

Population Policy in Bits and Pieces

A closer look at the 2016 Republican and Democratic Party platforms

BY DAVID SIMCOX

EXECUTIVE SUMMARY

Every four years as elections loom the Democratic and Republican parties draft their national platforms to showcase their values and aspirations and proclaim what they stand for or against.

In the 2016 platforms released in August, both parties presented extensive contrasting views and proposals on population-related issues, principally reproductive freedom for women and immigration. As in the past, neither party called for consideration of these two critical topics, or any others on their menus, within the framework of an overall national population policy.

In general, Democratic planks favor easier access to contraception, abortion, and sex education — practices that would slow natural population increase — while favoring expansive immigration policies that will increase population growth. These policy aims, which stem from the Democrats' increasing following among women and ethnics, would include amnesty for illegal aliens, curbs on deportations, and more legal immigration with less waiting time, and larger intake of refugees and asylees.

Republicans remain diametrically opposed to the Democratic planks on reproductive freedom, maintaining their demand for a constitutional ban on abortion, demand for abstinence-only sex education, and the continued bar to public funding of abortions in the U.S. and in overseas U.S. aid programs.

The GOP rejects illegal immigration and amnesty and questions enlarging legal immigration beyond its present one million yearly limit. Opposing the Democrats' increasingly elastic definition of "persecution," Republicans insist on limiting asylum to victims of political, ethnic, or religion persecution. The party also seeks to

toughen enforcement. Democrats, stressing "inclusion" and family unity, propose more concessions to illegal aliens, such as health care and government-paid legal counsel.

Democratic support for reproductive freedom has measurably helped reduce unintended pregnancies and kept fertility below replacement. But the party's appeal for more immigration is nullifying those population pluses. Lacking an overall population policy, immigration will within two decades become the main source of U.S. population growth, dimming the prospects for timely U.S. population stability and its ultimate reduction to a sustainable level.

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Though not binding on elected policy makers and at times ignored by the President and Congress, party platforms still serve a number of politically useful purposes: they help define the parties' goals, values, and ideological center of gravity; they are battle cries and rousing pep talks for the ensuing elections; and they are an opportunity for parties to align themselves rhetorically with the aspirations of their various constituencies and praise their contributions. Finally, the give-and-take of drafting the planks helps aggregate complex clusters of related issues into more manageable options for action.

A comparison of the 2016 platforms of both parties shows once again that they — just like their elected policy makers — decline to use such statements of goals and values as occasions for defining or even discussing an overall national U.S. population policy. Yet what could be more fundamental in governing than considering what size population best serves such basic national interest as long-term environmental and social health and the sufficiency of vital resources? Our national leaders remain mute even on the mere possibility of studying this issue at a high level.

At the same time, party platforms vigorously assert their preferences on a host of discrete population-related issues — call them population policy "fragments": women's reproductive health, sex education, family planning, labor force, and immigration. All are issues that bear on the growth, composition, distribution, welfare, and ulti-

Dave Simcox, a contributor to The Social Contract, is a former Director of the Center for Immigration Studies and former State Department career officer. He is a U.S. Marine Corps veteran of the Korean Conflict.

mate size of the U.S. population; The two parties' 2016 planks on those issues presage the legislative, bureaucratic, and judicial battles to be expected in the next four years.

The silence on population policy itself in the platforms should be no surprise. Platform writers, just like executive branch and Congressional actors, have short time horizons and a weakness for temporizing — “kicking the can down the road.” An America that is home to a crowded 500 million high-consumption residents is a prospect decades away and somebody else's problem — if it doesn't somehow solve itself before then.

Political safety lies in a laissez-faire approach: let nature (or the market) take its course. But in this era of culture wars, these same temporizing politicians fight tenaciously on specific day-to-day issues of immigration, abortion, and contraception that they see as critical to each party's standing and identity.

CLASHING VIEWS ON POPULATION-RELATED ISSUES

Consider the sharply contrasting claims of Republicans and Democrats in their 2016 platform planks on contraception, abortion, women's rights, and immigration. Perhaps unintentionally, Republicans tend to favor actions in their immigration policies that would restrain population growth, while those policies favored for dealing with women's rights and health would encourage population growth through natural increase.

For the Democrats it's the opposite: natural increase is restrained by its policies on women's rights and health care, while growth through immigration is roundly encouraged. Both parties are wary of the political risks in explicitly opposing domestic population growth. Our political culture since colonial times has viewed population growth as the hallmark of God's favor, and the guarantor of the nation's liberty, prestige, security, and prosperity.

