

Immigration: What Is to Be Done?

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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 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 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 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 would appear today to be "other" but will in a generation be "us"—we are not in very good shape.

TOPICS FOR CRITICAL THINKING AND WRITING

1. What are the "five current myths" (para. 5) about immigration that Cole identifies? Why does he describe them as "myths" (rather than errors, mistakes, or falsehoods)?
2. In an encyclopedia or other reference work in your college library, look up the "Know-Nothings" (para. 1). What, if anything, of interest do you learn about this movement that is not mentioned by Cole in his opening paragraphs (1–4)?
3. Cole attempts to show how insignificant the immigrant population really is (in paras. 7 and 13) because it involves such a small fraction (8 percent in 1990) of the total population. Suppose someone said to him, "That's all very well, but 8 percent of the population is still 20 million people—far more than the 15 percent of the population during the years from 1870 to 1920." How might he reply?
4. Suppose Cole is right that most illegal immigration results from overstaying visitor and student visas (para. 8). Why not pass laws prohibiting foreign students from studying here, since so many abuse the privilege? Why not pass other laws forbidding foreign visitors?
5. Cole cites a study (para. 9) showing that "Mexican immigration to Los Angeles County between 1970 and 1980 was responsible for 78,000