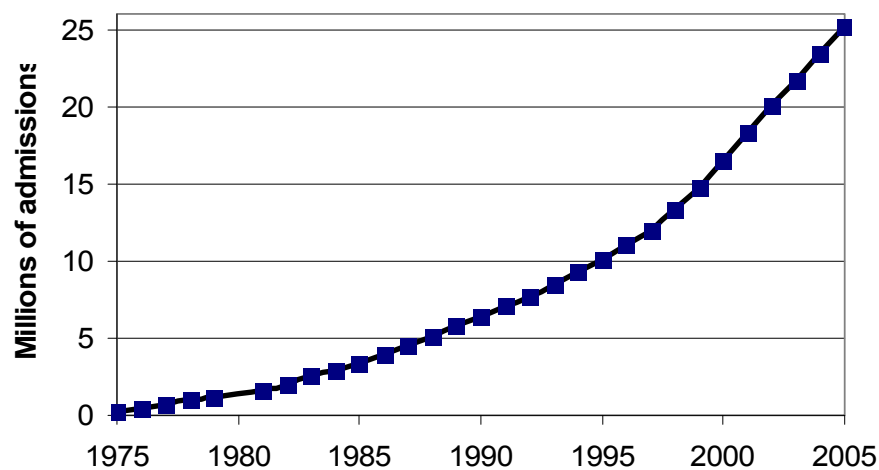
the foundation for military and economic strength of U.S. Intellectual property such as inventions takes a long time to develop. Historically, this intellectual property has enhanced the profitability of corporations. Long careers are incompatible with the current “disposable employee” practices where most employees are discarded after a few years. The majority of “high tech” employers terminate their employees before they enter the protected class (over age 40) defined by the Age Discrimination Act of 1967, as Amended. Similarly, minority employment civil rights are destroyed.

The author contacted Federal Judge Ellen Segal Huvelle via a letter on March 29, 2006. A redacted copy of this letter appears in the appendix of the online version of this article. Judge Huvelle is responsible for sentencing Jack Abramoff as a consequence of his January 3, 2006 Washington DC plea bargain. This author has learned that sentencing will occur in June, 2007. Two relevant sections of the U.S. Code should apply: 18 U.S.C. 201: Bribery of Public Officials and Witnesses and 18 U.S.C. 371: Conspiracy to Commit Offense or Defraud United States. Specifically, 18 U. S. C. §201(c)(1) (A), prohibits giving “anything of value” to a present, past, or future public official “for or because of any official act performed or to be performed by such public official.”

Given the history of the program, the author believes that the H-1B visa program is an example of “bad law.” The entire program should be repealed, including the removal of elements of the program from harmful trade treaties, such as GATS. During the U.S. Great Depression, there was forced repatriation of foreign nationals to Mexico to generate workforce opportunities for American citizens.

To improve the employment prospects of harmed U.S. citizens, repatriation of the approximately 9 to 17 million imported foreign nationals, perhaps through “self deportation” of those whose special visas have expired—and those who are working in the U.S.—but only holding tourist or student visas (many have also expired.) The legal

Competition for the ~ 8 Million U.S. "High Tech" Jobs : Cumulative Estimated Admissions since FY 1975 - Five classes of noncitizen "High Tech" visas



term for these individuals is that they are “out of status.”

The history of the H-1B visa program demonstrates the need for campaign finance reform to diminish lobbyist impact.

There also needs to be prosecution of current and former corrupt federal officials and corrupt corporations. The author suggests use of applicable RICO statutes 18 U.S.C. 1961 et. seq. without time limits for prosecution.

There are many immigration reform organizations such as NumbersUSA, FAIR, CIS, US Incorporated, WashTech, Programmer’s Guild, TORAW, NAEA, BrightFutureJobs, Coalition for Fair Employment in Silicon Valley, various organizations comprised of exploited special visa holders, news commentators such as Lou Dobbs, and elected officials such as Rep. Tom Tancredo (R-CO) and Rep. Bill Pascrell (D-NJ) that desire genuine H-1B visa

reform. The author believes that these organizations and individuals need to find “common ground” in order to apply their passion for reform. Otherwise, employer interests will assist in them pulling in different directions so that no reform is accomplished. The author has seen this occur in the reform organizations YSN and NES, cited in the online section of this article.

Microsoft recognizes that the corporation is associated with the Abramoff Scandal and hired the Glover Park Group to distance itself from the scandal. The challenges in these suggested next steps are outlined in a SIIA Amicus Brief co-filed by Attorney Ken Wasch against Microsoft Corporation regarding the antitrust litigation filed by the U.S. Attorney General on May 18, 1998.

“Although Microsoft used to be a member of SIIA—and a member of the SIIA Board of Directors—Microsoft resigned from SIIA and withdrew its funding after SIIA filed an amicus brief criticizing Microsoft’s conduct at the liability stage of this proceeding. Microsoft has also induced some other companies dependent upon it to withdraw funding from both amici. These events shed a strong light on the remedy issue now before the Court. *Microsoft’s power and wealth give it the ability to both punish its critics and retain battalions of lawyers, lobbyists, and publicists to undermine the government at every turn.*” (*Brief on Remedy of Amici Curiae*, Computer and Communications Industry Association and Software and Information Industry Association [SIIA], May 19, 2000.) ■

Note about the author: Gene Nelson is writing a

book, *An American Scam: How Special Interests Undermine National Security with Endless ‘Techie’ Gluts*. This article is excerpted from the manuscript. (There is also an unabridged version of this information, available on The Social Contract website.)

End Notes

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