

What's Wrong With U.S. Immigration Policy?

By OTIS L. GRAHAM, JR.

The following is the text of a recent speech delivered to the Organization of American Historians.

A Brookings Institution study of the federal government's greatest achievements and failures since World War II ranked controlling immigration second among the top five public policy failures of the postwar era. It deserves first rank failure status. In support of this judgment, let me reach back a bit in history, and compose the core of a bill of indictment from the work of three recent national commissions.

In 1972, the Report of the Commission on Population Growth and the American Future conveyed a central recommendation—that America should welcome and plan for a stabilized population as the precondition for coping with mounting environmental and resource problems. In the course of its work the Commission discovered to its surprise that, given domestic fertility rates that were falling toward and perhaps below replacement level, immigration now accounted for one-fourth of the nation's population growth, and the percentage was rising. Given the discovery of a population size problem, immigration policy was cast into a very different light. Accepting immigrants could not remain a sort of directionless sentimental salute to an old heritage of nation-building and asylum, for immigration policy had become our national population policy, one of endless growth, and must now be subordinated to a new national population

goal—early stabilization, and if necessary, reduction to sustainable levels. The commission's far-sighted advice was ignored.

In 1978, responding to rising public concern over the volume of illegal immigration across the southwestern border, Congress authorized the Select Commission on Immigration and Refugee Policy, chaired by Father Theodore Hesburgh of Notre Dame. Their report, submitted in March, 1981, began:

If it is a truism to say that the U.S. is a nation of immigrants, it is also a truism that it is one no longer, nor can it become a land of unlimited immigration. It is no longer possible to say... that we welcome all the oppressed of the world. This nation must continue to have some limits on immigration.

We recommend “closing the back door to undocumented/illegal immigration,” so that the front door may remain open to “legal immigration in the interests of this country.” While immigrants bring many benefits, “there are limits on the ability of this country to absorb large numbers of immigrants effectively. As for illegal immigration, it brings “serious adverse effects” and “erodes confidence in the law generally... while being unfair to those who seek to immigrate legally.” The Commission urged sanctions on employers in order to end illegal immigration, but could not agree on a means of worker documentation. At the time the illegal population inside the U.S. was estimated at 4-5 million; it is 2-3 times that number today.

A third extensive analysis of the problems with our post-1965 immigration regime was the report of the Commission on Immigration Reform (CIR), chaired by Barbara Jordan, black Congresswoman from Texas, and reporting to President Clinton and the nation in 1996-97. Illegal immigration was “unacceptable,” she said for the Commission, and

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should be ended by resolute enforcement hinging upon a new national computerized registry based on the Social Security database, against which employers must check new hires. As for legal immigration, it “has costs as well as benefits,” and “must undergo major reform to ensure that admissions continue to serve our national interests,” which regrettably they were not.

The panel recommended a cut of overall immigration by 40 percent, down to 550,000, and a major shift away from letting immigrants select themselves through the over-emphasis on ‘family reunification’ or nepotism/family ties and toward giving more weight to national economic needs. The category of “unskilled workers” should be abolished. America had no need of more of them. Refugee admissions should continue in reasonable amounts, but be counted within a larger total limit on all immigrants. Guest-worker programs and amnesties were considered and firmly rejected. Jordan was a formidable advocate of sweeping reform toward lower numbers and a different selection mechanism, which placed her commission in the lineage of immigration restriction, with the vitally important difference that her commission had zero interest in the nationality, race, ethnic group or religion of would-be immigrants. Numbers and human qualities were the issue. “We disagree with those who would label efforts to control immigration as being inherently anti-immigrant,” she said at the outset. “Rather, it is both a right and responsibility of a democratic society to manage immigration so that it serves the national interest.” President Clinton, after a session with her, announced that he agreed with the Commission’s critique and recommendations. Jordan died of cancer within a year, and the reform momentum dissipated. But her commission, like the other two, had asked and made a good start at answering our question:

What is wrong with U.S. immigration policy?

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These assessments were made 34, 25, and 10 years ago, respectively. All the flaws they found have subsequently persisted and become more acute, and new ones have been discovered as the Second Great Wave of mass immigration to the U.S. has run for four decades, bringing over 30-million people, and now annually accounts for 90 percent of U.S. population growth. In the last five

years a record-breaking 8 million immigrants, half of them illegal, settled in the U.S., which now holds an illegal population of 12-20 million. This is by far the largest intake of immigrants of any country in the world.

