

ISSUE



Is Immigration a Problem in the United States?

YES: Peter Brimelow, from *Alien Nation: Common Sense About America's Immigration Disaster* (Random House, 1995)

NO: David Cole, from "The New Know-Nothingism: Five Myths About Immigration," *The Nation* (October 17, 1994)

ISSUE SUMMARY

YES: Peter Brimelow, senior editor of *Forbes* and *National Review*, links the recent increase in immigration to many of America's major problems, including crises in health care, education, and pollution, and the potential loss of American identity.

NO: David Cole, a professor at the Georgetown University Law Center, maintains that, throughout history, immigrants to the United States have been poor, culturally different, and perceived as a threat by U.S. citizens and that these perceptions obscure reason and fairness. He refutes what he considers to be myths about immigrants to show that these people are beneficial to America.

It remains a paradox that both statistically and culturally, the United States is almost exclusively dominated by descendants of immigrants (most within the past 100 years) but that the country has always had significant problems accepting "outsiders." In the mid-1800s, for example, the Know-Nothing party, which was composed of Americans who felt that the influx of Germans and Irish was ruining the country's stock, emerged to fight for rigid restrictions on U.S. immigration laws. Established Americans despised these immigrants not only because they were foreign but also because their loyalty to Catholicism threatened the country's mostly Protestant ways. Prejudice toward these people was evident well into the twentieth century, as many factories announced that "Irish need not apply" in their help wanted advertisements and some rooming houses and restaurants refused service to Irish people.

Starting in the 1840s much of the worry was focused on the Chinese, whose opium dens, alleged low regard for human life, and general "mental and moral inferiority" were perceived as a threat to the United States. Many Asian

immigrants in California and parts of the Southwest were beaten and lynched, often for no other reason than that they were different.

In spite of such ignorance and bigotry, many sociologists observe that during these times of immigration, *in general* America was a melting pot. Most ethnic groups eventually assimilated into the "American" way of life. Historically, this has been the avowed aim of most immigrants to the United States. Indeed, at least in terms of the Irish, the election of John F. Kennedy to the presidency in 1960 represented full inclusion into American society. By the 1960s scholars were predicting that it was just a matter of time before most, if not all, minorities would be accepted, at least symbolically.

The civil rights movement in the 1960s, through affirmative action, often emphasized group entitlements as much as individual rights. This, coupled with the dramatic drop in immigrants from Europe, led many commentators to conclude that pluralism, not assimilation, reflected changing immigration realities. Ideologically, these attitudes were reinforced by multiculturalists, who insisted that expecting others to "melt" into the majority culture was elitist and racist. These critics argued that all groups should maintain their own cultural identities and reside as "equals with differences." Current debates over bilingual education reflect the strength of this aspect of the controversy.

The complexion of U.S. immigrants is clearly changing. Between 1900 and 1920 Europeans constituted 85 percent of all newcomers. According to the U.S. Immigration and Naturalization Service, in the past 15 years 84 percent of new immigrants were Hispanics and Asians. The composition is changing in other ways too. In 1996, for example, more than 140,000 of the approximately 915,000 immigrants to the United States were political and humanitarian refugees. Recent court cases have allowed women from African and Muslim countries who were fleeing ritual female genital mutilation to obtain asylum. The United States receives about half of all immigrants to developed nations.

In the following selections, Peter Brimelow argues that trends in immigration pose a problem to the United States. He suggests that most Americans disagree with liberal immigration policies and that these policies must be radically revised to reduce the number of annual immigrants and to retain a distinctly American culture. David Cole asserts that the current negativity toward immigration is an instance of history repeating itself. He maintains that not only are liberal U.S. immigration policies just but they actually help the economy and reduce other problems.

As you compare these two points of view, consider what statistics both authors cite and what interpretations they make. What practical impacts would Brimelow's concept of a new, anti-immigration society have on the United States? Are the five myths of immigration that Cole repudiates relevant to the overall issue? Is immigration a problem in the United States? In what ways might it be hurting or helping America? In debating this issue, should all immigrants be considered the same? Or are some more helpful or harmful than others? Last, consider the drastically different emigration patterns that are rapidly unfolding in central Europe, the Middle East, and parts of Africa and Asia as a consequence of ethnic conflict or genocide. Are these problems similar to those addressed in this issue?

