

Do Not Make America  
The Melting Pot That Does Not Melt

By  
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“This country will not be a good place for any of us to live in unless we make it a  
good place for all of us to live in.”

~Theodore Roosevelt~

I've been delivering speeches from this Senate floor longer than some of you have been talking. The miles I've walked up and down Capitol Hill have kept me in shape for the years that I've been lucky enough to represent a great state of this great union. My career in politics and my commitment to the governance of this nation has spanned decades. I've witnessed recessions and economic growth. I've passed legislation only to repeal it years later. I may be old, and I may have been a politician for longer than is deemed healthy, but I am not too old to forget my first job before politics defined my life.

When I was nineteen, I took a position in Dallas with the International Rescue Committee teaching English and the "American way of life" to newly-arrived youth refugees. The interesting part – the relevant part – is that I was the only native-born American citizen in the establishment. My three excellent co-teachers were immigrants from Mexico, Cuba, and Kenya. My supervisor was an immigrant from South Africa. And my refugee students hailed from Latin America and Africa. In that powerful work environment in which I was absolutely the only American in sight day after day, I learned extraordinarily valuable information about immigrants. I've had first-hand experience with their incredible pride and commitment at being contributing members of the United States.

And the greatest thing I learned from that experience is that people are all the same.

Language differences and cultural disparities may distinguish individuals, but at the heart of it all, people are fundamentally composed of the same material and in possession of the same basic desires. No matter the flag we fly or the being we may worship, we all share an unbreakable bond: the bond of humanity. Max Frisch, a Swiss playwright, referring to the guest worker system in Europe in the 1960s and 70s, echoed my sentiment when he said, "We called for workers, and there came human beings."

So when I am confronted by a piece of legislation that threatens to choke off part of a group's humanity, I must condemn it and respectfully entreat you all to do the same. To penalize a person's right to procreate for any purpose is an egregious infringement on the liberties of humanity and should have no place in our democracy.

I do not wish to deny that we are confronted with a serious issue, and one that will most certainly shape our future as a nation. Today, more than twenty-five million Americans are foreign born – nearly

ten percent of the population. The number of languages spoken in the United States is currently estimated to be 323. In 1989, New York City was teaching children in eighty-two languages. The United States accepts 700,000 immigrants legally each year, more than the rest of the world combined. Census predications are that by the year 2050, the U.S. population will reach 380 million. Yes, perhaps we have historically lacked the foresight to predict the results of our immigration policies. This does not mean, however, that we have the right to punish the people we allow into our country – by our own admission and by our own legislation – by limiting their civil liberties and indeed their basic rights as human beings.

Immigrants have always been a source of America’s strength. As Americans, we can best ensure that these immigrants adopt our values of fairness, hard work, and of “life, liberty, and the pursuit of happiness” by treating them as fairly as we treat ourselves. To do less means we should expect less, and that’s not the American way. Unlike the older U.S. Constitution, international human rights documents from the 20<sup>th</sup> century explicitly codify the right “to marry and found a family” (United Nations 1948, Article 16), and thus legal scholars have argued that liberal constitutions implicitly enshrine a right to procreate. We have no right to single out a group of people simply because they were not fortunate enough to have been born in this country.

The bar to citizenship currently proposed by my colleague from California as penalty for an “undesirable” amount of children is much too drastic and hurtful to a group of immigrant women who are already vulnerable and victimized. If the proponents of this legislation intend to scare potential female illegal aliens from crossing the Mexican border, they need only to look at the statistics to see that the Border Patrol’s policy to make entry into the U.S. as physically dangerous as possible has already discouraged most women from trying. By the time they get into the United States, some sixty-five percent of immigrants will have been robbed, beaten, extorted, or raped by bandits or Mexican police.

Every consequential poll of the American-Hispanic community has shown clearly that on issues related to American citizenship – whether illegal immigration control, bilingual education, citizenship duties, belief in the unifying force of the English language – the Hispanic community is totally and unreservedly American rather than multicultural. Have we forgotten that the current California Governor

Schwarzenegger is himself an immigrant to the United States? At the recent Republican National Convention, he addressed the public with these commonly-held sentiments, “My fellow Americans, this is an amazing moment for me. To think that a once-scrawny boy from Austria could grow up to become Governor of California and stand in Madison Square Garden to speak on behalf of the President of the United States is an immigrant's dream. It is the American dream...As long as I live, I will never forget that day 21 years ago when I raised my hand and took the oath of citizenship. Do you know how proud I was? I was so proud that I walked around with an American flag around my shoulders all day long.” Yet, if such examples of loyalty are not convincing enough, economic benefits contributed by the immigrant population should be.