As always, immigration brings both positives and negatives, not always in equal measure. Everyone welcomes the diversified cuisine in the America of today compared to the America of only a few decades back. The media are full of uplifting stories of the Vietnamese immigrant ranked as Valedictorian of her high school class, or the Indian immigrant chosen to head the surgery department of the local medical school. These are examples of immigrants’ gifts to America. But these are also happy anecdotes rather than a serious accounting of immigration’s overall impact, which has turned up impressive costs, which are my topic.

Increasing Inequality of Income

We might begin with the economic analysis of the 1997 study by the National Academy of Sciences, concluding (among other things) that immigration to the U.S. isn’t what it used to be, as economists measure human quality: The “skills of new waves of immigrants have been declining relative to that of native-born Americans” for decades, pointed out a contributor to that study, Cuban immigrant and Harvard economist George Borjas, in his 1999 book *Heaven’s Door*. In 1998, the average male immigrant in the U.S. earned 23 percent less than the average native male, whereas in 1960 he had earned 4 percent more. Recent waves of immigrants came, increasingly, with what the economists call low human capital endowments. In the 1990s, 42 percent of the foreign-born adult population did not have a high school diploma, and 25 percent had less than a ninth-grade education. Of course, the immigrant flow is highly bifurcated, with numerous PhDs at the top of the hour glass, but the larger picture is that for decades the U.S. has been importing from the poorer nations of the world mostly a low-skilled, low-education augmentation of its own low-skilled work force, with results summarized by Bill Clinton’s Council of Economic Advisors in 1994: “Immigration has increased the relative supply of less-educated labor and appears to have contributed to the increasing inequality of income in the nation.”

Borjas framed the analysis this way: immigration makes winners and losers among we Americans, and it is useful to make a list of each. The winners are U.S. employers of cheap foreign and often also illegal labor, who win not only because the labor is cheap, but regulatory and bookkeeping corners can be cut, taxes avoided, dangerous jobs get done without normal complaints, unionization is more easily avoided. Other winners, after the employers of these workers, are the ethnic lobbyists who have found paying jobs in advocating for always more of their own ethnic group.

The losers? To start with, they are low income and low skilled Americans who are in direct economic competition with incoming third world labor. Some are "white," but disproportionately they are black and Hispanic. Historians should be familiar with the dynamic by which foreign labor inflicts the heaviest costs on Americans near the bottom, and remember that an earlier leadership of those Americans protested against large-scale immigration for this reason. "Cast down your bucket where you are" rather than turn to immigrant labor, Booker Washington implored the white capitalists of his day. The same complaint was heard also from leaders like Frederick Douglass and A. Philip Randolph. American employers have a long history of preferring immigrants, particularly if undocumented, over black labor. For a contemporary exploration of this, go to Jack Miles' brilliant essay, "Blacks vs. Browns," *Atlantic Monthly* (1992), written after the Rodney King riots in Los Angeles. "America's older black poor and newer brown poor are on a collision course," he wrote. "By an irony that I find particularly cruel, unskilled Latino immigration may be doing to American blacks at the end of the twentieth century what the European immigration that brought my own ancestors here did to them at

the end of the nineteenth." Does this mean curbing Latin American immigration, Miles asked? "How many would you admit? If blacks get hurt, whose side are you on?" Miles was careful not to blame browns for black problems, but to fault white employers—including himself and his wife when they looked for domestic help—for preferring brown to black labor because of some comfort zone as well as lower costs. The solution, he thought, was to tighten immigration policies so as to provide black Americans one of the prerequisites for their advancement—a permanent labor shortage, especially in entry and low-skilled jobs.

Black Americans are not the only citizens absorbing the cost of low-labor competition. Here, too, we have much history of economic competition from foreign labor. David Gutierrez tells us in the Introduction to his *Walls And Mirrors* (1995) that he experienced in his own family what he later found in researching the thoughts and words of the activist leadership



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of LULAC and other Mexican-American activists from the 1920s through the 1950s and after, an ambivalent attitude toward newly-arrived Mexicans. While there were feelings of welcome, there were also "tensions and social friction" for several reasons, including the belief that "recent arrivals represent an economic threat... depressing wages, competing with them for scarce jobs and housing, and undercutting their efforts to achieve better working conditions." These tensions between the established and the incoming immigrant cohorts were also fed by non-economic factors such as regional differences and worries that the perceived backwardness of arriving Mexicans would delay acceptance of Mexican-Americans. LULAC, just eleven months after its founding in 1929, went on record in opposition to further immigration from Mexico. (86) Zaragosa Vargas in his recent *Labor Rights Are Civil Rights* (2005) tells us that LULAC's leadership "was

aware of the harmful consequences of two decades of uninterrupted immigration from Mexican had on American-born Mexicans."