An indication of this spirit is the libertarian, techno-triumphalist tone in the GOP's platform preamble: “People are *the ultimate resource* and they, not government, are the best stewards of our country's God-given natural resources.” *The Ultimate Resource*, a 1983 book by noted cornucopian, pro-natalist economist Julian Simon, became the bible of Reagan Administration advocates — including many Democrats — of unlimited population and economic growth with no environmental and resource downside.

The Democrats' extensive plank on “reproductive health, rights, and justice” has important consequences for population. It has been hailed by Democrats' allies as remarkably bold and progressive, but resoundingly rejected by Republicans as “extreme.” Democrats call for:

Full access for every woman regardless of income to quality reproductive health care, including safe and legal abortion;

Repeal of the 1973 Hyde Amendment (barring

public funding of abortions), and all other state and federal laws and policies impeding access;

An end to efforts to defund Planned Parenthood; Defense of the Affordable Care Act, particularly its affordable preventive health care for women, including no-cost contraception;

Comprehensive reproductive health care and education: “evidence-based” sex education (i.e., rejection of conservatives' “abstinence-only” programs), and the full range of family planning services — all of which will help reduce unintended pregnancies and thereby reduce the need for abortions.



Julian Simon

The longstanding Democratic aim of making abortions “safe, legal, and *rare*” is apparently succeeding. The post-*Roe v. Wade* national abortion rate peaked in 1979 at 28.8 per 1000 women of child-bearing age and steadily declined to 15.9 per thousand by 2013 (*JohnstonArchive.net*, 2014).

REPUBLICAN RESISTANCE TO ABORTION IN FOUR DECADES OF PLATFORMS

Predictably, Republicans scorned the entire plank as extreme: “The Democrats' almost limitless support for abortion and their strident opposition to even the most basic restrictions put them dramatically out of step with the American people.”

The GOP reaffirmed the Hyde Amendment's bar to any public funding of abortions. The platform drafters countered the Democrat position with anti-abortion arguments and appeals that the GOP has elaborated since its 1976 election platform, the first to follow the Supreme Court's 1973 *Roe v. Wade* decision. Basic among these are demands for appointment of judges who respect the sanctity of human life, a constitutional amendment banning abortion by extending the right-to-life protections of the 14th amendment to unborn children, and "abstinence-only" sex education.

Pledging to assist, not penalize, women with unplanned pregnancies, the GOP called for support for ultrasounds and adoption assistance, incentives for greater support from fathers, and continued support for state laws (now in question under the Supreme Court's June 27 "Texas" decision in *Whole Woman's Health v. Hellerstedt*) requiring informed or parental consent, waiting periods, and regulation of abortion clinics.

Also favored in the GOP platform is a Congressional ban on abortions based on fetal disabilities or sex-selection—a proposal denounced by immigrant and ethnic advocates as targeting Asians (*Huffington Post*, April 14, 2016).

U.S. INTERNATIONAL POLICIES ON FAMILY PLANNING

The two parties clash once again in their 2016 platforms over the U.S. approach in international organizations and in its foreign aid programs on women's rights and health issues—a debate raging since the Reagan administration's 1980 restrictive Mexico City policy.

The Democratic platform asserts that: "in addition to expanding the availability of affordable family planning information and contraceptive supplies, safe abortion must be part of comprehensive woman's health care and included as part of America's global health programming." Harmful restrictions must end, such as the "global gag rule and the Helms Amendment, which restrict U.S. foreign aid for non-governmental organizations (NGOs) providing or promoting abortion for family planning purposes.

In furtherance of this aim, and to give the policy a strong juridical basis at home and internationally, the Democrats again urge U.S. ratification of the 1979 U.N. *Convention of the Elimination of all Forms of Discrimination against Women* (CEDAW). This U.N. human rights treaty obliges states to give equal rights to all women, including in the right to choose the timing and number of their pregnancies, and full access to contraceptives. The U.S. is one of just six nations out of 200 UN member states that have not acceded to CEDAW.

When in control of the Presidency, Democrats have also contributed to the UN Fund for Population Assistance (UNFPA), and pledge to continue it.

The Republican plank is a total negation of the Democrats' international positions. They have consistently

blocked ratification of CEDAW in the Senate. They consider the "Gag Rule" barring even advocacy of abortion and the Helms Amendment denying funding vital markers to "project U.S. values abroad." They scorn UNFPA, among other things, as a supporter and abettor of China's "inhumane" policy of forced abortions in its one-child population restrictions.