Federal Reserve Chairman Alan Greenspan affirms that the pools of skilled and unskilled workers created by high levels of immigration have greatly contributed to the nation’s prosperity. “As we are creating an ever more complex, sophisticated, accelerating economy, the necessity to have the ability to bring in...people from abroad to keep functioning in the most effective manner increasingly strikes me as [sound] policy,” Greenspan recently remarked.

“We’re getting a lot of the best and brightest from other countries, and of course these people benefit the U.S. economy because they are driven to improve their lots,” says Bronwyn Lance, a senior fellow at the Alexis de Tocqueville Institution, which works to increase understanding of the cultural and economic benefits of legal immigration. Lance and others say immigrants are more likely to start businesses – from corner grocery stores to giant computer companies – than are native-born Americans. For instance, one out of every four new businesses in Silicon Valley is founded by an entrepreneur of Indian or Chinese origin. Even newcomers with little education aid the economy by taking undesirable jobs that employers can’t fill with native-born Americans. Numerous studies conclude that immigrants enhance productivity in a number of ways. They accept temporary or marginal jobs, work hard, pay more in taxes than they receive in social services, and establish vibrant small business sectors. Bustling commercial areas, from Koreatown in Los Angeles to Miami’s Little Havana, attest to the entrepreneurial verve of recent immigrants.

The ACLU reports that nationwide, both legal and illegal immigrants contribute more than ninety billion dollars in taxes every year. However, according to a 1993 report issued by the National Immigration Law Center, two-thirds of the taxes paid by undocumented immigrants go to the Federal Treasury rather than to the local and state governments which pay for social services and education. The local and state governments then complain that immigrants are overextending services such as bilingual education. This is one of the reasons that immigrants are blamed for economic instability and perceived as drains on the economy. Their tax contributions greatly benefit the national revenue while the costs of the services they use in daily life come from the state's pocket. This egregious system deserves an overhaul wherein tax money would be properly allocated, but this is in no way the fault of the taxpaying immigrant community.

I've also heard arguments that the large immigrant population is a sponge that will soak up the social services and welfare benefits of hardworking Americans. This is entirely mythical. In 1994, the Rand Corporation conducted a study showing that working-class American families used social services far more than illegal immigrants. Many illegal immigrants do not apply for welfare because of one simple fact – the fear of being caught and deported. As for legal immigrants, only seven percent of the legal immigrant population was on welfare in 1990, and the majority of those were refugees. After the passage of the Immigration Reform and Control Act (IRCA) in 1986 to provide amnesty for illegal aliens in the U.S., a congressional investigation conducted a year later showed that a mere one percent of undocumented aliens were receiving Social Security, workers compensation, unemployment, etc. and less than 0.5 percent were on food stamps. Suspicions of illegitimate use of welfare by undocumented immigrants were so strong that we included provisions in the 1986 immigration law for a high-tech automated program – Systematic Alien Verification Entitlements (SAVE) – to remove unentitled aliens from the welfare rolls. So few were discovered, however, that several states discontinued SAVE because it cost more to operate than it saved.

Recently, the state of California has plagued itself with efforts to restrict its immigrant population through misguided policies that limit that population's rights and benefits. As these measures have failed,

so too will the one proposed today – begging the question of when the state will learn from its past mistakes. A preview of the kind of resistance that substantial changes in immigration policy will face can be seen in the huge political battle over Proposition 187 in California. Proposition 187 barred illegal immigrants from receiving most state government services, including education and medical care. In the fall of 1994, after a slight majority of California voters had voiced their position by accepting Proposition 187, the critics of limiting support for illegal immigrants unleashed their opposition with ferocity. In Los Angeles, more than 700,000 people opposing Proposition 187 marched through the downtown area. Placards branded supporters of Proposition 187 as “unreconstructed racists.” Flags of Mexico, El Salvador, and other Latin American countries were prominently displayed. Slogans included Go Back to Europe; Pilgrims Go Home; You Have Raped Our Culture and Language; Revolution Is the Solution; We Will Overwhelm You; We Were Here First; Yankee Gringo Racists; and This is Mexico! An effigy of Governor Pete Wilson (who had led the fight for Proposition 187) was beaten up, “killed,” and then put in a coffin. This and other demonstrations had a threatening aura about them, matching the stridency and radical alienation of previous slogans and demonstrations some of you may remember from the Vietnam War era.

At first, legal immigrants (who generally resent illegals) did not oppose the proposition. But, in the words of one observer, the rhetoric and images put forward by both sides “seemed to expand the target group to include ninety percent of the resident immigrants who are legal and, by implication, all Americans of Asian or Latino ancestry.” Governor Wilson, for example, told reporters that the proposition would help send “José” back to Mexico, ignoring that by that time “José” was the most common boy’s name in California and Texas.