Peter Brimelow



Immigration: Dissolving the People

There is a sense in which current immigration policy is Adolf Hitler's posthumous revenge on America. The U.S. political elite emerged from the war passionately concerned to cleanse itself from all taints of racism or xenophobia. Eventually, it enacted the epochal Immigration Act (technically, the Immigration and Nationality Act Amendments) of 1965.

And this, quite accidentally, triggered a renewed mass immigration, so huge and so systematically different from anything that had gone before as to transform—and ultimately, perhaps, even to destroy—the one unquestioned victor of World War II: the American nation, as it had evolved by the middle of the 20th century.

Today, U.S. government policy is literally dissolving the people and electing a new one. You can be for this or you can be against it. But the fact is undeniable.

“Still,” *Time* magazine wrote in its fall 1993 “Special Issue on Multiculturalism,” “for the first time in its history, the U.S. has an immigration policy that, for better or worse, is truly democratic.”

As an immigrant, albeit one who came here rather earlier than yesterday and is now an American citizen, I find myself asking with fascination: What can this possibly mean? American immigration policy has always been democratic, of course, in the sense that it has been made through democratic procedures. Right now, as a matter of fact, it's unusually undemocratic, in the sense that Americans have told pollsters long and loudly that they don't want any more immigration; but the politicians ignore them.

The mass immigration so thoughtlessly triggered in 1965 risks making America an alien nation—not merely in the sense that the numbers of aliens in the nation are rising to levels last seen in the 19th century; not merely in the sense that America will become a freak among the world's nations because of the unprecedented demographic mutation it is inflicting on itself; not merely in the sense that Americans themselves will become alien to each other, requiring an increasingly strained government to arbitrate between them; but, ultimately, in the sense that Americans will no longer share in common what Abraham Lincoln called in his first inaugural address “the mystic chords of memory,

stretching from every battlefield and patriotic grave, to every living heart and hearth stone, all over this broad land.”

Alexander James Frank Brimelow is an American, although I was still a British subject and his mother a Canadian when he shot into the New York delivery room, yelling indignantly, one summer dawn in 1991. This is because of the 14th Amendment to the U.S. Constitution. It states in part:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

The 14th Amendment was passed after the Civil War in an attempt to stop Southern states denying their newly freed slaves the full rights of citizens. But the wording is general. So it has been interpreted to mean that any child born in the United States is automatically a citizen. Even if its mother is a foreigner. Even if she’s just passing through.

I am delighted that Alexander is an American. However, I do feel slightly, well, guilty that his fellow Americans had so little choice in the matter.

But at least Maggy and I had applied for and been granted legal permission to live in the United States. There are currently an estimated 3.5 million to 4 million foreigners who have just arrived and settled here in defiance of American law. When these illegal immigrants have children in the United States, why, those children are automatically American citizens too.

And right now, two-thirds of births in Los Angeles County hospitals are to illegal-immigrant mothers.

All of which is just another example of one of my central themes:

The United States has lost control of its borders—in every sense. A series of institutional accidents, of which birthright citizenship is just one, has essentially robbed Americans of the power to determine who, and how many, can enter their national family, make claims on it—and exert power over it.

In 1991, the year of Alexander’s birth, the Immigration and Naturalization Service reported a total of over 1.8 million legal immigrants. That was easily a record. It exceeded by almost a third the previous peak of almost 1.3 million, reached 84 years earlier at the height of the first great wave of immigration, which peaked just after the turn of the century.

The United States has been engulfed by what seems likely to be the greatest wave of immigration it has ever faced. The INS [Immigration and Naturalization Service] estimates that 12 million to 13 million legal and illegal immigrants will enter the United States during the 1990s. The Washington, D.C.-based Federation for American Immigration Reform (FAIR), among the most prominent of the groups critical of immigration policy, thinks the total will range between 10 million and 15 million.

It’s not just illegal immigration that is out of control. So is legal immigration. U.S. law in effect treats immigration as a sort of imitation civil right, extended to an indefinite group of foreigners who have been selected arbitrarily and with no regard to American interests.

The American immigration debate has been a one-way street. Criticism of immigration, and news that might support it, just tends not to get through.

