

Will the circus come to town?

By Bill Hankins

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Imagine a nation without circuses, carnivals and with scaled down versions of state and county fairs.

It could happen in America next year if Congress does not act on legislation tied to an appropriation bill.

It's all about immigration, a touchy subject in some circles, but it is not the immigration issue most people think of.

The dilemma facing circuses, including the four that call Hugo, Okla. home, is that they suddenly are unable to bring into this country the seasonal acts that make the circuses great.

Circuses, carnivals and other industries that hire seasonal workers have always worked under a seasonal immigration law that allows foreign workers to come into the country, work, pay their taxes and social security and then go back to their own countries after the seasonal employment is completed.

The program that allows seasonal employment is H-2B, and it provides a vital and legal source of seasonal labor for the mobile industry.

The problem is, Congress put a mandated cap of 66,000 workers per year allowed in under the program.

Ski resorts, such as in Vail, Colo., and the landscaping industry, which hires most of the seasonal workers, along with the circuses across the nation, the carnivals, the hotels and others went to Congress two years ago and said the limit of 66,000 was not adequate to fill the need for seasonal workers.

Congress voted to allow workers already on the visa program exemptions from re-applying each year.

That meant they did not fall under the 66,000 cap, allowing those workers to come back each year without counting against the cap.

But the exemption was sunsetted for one year. Congress extended it until Sept. 30 of this year but failed to renew the extension, and the exemptions died on that date.

The issue has been tied this year to an appropriation bill, that may or may not be approved by Congress, and if it is, could become a part of a presidential veto.

The need for seasonal workers for 2008 is so great, the 66,000 available spots were filled on Sept. 27, 2007, three days before the fiscal year actually began.

The big industries such as ski resorts, landscaping and hotels grabbed off most of the spots, and even then, did not get enough workers.

Vail ski resorts, which usually hire 2,500 workers for the season, fell more than 750 short of goal before the cap was reached.

The larger circuses across the nation grabbed off those workers they could before the cap closed in, but they also did not fill their need.

That left the smaller circuses such as Carson and Barnes, Kelly Miller, Culpepper Merriweather and Circus Chimera, all of Hugo, without hope for next year unless the legislation is approved.

"I have already had to announce I will shut down," said Jim Judkins, owner of Circus Chimera. "If I am not sure I have the circus acts coming from other countries, I cannot start signing contracts for stops in cities and towns next year. If I signed the contracts and did not get the workers, I am liable. I would have to use the sites and pay the fees for them."

Christen Parra of Carson and Barnes said: "We are trying right now with lobbyists working on it in Washington, D.C. We have asked people to write letters to Congress and ask them to take action."

"Unfortunately we won't be able to take the circus on the road next year as we are now," she said. "We would have to downsize considerably. We can't function without these guys getting the visas, and as it stands, there are no more visas available. We are not willing to close our doors, but we can't plan next season without these workers."

Parra said being a small family-owned circus, Carson and Barnes comes in about sixth in line behind the larger circuses and far behind such operations as ski resorts and landscaping and hotels.

The same would apply to all four circuses in Hugo, and if the circuses closed their doors or downsized, it could put a large dent in the economy of the city as well as the circuses.

"If nothing is done, I have no doubt we are going to be left out entirely," Parra said. "We only have about 120 days to get the circus acts and set up our schedule for next year. What we are afraid of is Congress will not act in time for us."

U.S. Ralph Hall, R-Rockwall, said he understands the problem and is pushing for the bill and the seasonal worker industry, but added that he has little say if it will come up for a vote or when.

"I am backing the extension of the H-2B exemptions, but we (the Republicans) are no longer in control of when the legislation will come down," Texas' Fourth District congressman said.

Christopher Shel, with Hall's office, said the quota fix is tied up in the appropriations bill and the minority does not dictate that schedule, "but we are pushing for passage of that immigration issue."

Judkins said he and others will travel to Washington, D.C., Tuesday and will stay the remainder of the week pushing congressmen and senators to take action on SB900 and HR1843, which contain the needed legislation.

"We are facing the problem of all this rhetoric about illegals and amnesty, and Congress is reluctant to pass anything about immigration," Judkins said. "Those who depend on the law are out of luck."

"These people come into the country, pay their taxes, pay their Social Security and live by the law, then they go home when the seasonal work is over," Judkins said. "They do not have an opportunity to draw Social Security or get the benefits from the taxes they pay."

Judkins said immigration opponents have wrongfully looked at workers in the H-2B program as cheap foreign labor, and that employers pay them next to nothing.

"We have to pay the workers the highest of the prevailing wages for any place on the entire route, and we have to provide living quarters and meals at no charge," he said.

Judkins said almost every carnival in the country uses H-2B workers, gets reliable help, provides drug tests and has the highest safety record.

"These workers have to be incredibly good," he said. "Can you imagine putting together those carnival rides if you had to use unskilled workers?"

If carnivals are forced to shut down because of a lack of traveling workers, that also would affect such organizations as the Red River Valley Fair and even smaller carnivals might not be able to make the stops in Mirabeau Square or other places in Paris.

Judkins said Americans do not want to leave home and travel for 10 months of the year, so there are no American acts or workers available to the circuses.

"We really have to do something with this problem and do it fast," he said.

These H-2B visas are really non-immigrant visas and should not be considered in the regular immigration laws," Judkins said.

Judkins handles immigration work for all the circuses in Hugo and said all of them face a dilemma if this legislation is not passed.

Jim Royal with Kelly Miller Circus said: "At this point, we are not sure of what we will do. The worst case scenario is it will put us out of business."

Royal said Kelly Miller did well this year despite high gasoline prices, "but next year could be a whole new story. We may have to go on a massive recruiting drive."

"Our local circuses are desperately asking people to contact their congressmen and senators and urge them to extend the H-2B by returning worker exemption," Royal said. "These shows provide jobs, revenue and a sense of pride in calling Hugo 'Circus City U.S.A.' The fact that four circuses call Hugo home is a distinction that no other city can claim. It would be a crime to allow this rich American tradition to be lost forever."

Judkins said he has just returned from one fact finding mission to Washington, D.C.

"What I found out gave me hope," he said. "Not a single senator or congressman's office I visited was against the H-2B program or to the fix."

Other congressmen and senators said the appropriations bill is a hard-fought bill, and it and the H-2B extension are a wait-see issue.

For the circuses, the carnivals and others on the bottom looking for seasonal workers, the wait may take too long to salvage next year.