The sustained and vicious reaction against Proposition 187 suggests that the new immigration era has achieved a political momentum unique in American political history. In a deal between the Ninth U.S. Circuit Court of Appeals and then Democratic Governor Gray Davis, several of the core provisions in the proposition were effectively nullified. The nullification of Proposition 187 is an early warning of the great difficulty in controlling future immigration. It also teaches valuable lessons for reformers, political

leaders, and citizens still committed to achieving this objective and to maintaining a viable democratic pluralism. The message is: We cannot rescind the rights of a people, a people who work for and contribute to this nation. Even illegal immigrants have rights that people often overlook – they have a right to education, and a right to seek political asylum; they are entitled to labor protections and remedies (though most are discriminated against anyway). But, oh wait, they really shouldn't be allowed to have and raise their own children. All of the protections that we give to these hard workers who support our economy attest to their humanity and to our recognition of it. Are we now trying to take a part of that away? We have already heard strident opposition to this proposed legislation from the immigrant population, immigrant activist groups, and plain, old, naturally-born U.S. citizens like me. Imagine what we can expect if we actually pass this legislation.

I believe the best approach to reducing immigration is a form of persistent incrementalism. Proposition 187 attempted to rid California of the huge, immigration-related problems in one draconian stroke. That strategy cannot work in reducing the immigration rates of today. Instead of penalizing those immigrants whom we have already admitted, I call for the implementation of the 1995 recommendations of the U.S. Commission on Immigration Reform to cut authorized immigration by at least one-third and to eliminate illegal immigration through heightened workplace enforcement measures.

We can also gradually restructure the kinds of immigrants we accept. Over time, increased priority could be given to addressing national needs in such areas as education and technology. I would like to see a much greater share of visas issued to necessary and skilled workers. Currently, the INS can issue up to 140,000 employment-related visas – known as green cards – each year. The rules allow no more than 9,800 work visas to be given to people from any one country in order to ensure a certain amount of ethnic diversity. The INS also issues an additional 50,000 green cards each year by lottery, attracting seven million applicants. The low number of permanent work visas makes it difficult for employers to sponsor workers from abroad. This leads many businesses to turn to illegal immigration. Providing an employment-based system as the foundation for our immigration policy would alleviate this

need to turn to illegal aliens and thus improve the current immigration situation of this country substantially.

I am a proponent of employer sanctions and argue that some form of internal enforcement is necessary to catch the thousands who slip by border police. Unfortunately, here we may recognize a star-crossed relationship between public policy (the interests of the people) and big business (the interests of capitalism). This relationship has kept restrictive legislation from passing in the past and given momentum to the type of legislation we are discussing today, as immigrant children are seen as “undesirables” and unwanted responsibilities by cheap labor’s big business employer.

Not long ago, the INS conducted a series of raids against undocumented aliens working in the onion fields in Vidalia, Georgia. Within days of the action, five members of the state’s congressional delegation had fired off a letter to then Attorney General Janet Reno complaining that the agency she supervised had shown a “lack of regard for the farmers.” The letter had the desired effect. The INS stopped arresting undocumented pickers, and the onion crop made it to the market. Similarly, in other parts of the country, complaints from local and national politicians have prompted the INS to back off. This is ironic. We passed the Immigration Reform and Control Act (IRCA) in 1986 making it illegal to employ illegal aliens and then basically told the INS not to enforce it. The law, which made it a crime to knowingly employ undocumented workers, imposed fines on employers caught using illegal aliens and even authorized jail time for repeat offenders. Nevertheless, when fines are issued, they are relatively light, varying from \$9,459 in the Northern Region to \$2,060 in the Southern Region. According to a General Accounting Office study, these fines are usually further reduced by about fifty-nine percent through negotiations. The way things are right now, we’re sending a message to illegal aliens that once they get in the country they don’t have to worry about getting caught. This encourages more people to try to enter the U.S. illegally.

Giving employers a green light to bring in undocumented workers has a snowball effect that leads to even more illegal immigration. As long as people in other countries know that they can get jobs easily here, regardless of their status, they will keep coming. Once they get in, there is little to fear since we



basically ignore employment laws. People who hire illegal aliens have a competitive advantage because their labor costs have dropped. That forces competitors to follow suit, leading to an even greater demand for illegal immigrants and fewer jobs for citizens or legal residents. It's a vicious cycle that must be stopped. Before we challenge the rights of immigrant women to procreate and mother their children, let us be brave enough to enforce the laws we have already passed and curb immigration in this more humane way.