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For example, the United States is in the midst of a serious crime epidemic. Yet almost no Americans are aware that aliens make up one-quarter of the prisoners in federal penitentiaries—almost three times their proportion in the population at large.

Indeed, many problems that currently preoccupy Americans have an unspoken immigration dimension.

Two further instances:

- The health care crisis. Americans have been told repeatedly that some 30 million to 40 million people in the country have no health insurance at any one point in time. Typically, nobody seems to know how many are immigrants. But immigrants certainly make up a disproportionate share—particularly of the real problem: the much smaller hard core, perhaps 6 million, that remains uninsured after two years.
- The education crisis. Americans are used to hearing that their schools don't seem to be providing the quality of education that foreigners get. Fewer of them know that the U.S. education system is also very expensive by international standards. Virtually none of them know anything about the impact of immigration on that education system.

Yet the impact of immigration is clearly serious. For example, in 1990 almost one child in every 20 enrolled in American public schools either could not speak English or spoke it so poorly as to need language-assistance programs. This number is increasing with striking speed: Only six years earlier, it had been one child in 31.

Current law is generally interpreted as requiring schools to educate such children in their native language. To do so, according to one California estimate, requires spending some 65 percent more per child than on an English-speaking child. And not merely money but, more importantly, teacher time and energy are inevitably being diverted from America's children.

My thesis is that the immigration resulting from current public policy:

- Is dramatically larger, less skilled and more divergent from the American majority than anything that was anticipated or desired.
- Is probably not beneficial economically—and is certainly not necessary.
- Is attended by a wide and increasing range of negative consequences, from the physical environment to the political
- Is bringing about an ethnic and racial transformation in America without precedent in the history of the world—an astonishing social experiment launched with no particular reason to expect success.

Some of my American readers will be stirring uneasily at this point. They have been trained to recoil from any explicit discussion of race.

Because the term “racist” is now so debased, I usually shrug off such smears by pointing to its new definition: anyone who is winning an argument with a liberal. Or, too often, a libertarian. And, on the immigration issue, even some confused conservatives.

This may sound facetious. But the double standards are irritating. Anyone who has got into an immigration debate with, for example, Hispanic activists must be instantly aware that some of them really are consumed by the most intense racial animosity—directed against whites. How come what's sauce for the goose is not sauce for the gander?

I have indeed duly examined my own motives. And I am happy to report that they are pure. I sincerely believe I am not prejudiced—in the sense of committing and stubbornly persisting in error about people, regardless of evidence—which appears to be to be the only rational definition of “racism.” I am also, however, not blind.

Race and ethnicity are destiny in American politics. And, because of the rise of affirmative action quotas, for American individuals too.

My son, Alexander, is a white male with blue eyes and blond hair. He has never discriminated against anyone in his little life (except possibly young women visitors whom he suspects of being baby-sitters). The sheer size of the so-called “protected classes” that are now politically favored, such as Hispanics, will be a matter of vital importance as long as he lives. And their size is basically determined by immigration.

For Americans even to think about their immigration policy, given the political climate that has prevailed since the 1960s, involves a sort of psychological liberation movement. In Eugene McCarthy's terms, America would have to stop being a colony of the world. The implications are shocking, even frightening: that Americans, without feeling guilty, can and should seize control of their country's destiny.

If they did, what would a decolonized American immigration policy look like? The first step is absolutely clear:

The 1965 Immigration Act, and its amplifications in 1986 and 1990, have been a disaster and must be repealed.

It may be time for the United States to consider moving to a conception of itself more like that of Switzerland: tolerating a fairly large foreign presence that comes and goes, but rarely if ever naturalizes. It may be time to consider reviving a version of the bracero program, the agricultural guest-worker program that operated from the 1940s to the 1960s, allowing foreign workers to move in and out of the country in a controlled way, without permanently altering its demography and politics.

This new conception may be a shock to American sensibilities. Many Americans, like my students at the University of Cincinnati Law School, are under the charming impression that foreigners don't really exist. But they also tend to think that, if foreigners really do exist, they ought to become Americans as quickly as possible.