COUNTERVAILING POPULATION TRENDS: FALLING FERTILITY AND RISING IMMIGRATION

Fertility has remained below replacement and bodes to fall further with expanded access to sex education, increasingly innovative contraceptive methods, and, as a last resort, safe and legal abortion. Total fertility of American women, 1.88 in 2014, has been below replacement for all but two years since 1980 (National Vital Statistics Reports, 2015). Continuation of this trend would have led to early population stability in the absence of immigration.

A 2009 Census projection of U.S. population growth under the assumption of "zero net migration" as of 2008 (Census since then has ceased using the zero-net migration assumption in its projections) showed the U.S. reaching 318 million in 2030 and 322.9 million in 2050. Under this projection, the country would have attained zero population growth in 2046 and entered negative population growth in 2048. (Simcox, 2013)

The case can be made that America's overseas assistance to family planning since the 1960s, in cooperation with American NGOs, aided and encouraged local efforts to lower fertility, particularly in Latin America. Slowing population growth then reduced immigration demand below what it would have been under the earlier higher population trajectory.

Democrats have clearly energized the movement toward broadly accessible family planning, though their principal political aim was not to slow population growth, but to win equal rights for women in all spheres, significantly in women having untrammelled access to all forms of reproductive health care.

YES, IMMIGRATION IS "BROKEN" — BUT HOW?

Sadly, the restraints on population growth from the Democrats' strong support for reduction of unintended pregnancies is being nullified by steadily more expansive Democratic preferences for amnesty for illegal alien residents, higher legal immigration—now more than one million annually, expansion of refugee and humanitarian admissions, and a deliberate laxity in enforcing laws on the books barring entry, presence, and employment of illegal aliens.

Both parties' planks on immigration are extensive, suggesting the power immigration has acquired as an issue in the last eight years. The many concessions to immigrant and ethnic constituencies Democrats would make by bending or ignoring existing rules or by legislation

are breathtaking in scope and verge on *de facto* “open borders.”

If there is any “population prudence” in the parties’ immigration planks, it is on the Republican side. At best, Democrats express brief, *pro forma* cautions about keeping the border secure and protecting the labor standards of American workers. Those very workers were once a premier Democratic constituency. Their declining clout in the party — and the concomitant rise of influence among ethnic and immigrant constituencies — is evident in the Democrats’ growing push for additional admissions in the last decade.

The Democratic planks, if achieved, would realize most of the lavish concessions to the immigration lobby passed by the Democratic-controlled Senate (S. 744) in the unsuccessful “comprehensive” *Border Security, Economic Opportunity, and Immigration Modernization Act of 2013*. That legislation in its first ten years would have doubled the intake of new immigrants, amnestied immigrants, and long-staying (nominally) temporary migrants, producing some two million overall admissions a year, not including the amnesties of some 11 million illegal aliens.

Except for the mandatory odes to immigrants’ contributions to America, the contrast in the specific immigration planks between the two parties is stark.

Amnesty — While avoiding the loaded term “amnesty,” the Democrats would “... create a ‘path to citizenship’ for law-abiding illegal entrants who are making a better life for their families and contributing to their communities and to our country.” But until such a “creation” occurs, and even though the courts have blocked them, the Democrats will “defend and implement” President Obama’s unlegislated deferred actions (suspensions of deportations) in favor of illegal aliens who arrived in the U.S. as children and those who are parents of U.S. citizens or legal residents — an estimated five million of 11 million illegal aliens.

In her campaign statements, Hillary Clinton went farther than her own party’s platform and President Obama himself, vowing to introduce comprehensive immigration reform in Congress in her first hundred days. She further pledged not to deport any illegal immigrants except violent criminals and terrorists.

This is an exorbitant policy promise, a virtual opening of the borders, with significant population consequences. For prospective illegal entrants abroad, whether border line jumpers or visa overstayers, it is an enticing assurance that if you enter, avoid terrorism, and limit yourself to “non-violent” crimes, you can safely remain forever.

The Republicans find no virtue in illegal immigration and succinctly rule out amnesty: “We oppose any form of amnesty for those who, by breaking the law, have disadvantaged those who have obeyed.... Illegal immigration endangers everyone, exploits the taxpayers, and insults all who aspired to enter American legally.” But

the Republican platform is silent on proposals for mass deportations of all illegal aliens.

The GOP condemns President Obama’s executive amnesties of 2012 and 2014 as direct violations of federal law and a usurpation of the powers of Congress as affirmed in Article I of the constitution.

Legal Immigration: Ending Backlogs and Waiting Lists — Republican platform drafters pointedly praise the skills, contributions, and civic virtue of *legal* immigrants. But they caution that legal immigration must serve the national interest — “the interests of American workers over the claims of foreign nationals.” “In light of the alarming levels of unemployment and underemployment in this country,” the GOP finds it “indefensible to continue offering lawful permanent residence to more than one million foreign nationals a year.”