Such measures would also serve to alleviate the concerns of the environmentalist sector which has cried out for a curb in the level of immigration in order to support our sustainability of resources. The movement to lower immigration includes some of the country's most prominent environmentalists. At the same time, environmentalists are not necessarily in favor of restricting the human rights of immigrants to achieve their cause. Already we have heard such environmentalists speak out against this legislation and instead propose more humane and more effective measures to ensure sustainability. Such measures include developing solar hydrogen technologies and more sensible agricultural policies which will increase our country's sustainability for the future. These environmentalist leaders would have their fears assuaged if we slash the level of acceptable immigration and more rigorously enforce the laws already in place. After all, Noel Brown, former Director of the UN Environmental Program said, "The environment makes neighbors of us all." And it is the Bible that teaches us to "love thy neighbor."

Let us now consider the foremost issue at hand in my colleague's proposed legislation: to penalize what is viewed as "excess" in procreation. Consider the manpower and subsequent funding that will become a necessity in keeping track of immigrant children. Whose responsibility would it be to enforce this law? An already overburdened INS? The INS has more armed agents than any other federal agency, including the Bureau of Prisons and the FBI. And according to a recent Office of the Inspector General report, the INS was unable to find 539 of its weapons. At least six turned up after being used in crimes. Nor could the INS account for up to 81,000 other items – including vehicles, computers, and aircraft – valued at between \$68.9 million and \$107.6 million. If the INS is having trouble keeping track of inanimate objects, how can we expect them to keep tabs on living, moving people? In absence of the support of this federal agency, will it be the responsibility of the medical personnel that deliver the

children to monitor whether or not this is a mother's third child? If doctors become the "baby police," the number of non-hospital births by frightened, expectant mothers will soar. Clandestine, at-home births without the aid of medicine or other professional care increase the danger to both the mother and child. Also, consider the pressure on immigrant women to remain within the bounds of the child restriction. Suppose an immigrant woman with two children accidentally becomes pregnant. Think about that – she's desperate not to lose her citizenship. What might she do? In 2000, there were over 235,000 abortions in California. Is that the path into which we want to force more women? Must they be forced to choose between losing their rights as citizens and losing their child?

This brings me to an important point that my colleagues have thus far overlooked. Limiting an immigrant woman's right to procreate forces a woman who wishes to remain sexually active into utilizing forms of contraception. Also, once pregnant with a prohibited third child, an immigrant woman may resort to the drastic measure of terminating the pregnancy so as to ensure the eventual granting of her citizenship. Many religions, including the Catholicism that most Latino immigrants practice, explicitly prohibit the use of contraception and abortion because, in the case of Catholicism, it is contrary to the law of God. While the U.S. Constitution may not specifically enshrine the right to procreate, the First Amendment does explicitly protect freedom of religion. Therefore, though this proposed legislation seems only to threaten the essential humanity of immigrant women – in itself a disgraceful act – it also treads on the fundamental freedom of religion that we as citizens celebrate and discounts the sanctity of a document that we revere as the foremost example of our success as a democracy.

Furthermore, where do we draw the line? Are immigrants who marry American-born citizens subject to this restriction, or are their children allowed to be born and grow because half of their blood is homegrown American? Are refugees – the more "acceptable" of the immigrant population – included in this restrictive legislation? If some of these immigrant groups are in fact exempt, what kind of social class system and disparity within the immigrant population does this immoral legislation promote?

I am reminded again of my first job with the International Rescue Committee, where I took the opportunity to ask the refugee youth whom I taught and befriended what they wanted to be when they

grew up. The answers: doctors, lawyers, and U.S. soldiers. Some just wanted to go to college. But they all wanted to be able to provide for their families and to raise them in the healthy environment of the United States, their new land of opportunity.<sup>†</sup> People are all the same. They should all be subject to the same fair and equal treatment and opportunity. Taking away a woman's right to procreate is not only inhumane and morally outrageous, but also no solution to the very problem it contends to solve. An immigration policy that addresses the proper balance of skilled and unskilled immigrants, effective legal requirements for entry into the United States, the establishment of appropriate limits on immigration, and enforced sanctions on employers who hire illegal immigrants will do much to disarm the divisive emotions now emerging. There is still time for responsible and effective leadership to return immigration policy to the positive role that it has historically played in the evolution of American democracy.

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<sup>†</sup> While this essay topic supports the construction of a fictitious Senate speech in order to confront a real issue from a believable perspective, the International Rescue Committee experience I describe is entirely factual. The personal information of and high regard for immigrants is a direct product of my remarkable experiences with them this summer.