In recent decades the national and local leadership of both Black and Hispanic lobbying groups has, of course, moved sharply away from any talk of direct economic and social conflict between immigrants and those who arrived earlier. But there is much evidence of continuing conflict—not only in scholarly studies, but in public opinion polls, the Los Angeles riots, talk radio, letters to the editor of newspapers, tensions in urban school systems, black-brown gang wars in California jails and prisons, and in the writing and speaking of outspoken people like Cesar Chavez, journalist Richard Estrada, and Roberto Suro, now Director of the Pew Hispanic Center, all who have asserted that large-scale Mexican illegal immigration imposes costs on Americans of Mexican descent. "Latinos have the most to gain," Suro wrote in his *Strangers Among Us*, "by closing the doors...to illegal aliens.... A large-scale illegal influx is harmful to their long-term interests, impeding formations of civic institutions, generating hostility, and driving down wages."

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How did unskilled foreign workers and their families become such a large portion of incoming immigrants in recent years, when immigration commissions and most of the scholarship they reviewed recommended fewer? Our selection system is partly at fault, but a lot of such immigrants selected themselves, by breaking the law, and that brings us, in some peoples' view, to another answer to the question: What is Wrong? Not only is it a major flaw and problem that for decades we have permitted to cross our borders and then internally accommodated a 12-20 million-person underworld of illegals inhabiting an off-the-books economy where people work but do not fully participate in civic life. But this brings us to another issue. Most illegals are Mexicans, as are almost one-third of legal immigrants, and there has long been the view, variously expressed, that Mexican immigration was becoming a special problem all its own.

A long time ago, in the 1920s and 1930s, this sentiment often came embedded in crude, racist stereotypes, but that was a long time ago. I moved

to California in 1965, lived in both the Bay Area and in southern California, and the admirable work ethic and family orientation of Hispanics generally and Mexican-Americans in particular made for very harmonious relations with all other ethno-racial groups, certainly Anglos, whose attitudes I know most about. By the 1990s this had begun to change, at least at the level of politics and the media, if not at the level of hiring your gardener or nanny. The language on both sides of California's Prop. 187 was the language of ethnic division and a struggle over regional identity.

Mexicanization vs. Americanization

Many express concern whether underlying trends such as unrelenting illegal immigration, and events such as the Rodney King riots and the many Mexican and Central American flags carried down Los Angeles streets in the Autumn of 1994 and again earlier this year have led us, in California and perhaps the entire southwest, into the new terrain of the Mexicanization of the region, whatever that might mean, rather than the Americanization of incoming Mexicans and Central Americans. Respected scholars began to raise serious questions about the potential of the growing Mexican diaspora in the southwest. Stanford historian David Kennedy in a 1996 *Atlantic Monthly* article noted that more than a third of all immigrants to the U.S. now flowed "into a defined region from a single cultural, linguistic and national source: Mexico," and "the possibility looms that in the next generation or so we will see a kind of Chicano Quebec take shape in the American Southwest."

Victor Davis Hanson, that scholar-rancher from California's Central Valley, expressed in his remarkable book, *Mexifornia* (2003), unabashed fondness for the Mexican-Americans he knew and who had married into his extended family. Still, he compressed his thoughts on the scale and duration of illegal immigration from the south as: "Too many, too quickly, from one place."

Then came Harvard's Sam Huntington, who set out in the 1990s to write a book on the challenges to American identity. That book, *Who Are We?* (2004), argued among other things that a combination of sustained and large-scale Latin American and especially Mexican immigration, along with a new multiculturalist denigration of

a common American identity among U.S. elites “threatens to divide the U.S. into two peoples.” He presented evidence of faltering economic, linguistic and cultural assimilation among Hispanics. A bonfire of angry rebuttals followed, Huntington was called a racist, xenophobe, and other discussion-ending names, and more substantively was charged with neglecting the abundant evidence of successful cultural and economic assimilation. I will leave this new intellectual front to others with expertise in Hispanic and especially Mexican immigrant assimilation, saying only that the subject of Latin American and especially Mexican assimilation, along with another very touchy subject, Muslim assimilation, needs to be further opened up rather than squelched, and a good place to start is the volume *Culture Matters*, edited by Huntington and Larry Harrison in 2000.