However, the fact is that we—foreigners—are, in some sense, all Americans now, just as Jefferson said everyone had two countries, his own and France, in the 18th century. That is why we are here, just as the entire world flocked to Imperial Rome. The trick the Americans face now is to be an empire in fact, while remaining a democratic republic in spirit. Avoiding the Romans' mistake of diluting their citizenship into insignificance may be the key.

David Cole



The New Know-Nothingism: Five Myths About Immigration

For a brief period in the mid-nineteenth century, a new political movement captured the passions of the American public. Fittingly labeled the “Know-Nothings,” their unifying theme was nativism. They liked to call themselves “Native Americans,” although they had no sympathy for people we call Native Americans today. And they pinned every problem in American society on immigrants. As one Know-Nothing wrote in 1856: “Four-fifths of the beggary and three-fifths of the crime spring from our foreign population; more than half the public charities, more than half the prisons and almshouses, more than half the police and the cost of administering criminal justice are for foreigners.

At the time, the greatest influx of immigrants was from Ireland, where the potato famine had struck, and Germany which was in political and economic turmoil. Anti-alien and anti-Catholic sentiments were the order of the day, especially in New York and Massachusetts, which received the brunt of the wave of immigrants, many of whom were dirt-poor and uneducated. Politicians were quick to exploit the sentiment: There’s nothing like a scapegoat to forge an alliance.

I am especially sensitive to this history: My forebears were among those dirt-poor Irish Catholics who arrived in the 1860s. Fortunately for them, and me, the Know-Nothing movement fizzled within fifteen years. But its pilot light kept burning, and is turned up whenever the American public begins to feel vulnerable and in need of an enemy.

Although they go by different names today, the Know-Nothings have returned. As in the 1850s, the movement is strongest where immigrants are most concentrated: California and Florida. The objects of prejudice are of course no longer Irish Catholics and Germans; 140 years later, “they” have become “us.” The new “they”—because it seems “we” must always have a “they”—are Latin Americans (most recently, Cubans), Haitians and Arab-Americans, among others.

But just as in the 1850s, passion, misinformation and shortsighted fear often substitute for reason, fairness and human dignity in today’s immigration debates. In the interest of advancing beyond know-nothingism, let’s look at

From David Cole, “The New Know-Nothingism: Five Myths About Immigration,” *The Nation* (October 17, 1994). Copyright © 1994 by The Nation Company, L.P. Reprinted by permission of *The Nation* magazine.

five current myths that distort public debate and government policy relating to immigrants.

America is being overrun with immigrants.

In one sense, of course, this is true, but in that sense it has been true since Christopher Columbus arrived. Except for the real Native Americans, we are a nation of immigrants.

It is not true, however, that the first-generation immigrant share of our population is growing. As of 1990, foreign-born people made up only 8 percent of the population, as compared with a figure of about 15 percent from 1870 to 1920. Between 70 and 80 percent of those who immigrate every year are refugees or immediate relatives of U.S. citizens.

Much of the anti-immigrant fervor is directed against the undocumented, but they make up only 13 percent of all immigrants residing in the United States, and only 1 percent of the American population. Contrary to popular belief, most such aliens do not cross the border illegally but enter legally and remain after their student or visitor visa expires. Thus, building a wall at the border, no matter how high, will not solve the problem.

Immigrants take jobs from U.S. citizens.

There is virtually no evidence to support this view, probably the most widespread misunderstanding about immigrants. As documented by a 1994 A.C.L.U. Immigrants' Rights Project report, numerous studies have found that immigrants actually *create* more jobs than they fill. The jobs immigrants take are of course easier to see, but immigrants are often highly productive, run their own businesses and employ both immigrants and citizens. One study found that Mexican immigration to Los Angeles County between 1970 and 1980 was responsible for 78,000 new jobs. Governor Mario Cuomo reports that immigrants own more than 40,000 companies in New York, which provide thousands of jobs and \$3.5 billion to the state's economy every year.

Immigrants are a drain on society's resources.

This claim fuels many of the recent efforts to cut off government benefits to immigrants. However, most studies have found that immigrants are a net benefit to the economy because, as a 1994 Urban Institute report concludes, "immigrants generate significantly more in taxes paid than they cost in services received." The Council of Economic Advisers similarly found in 1986 that "immigrants have a favorable effect on the overall standard of living."