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Not so with the Democrats, who prefer a robust expansion of legal immigration to clear “backlogs” and waiting lists that have kept millions abroad from reuniting with their families in the U.S. One casualty of this approach would be U.S. immigration law’s principle since 1924 of rationing legal immigration through annual national ceilings and quotas to regulate the flow.

Heavily oversubscribed quotas in major sending countries such as India, China, Mexico, and the Philippines have kept some four million hopeful newcomers on waiting lists abroad. But some portion of those is doing their waiting already in the U.S. under special “temporary” visas, as “tourists,” or as illegal entrants. It is unclear whether the Democratic proposal would admit just those millions now on waiting lists abroad or do away with numerical ceilings altogether — a move that would boost future legal immigration massively.

Persons now barred by law from the U.S. for up to ten years for past illegal presence would get a reprieve from the Democrats to live with their families in America.

While far less generous than the Democrats on admissions, the Republican platform is not free of immigration pork. It is careful to demand continuation of the “Cuban Adjustment Act of 1966,” a cold war relic that has favored one of the GOP’s few Latino constituencies with special expedited access to U.S. residence and refugee benefits.

Immigration Enforcement — Republicans place high value on maintaining the rule of law. They are markedly more zealous than their opposition about U.S. enforcement of existing immigration laws and enactment of new border security and enforcement measures. The following are their major appeals, some of which have been introduced in Congress, but not enacted:

- Build a *border wall*. Democrats of course reject this out of hand as alienating Mexico. Worth recalling is that both Republicans and Democrats have previously supported completion of border fencing approved by Congress in the 2006 Secure Fence Act. However, in 2016 the Democratic plank disguises its mild support for fencing as a call for improving “border infrastructure.”

- Avoiding an endorsement of a *blanket ban on Muslim migrants*, the Republicans demand special scrutiny of applicants for entry from terror-supporting countries or areas involved in “Islamic Terrorism.” They call for reinstatement of the National Security Entry-Exit Registration System (NSEERS) in effect from 2002 to 2011 (Chishti and Pierce, 2016). That act provided for rigorous ID and registration procedures for males (of any religion) over 24 from largely Muslim countries of the Middle East and Africa

- *E-verify*, a largely voluntary on-line system for confirming aliens’ legal right to work, must be made mandatory, according to the GOP. Democrats acknowledge that employers need a verification system and will provide their own system, one that is “accurate, fair, safeguarding of privacy, and non-discriminatory,” which the existing E-verify they apparently feel is not.

- Republicans are concerned by alien border scofflaws. They want a *five-year mandatory minimum sentence* for previously deported aliens who re-enter the country illegally. Many charges now of re-entry are plea-bargained down to simple illegal entry, a misdemeanor, or given shorter or suspended sentences.

- “*Sanctuary Cities*” (those U.S. jurisdictions refusing to cooperate with federal enforcers) should be denied federal law enforcement and justice assistance grants, says the GOP.

- Republicans want to *reform guest worker programs* to eliminate fraud and ensure efficiency. Nevertheless, as the party of business, the GOP urges a generous expansion of the H-1B guest worker arrangement to import highly skilled workers in science, technology, engineering, and math for up to six years, with the option of permanent residence for many of them.

- Republicans support the *right of states to enact laws deterring illegal aliens*, an authority recognized by the Supreme Court. They condemn the Obama administration’s campaign of litigation against state enforcement laws.

- The GOP wants *tougher penalties for identity theft, fraudulent documents, and human trafficking*. The party calls on Homeland Security to use its authority to keep dangerous aliens off our streets and to step up expulsion of criminal aliens.

In general, the Democratic enforcement plank clearly is more concerned with making enforcement more “humane and consistent with our values.” Enforcement priority should go to those who are a threat to the safety of our communities. The party says it will end raids, roundups of children and families, and the deportation of veterans.

HUMANITARIAN IMMIGRATION: REFUGEES AND ASYLUM SEEKERS

Rising humanitarian immigration is a serious population accelerant for the U.S., particularly if follow-on family reunifications are taken into account (Rubenstein, 2016). The UN High Commissioner for Refugees announced that in 2015 there were 65.3 million displaced persons in the world, the highest ever, 21.3 million of those qualifying as refugees and 3.5 million as asylum seekers (UNHCR, 2015).

The Obama administration announced in January that formal refugee admissions, 85,000 in 2016, would rise to 100,000 in 2017 — a 43 percent increase since 2015. (This “micro-population policy” requires no Congressional approval.)