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Borjas and others are especially concerned with the losers from current immigration patterns who are low-income Americans in the bottom ranks of society. Look upward, however, and you find others—that great body of tax-paying Americans who subsidize the illegals and their employers by shouldering most of the costs of new schools, welfare benefits, emergency room care, social services the Marxists had in mind when they spoke of “the social wage”—minimal social services shifted over to be paid by society so that employers of foreign labor can pay less than a living wage. UC Davis economist Phil Martin calls this “the High Cost of Low Wages.” These costs to taxpayers are getting more visible all the time, as more states attempt to calculate their gap between costs and taxes paid.

Far out of sight, because they are overseas, is another set of losers. Impoverished societies are losing their scarce cadres of trained doctors, engineers and scientists, who, with our permission and encouragement, abandon India and Nigeria and Brazil in a morally reprehensible brain drain allowing them to prosper treating Americans in the suburbs of Chicago and Denver and Atlanta rather than the people of the society that paid for at least their pre-professional education. A World Bank study last Fall found that from a quarter to a half of all college educated citizens of poor countries

like Ghana, Mozambique, Kenya, Uganda and El Salvador live abroad in the U.S. or another OECD country. The fraction for Haiti and Jamaica was 80 percent of their precious talent drained away—by us.

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Given this pattern of winners and losers, it is not surprising that the architects and supporters of our mass immigration policy, the legal as well as the illegal components of it, have been big corporations in agriculture and meat and poultry slaughtering or computer programming, cheap-labor junkies who always predict economic collapse if their foreign labor supply is impeded in any way. The same class, The Bosses, made similar predictions of economic disaster when the Bracero program came under criticism, but it was terminated without the crops rotting in the fields. Before that when reformers proposed to end child labor in the mines and textile mills, and before that to end black slavery in the South, the Bosses again predicted economic catastrophe as they always do, but again they adjusted to losing the labor supply, and the work got done. They lie every time, and this is history we should never forget. Their mouthpiece today is the *Wall Street Journal* with its Constitutional Amendment, “There Shall Be Open Borders” so that American bosses can forever be assured access to what Marx called the “reserve army of the unemployed.” This corporate powerhouse is in a weird political alliance with labor unions, ethnic lobbyists, the national religious organizations, the nanny and gardener-addicted educated upper classes, and the cosmopolitan elites of media, entertainment, professions, and universities.

That sounds like a lot of people. It is just a lot of elites, and they have kept a mass immigration/porous border system in place for four decades despite the fact, never denied by anyone, that our immigration policy and its effects are deeply unpopular with the general public that does not know how to mobilize to change it, though that itself may be changing.

The last group of losers to be mentioned here were the 3,000 killed in the 9/11 attacks, and their families. Joining all the other costs and dysfunctions of the immigration status quo there is now the big new gorilla, an Islamist terrorist war on the U.S. conducted across our porous national borders. On Sept. 11, 2001, just days after Mexican

President Vicente Fox came north to demand open borders for all Mexicans who might wish to come, the World Trade Center's twin towers in New York and the Pentagon in Washington were hit by planes commandeered by foreigners who had readily exploited every possible means of entry into the U.S., working the system to enter and overstay, all of them in illegal or fraudulent status at one point or another and twelve of them illegal aliens when they attacked.

Let me end with some losers up ahead of us in time. I know that looking ahead is not historians trade, but like any citizen we have an obligation to attempt to anticipate the future so as to best shape an anticipatory public policy.

Unless a nuclear war or devastating global pandemic occurs, the controlling realities shaping the present and future are already in view. The first is an unprecedented and swift explosion of the human population which Walt Rostow in a recent book has called "the Population Spike"

after thousands of years of almost stable human numbers. Our lives have been spent in this unprecedented explosive growth era, and the young ones here may live to see it finally crest. The increase of the human population in the 1990s has exceeded the total global population in 1960, and the earth's human population grew more since 1950 than in the previous 50,000 years. Today's 6 billion will surge to a crest variously estimated as 9 or 10 billion, most of the new arrivals born in impoverished societies. A parallel development has been petroleum-lubricated industrialization and globalization, allowing this growing human population to learn how to manipulate nature to produce rising standards of living in most societies, at least until the petroleum era is over, which is sooner than most realize, with Peak Oil production

probably five years away.