Anti-immigrant advocates often cite studies purportedly showing the contrary, but these generally focus only on taxes and services at the local or state level. What they fail to explain is that because most taxes go to the federal government, such studies would also show a net loss when applied to U.S. citizens. At most, such figures suggest that some redistribution of federal and

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state monies may be appropriate; they say nothing unique about the costs of immigrants.

Some subgroups of immigrants plainly impose a net cost in the short run, principally those who have most recently arrived and have not yet “made it.” California, for example, bears substantial costs for its disproportionately large undocumented population, largely because it has on average the poorest and least educated immigrants. But that has been true of every wave of immigrants that has ever reached our shores; it was as true of the Irish in the 1850s, for example, as it is of Salvadorans today. From a long-term perspective, the economic advantages of immigration are undeniable.

Some have suggested that we might save money and diminish incentives to immigrate illegally if we denied undocumented aliens public services. In fact, undocumented immigrants are already ineligible for most social programs, with the exception of education for schoolchildren, which is constitutionally required, and benefits directly related to health and safety, such as emergency medical care and nutritional assistance to poor women, infants and children. To deny such basic care to people in need, apart from being inhumanly callous, would probably cost us more in the long run by exacerbating health problems that we would eventually have to address.

Aliens refuse to assimilate, and are depriving us of our cultural and political unity.

This claim has been made about every new group of immigrants to arrive on U.S. shores. Supreme Court Justice Stephen Field wrote in 1884 that the Chinese “have remained among us as a separate people, retaining their original peculiarities of dress, manners, habits, and modes of living, which are as marked as their complexion and language.” Five years later, he upheld the racially based exclusion of Chinese immigrants. Similar claims have been made over different periods of our history about Catholics, Jews, Italians, Eastern Europeans and Latin Americans.

In most instances, such claims are simply not true; “American culture” has been created, defined and revised by persons who for the most part are descended from immigrants once seen as anti-assimilationist. Descendants of the Irish Catholics, for example, a group once decried as separatist and alien, have become Presidents, senators and representatives (and all of these in one family, in the case of the Kennedys). Our society exerts tremendous pressure to conform, and cultural separatism rarely survives a generation. But more important, even if this claim were true, is this a legitimate rationale for limiting immigration in a society built on the values of pluralism and tolerance?

Noncitizen immigrants are not entitled to constitutional rights.

Our government has long declined to treat immigrants as full human beings, and nowhere is that more clear than in the realm of constitutional rights. Although the Constitution literally extends the fundamental protections in the

Bill of Rights to all people, limiting to citizens only the right to vote and run for federal office, the federal government acts as if this were not the case.

In 1893 the executive branch successfully defended a statute that required Chinese laborers to establish their prior residence here by the testimony of “at least one credible white witness.” The Supreme Court ruled that this law was constitutional because it was reasonable for Congress to presume that nonwhite witnesses could not be trusted.

The federal government is not much more enlightened today. In a pending case I’m handling in the Court of Appeals for the Ninth Circuit, the Clinton Administration has argued that permanent resident aliens lawfully living here should be extended no more First Amendment rights than aliens applying for first-time admission from abroad—that is, none. Under this view, students at a public university who are citizens may express themselves freely, but students who are not citizens can be deported for saying exactly what their classmates are constitutionally entitled to say.

Growing up, I was always taught that we will be judged by how we treat others. If we are collectively judged by how we have treated immigrants—those who appear today to be “other” but will in a generation be “us”—we are not in very good shape.





POSTSCRIPT

Is Immigration a Problem in the United States?

Are immigrants to the United States a problem? National legislation since 1965 has clearly provided immigrants with group entitlements that were unheard of in the past. Is this necessarily bad? Should the fact that one out of every five school-aged children is foreign-born be viewed as a source of concern or as a healthy challenge to Americans to live up to their ideals?

Until recently, the population problem for most other countries, especially European ones, has been emigration; too many people were leaving. The main problem was the depletion of skilled laborers and other needed workers. Now, according to the U.N. Population Fund, there are over 100 million international migrants, most of whom migrate from poorer nations to wealthier ones. Many countries have mocked the perceived xenophobia (fear of foreigners) in the United States and prided themselves on their tolerant immigration policies and lack of ethnic and racial conflict. However, the United States has always contained far greater numbers of immigrants reflecting a far greater diversity than any other country in the world. Moreover, in the 1990s many nations that traditionally welcomed immigrants, especially those from former colonies, have passed laws sharply restricting immigration. Many have also experienced bitter ethnic conflicts.