The rising number of formal refugees and asylees doesn’t show the full population impact. Adding to the formal refugee numbers are proliferating special humanitarian admissions programs, ranging from beleaguered Central Americans, Cubans, and Haitians to victims of human trafficking and crime.

Migration researcher David North calculated in 2014 that all forms of admission of victims now constitute one-sixth of annual admissions for permanent residence — 170,000 people (North, 2014). This would not include the more than 300,000 residing here for years under “Temporary Protected Status,” but who don’t show up in the green card numbers.

Democrats, on the other hand, tend to favor even higher humanitarian admissions and ever more flexible definitions of persecution, such as denial of gay rights or, as in Central America, high crime rates, corrupt government, and gangs.

The Republican platform is far more cautious about the expansion and manipulation of humanitarian programs: “Refugees who cannot be carefully vetted cannot be admitted to the country,” and “asylum should be limited to cases

of political, ethnic, and religious persecution.”

CONCERN ABOUT NUMBERS: NOT APPARENT IN PLATFORMS OR THE NOVEMBER ELECTION

Assessing these conflicting platforms, it would be reassuring to know that the U.S. electorate has strong concerns about the future size of the U.S. population and the drive to express them politically. They would vote for the Democrats on women’s health policies and for the Republicans on managing immigration and refugees.

But those issues, particularly immigration, are obscured by often imagined historical traditions and perceived immutable U.S. values and the presumed humanitarian obligations of the U.S. to the rest of the world. Also at work on the electorate is the reigning ideology of unlimited economic growth that seductively promises a richer life in GNP, but not a better one.

There is an underlying fear carefully cultivated in the electorate by special interests that America risks running out of people: the labor force is aging and its growth is slowing; more younger workers are needed to support senior Americans; consumption will stagnate without new consumers. Populate or perish.

Ultimately, resource shortages, severe crowding, shrinking affordable housing, decaying infrastructure, and environmental malaise may well become the most effective but painful incentives for Americans to cease dealing with issues affecting population as isolated fragments and treat them as interrelated factors within the overall objective of a smaller, more sustainable United States.

PARTY PLATFORMS AND PRESIDENT-ELECT TRUMP’S PROSPECTIVE PROGRAM

The November 8 election of Donald Trump to the presidency, along with a Republican majority House and Senate, transforms the GOP’s platform from a general proposition to the skeleton of a plan of action requiring a lot of fleshing out. At this writing (at the end of November, 2016), immigration goals have so far been stated with more specificity than those for abortion/contraception issues.

Trump’s transition website, *Greatagain.gov*, has listed ten goals and principles for the management of immigration that parallel both the GOP platform and some of the GOP’s unsuccessful legislative initiatives on immigration enforcement in the 114th Congress, such as, E-verify and sanctions on Sanctuary cities

Trump’s first goal is a wall on the southern border, though that may involve fencing rather than masonry in some areas. The immigration goals do not specify “mass deportations,” but do stress “zero tolerance for criminal aliens,” which Trump has stated could lead to the deportation of two million persons. Only one goal addresses legal immigration reforms, stating only that they would serve the “best interests of America and its workers.” Also absent are specific provisions on asylees and refugees,

other than a ban on admission from anyplace “without adequate screening.”

At this early stage, the Trump organization still has not spelled out detailed actions on abortion rights, though the President-elect did say — and then retract — that women should be “punished” for abortions. It is clear from campaign rhetoric that appointment of anti-abortion judges who would overturn or further restrict *Roe v. Wade* remains a central goal. Trump and the GOP would end the controversial contraceptive mandate by repeal of the Affordable Care Act. Trump however has stated support for proposals to allow American women to buy most contraceptives without prescriptions.

Probably the most important action on both immigration and abortion the President has taken in the three weeks since the election has been the appointment of conservative Senator Jeff Sessions as Attorney General. As Chairman of the Immigration Subcommittee of the Senate Judiciary Committee, Sessions has unique experience and standing for his role in the cabinet.

As Attorney General, Sessions would have broad influence in critical areas of both immigration and abortion policy, enforcement, and implementation, including: choice of candidates for federal judgeships and U.S. Attorneys; Justice Department interaction with state and local law enforcement; litigation involving states regarding application of federal and state laws; and operation of the clogged and rubber-stamping immigration courts.

More clarity on the future of immigration enforcement may come from Trump’s choice as Secretary of Homeland Security. 2017 could indeed be a year of fundamental, far-reaching changes in policies and practices in those areas now most determinative of population growth: immigration and women’s health and reproductive freedoms. ■

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