The dark side of this is taking the form of an intensifying global environmental crisis whose most disruptive dimension now seems a global warming that threatens to inundate densely settled coastal lands and subject agriculture and already strained ecosystems to radical climate change. In a world going through the wrenching alterations I have briefly listed, informed people interested in the welfare of themselves and their descendants must do many difficult things to minimize the costs of the growth-driven ecological damage ahead, in order to move toward sustainable economic systems lest entire civilizations collapse.

There is little time, and no society has seriously even started, except at the level of scientific research and shelves of warning books.

Therefore, a new question: Is sustained massive immigration to the U.S. a good policy choice that our children and their children will applaud, in view of the global environmental troubles ahead, especially global warming? Harvard's

Christopher Jencks, in a 2001 review of eleven new books and reports on the American immigration situation, confessed himself astonished to learn that 90 percent of America's population growth now derived from immigration, since domestic fertility rates have declined and immigration numbers increased. Welcome to the core insight of the 1972 Commission, that falling fertility rates in the U.S. meant that immigration policy was and is our national population policy, and a harmfully expansionist one. If immigration-driven growth continues at current rates the U.S. will be home to 500 million people by 2050, and push through 1 billion at the end of this century. Jencks wrote: "Apart from some business executives, I have never met anyone who favored doubling the population" of the U.S." "The connection between immigration

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and population... hardly ever comes up." He now thought it should come up—again. Growth on this scale, Jencks concluded, amounted to what he called "a vast social experiment" in population enlargement that the American people had not authorized. Did we want to go there, given the sort of future we face? For Jencks, "doubling America's population could impose significant costs on the rest of the world," most notably in greater CO2 emissions." *CO2 emissions!!* Jencks saw climate change ahead, and his instinct was that we emphatically do not need more Americans as we deal with this cluster of problems. Jared Diamond, in his recent best-selling book, ominously called *Collapse* (2005), pointed out that we citizens of the developed world have

32 times the environmental footprint of inhabitants of the third world. We have much work to do to change direction. But one thing that will make matters worse for everyone, Diamond somewhat reluctantly pointed out, is to enlarge the number of Americans. If every person in the third world moved to the first world and quickly achieved living habits prevailing here, as we would hope they would, the environmental/resource impact of the global human population would be twelve times what it is now—a catastrophe ahead of us that even Diamond could not find the words to describe.

Before any such outcome, nations, including our own, when George Bush gets out of the way, will be forced to accept per capita greenhouse gas emission reductions, and we will come to realize that every additional American moves the goalposts farther out for all the others, making more difficult the shrinking of the environmental footprint that America now roughly plants upon the world.

That ends my condensed account of what is wrong about American immigration policy and outcomes. Why this distressing, now universally condemned policy failure, is a topic beyond my time, and perhaps best left to the audience, or my

colleagues.

We critics of the current policy regime should have at least something, however brief, to say about our vision of a reformed immigration system. But the critics have suddenly formed up in two schools, both advocating "immigration reform." The new "comprehensive immigration reform" camp proposes the McCain-Kennedy Great White Flag—amnesty for all illegals, permanent guest-worker programs across the entire economy in order

to accommodate all prospective immigrants. I long ago aligned myself with an earlier reform tradition finding its voice in the three national commissions I have cited. What is that vision? We need a return to our small immigration heritage prevailing across our first century as a

nation and then through the middle decades of the twentieth century—admitting that number of immediate family members and refugees that would not exceed the number compatible with zero net immigration and population stabilization, probably around 300,000 immigrants annually. With population stabilization, we have opened a way to become a model of how to move to a sustainable society. Labor shortages would be met not with foreign labor infusions but with market adaptation by increased wages, better working conditions, retraining, and technological innovation. Americans would do all their nation's menial labor (a term that would disappear from usage), turning this nation away from the path we have been on for decades that is leading us to an ever more crowded and increasingly two-tiered society of affluent citizens on top of an imported and ever replenished foreign-born lower tier, an America looking more and more like Saudi Arabia or Kuwait. Above all, we need an immigration regime that filters out terrorists and keeps track of all foreign visitors, and does not, by lax enforcement on a daily and widespread basis, undermine the cultural core of this nation, which is the rule of law. ■

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