Brimelow states that there are now more immigrants entering the United States than there were during the highest point of immigration between 1900 and 1910. Yet he does not mention that the *proportion* of immigrants either entering or currently residing in America is much lower than it was in the past. On the other hand, Cole does not seem to take into account that the origins of current immigrants to the United States are radically different than they were in the past or that other changes might impede comparing immigration today with immigration in the past. These changes include legislative changes that provide ethnic group entitlements (including education and social services), an increasingly militant faction of racial and ethnic leaders demanding preservation of immigrants' national identities and preferences, and the public denunciation by many intellectuals of American values and institutions.

Should major immigration policy changes be put into effect? Should the United States refuse to automatically grant citizenship to children born inside its borders? Should there be clearer demarcations between political refugees, temporary workers, permanent immigrants, and single immigrants versus those with families, as well as stricter enforcement against and more severe punishment for illegal immigrants? Should the United States simply shut down its borders and refuse to accept immigrants whose cultures, values, and appearances are vastly different from Americans'?

In addition to the rapidly changing international situation, relations with Mexico and other nations that are vital to U.S. interests are influenced by U.S. immigration policies. The federal government's actions since 1996 have been to give the Immigration and Naturalization Service increasing powers to deport immigrants or to block their entry. At the state level California's Proposition 187, which denies public support for illegal immigrants and which is currently being challenged in the courts, has wide public support. Meanwhile, debates rage over how immigrants do or do not contribute to the economy, whether or not they take jobs away from U.S. citizens, how much they add to the crime problem, and so on.

John J. Miller supports Brimelow's thinking in "The Politics of Permanent Immigration," *Reason* (October 1998). Linda Chavez, a conservative and the daughter of immigrants, shares her views in "Rising to Overcome Criticism," *The Washington Times* (March 19, 1999). A spirited attack on Chavez's ideas by several critics and her response can be found in "Immigration and Multiculturalism," *Commentary* (September 1998). Also contrast Samuel P. Huntington's *Clash of Civilizations and the Remaking of World Order* (Simon & Schuster, 1996), which offers a critical analysis of immigration, with Hans Vermeulen and Joel Perlmann, eds., *Immigrants, Schooling and Social Mobility: Does Culture Make a Difference?* (St. Martin's Press, 2000).

Support for Cole's position can be found in *In Defense of the Alien, vol. 20*, edited by L. Tomast (Center for Migration Studies, 1999) and "Land of Opportunity," by R. Brenner, *Forbes* (October 12, 1998). The "mend it, don't end it" position is reflected in M. Lind's "Hiring From Within," *Mother Jones* (July/August 1998).

Two useful reports on legal changes are "In California, a Softer Stance on Immigrants?" by D. Wood, *Christian Science Monitor* (April 1, 1999) and M. Valburn's "Clamor for U.S. Citizenship Spurs Debate on Its Cause," *The Wall Street Journal* (February 25, 1999). Other research on the topic includes Nancy Foner, Ruben G. Rumbaut, and Steven J. Gold, eds., *Immigration Research for a New Century: Multidisciplinary Perspectives* (Russell Sage Foundation, 2000) and Stefano Luconi, *From Paesani to White Ethnics: The Italian Experience in Philadelphia* (State University of New York Press, 2001). Also useful is *Immigration and Race: New Challenges for American Democracy* by Gerald D. Jaynes (Yale University Press, 2000). A case study of skilled immigrants who are clearly making it is "The Indians of Silicon Valley," by M. Warner, *Fortune* (May 15, 2000). A much more typical tale is that of immigrant labor exploitation, one of which can be found in "Silence in the Fields," by B. Yeoman, *Mother Jones* (January/February 2001).

Among the proliferating literature on crime and immigrants is Tony Waters, *Crime and Immigrant Youth* (Sage Publications, 1999) and *The Russian Mafia in America: Immigration, Culture, and Crime* by James Finckenauer and Elin Waring (Northeastern University Press, 1998).