

What Is an American?

Exploring the Melting Pot Myth

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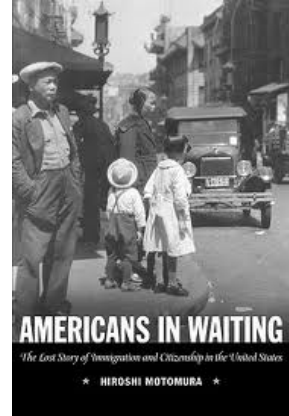
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Overview: What Is an American?

1. Framing the debate: Three views of immigration
2. Historical overview of immigration to the United States
3. Focus on policy: Past and present
4. The contemporary debate: Where do we stand?

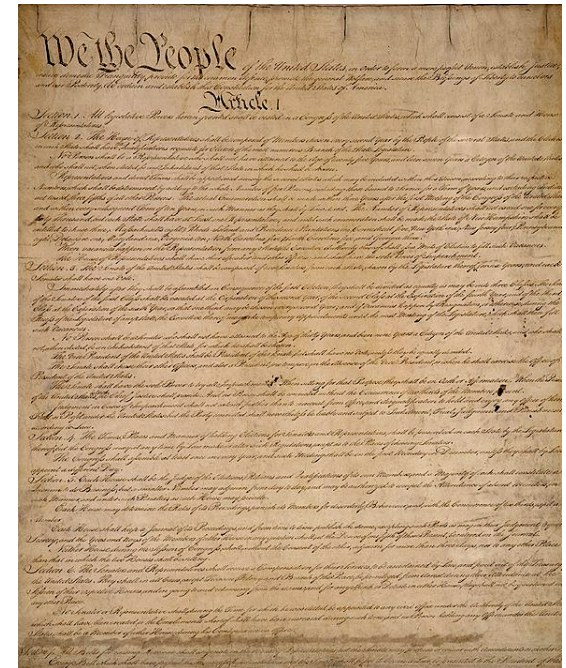
Framing the debate: Three views of immigration



1. *Immigration as contract*: “The core idea is thinking about coming to America as a set of expectations and understandings that newcomers have of their own country, and their country has of newcomers.” (10)
2. *Immigration as affiliation*: “...The view that the treatment of lawful immigrants and other noncitizens should depend upon the ties that they have formed in this country.” (11)
3. *Immigration as transition to citizenship*: “... Recognizes that the line between us and them is a permeable border that many lawful immigrants will cross in the natural course of time.” (202)

Historical overview of immigration to the United States

1787: Article I, Section 8, Clause 4 of the United States Constitution provides Congress with the power to “establish an uniform rule of naturalization”



Historical overview of immigration to the United States

1790: United States Law denies naturalized citizenship to non-whites



Historical overview of immigration to the United States

1848: The Treaty of Guadalupe-Hidalgo ends the Mexican-American War and guarantees U.S. citizenship to Mexicans living in the newly acquired territories of Arizona, California, Colorado, New Mexico, Nevada and Texas. English language requirements limit their access to voting rights



Historical overview of immigration to the United States

1854: Founding of the American Party, a nativist organization opposed to Catholics and immigrants. Otherwise called the Know-Nothing Party



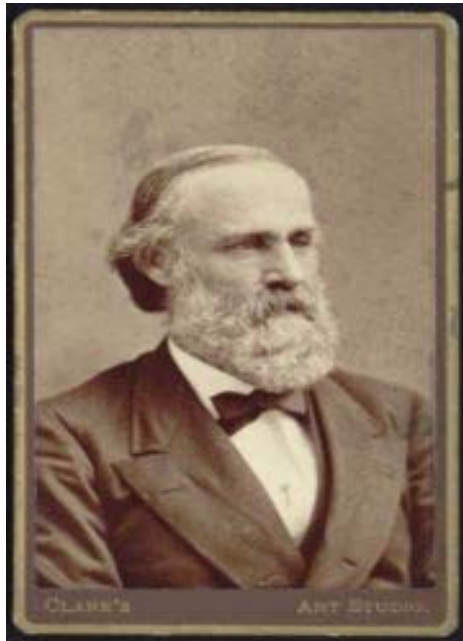
Historical overview of immigration to the United States

1882: The Chinese Exclusion Act is the first to limit immigration based upon race or national origin



Historical overview of immigration to the United States

1887: Passage of the Dawes Act grants citizenship to Native Americans who give up their tribal affiliations



Historical overview of immigration to the United States

1889: Jane Addams founds Hull House in Chicago, a settlement house for immigrants where educated volunteers provide services within the immigrant community



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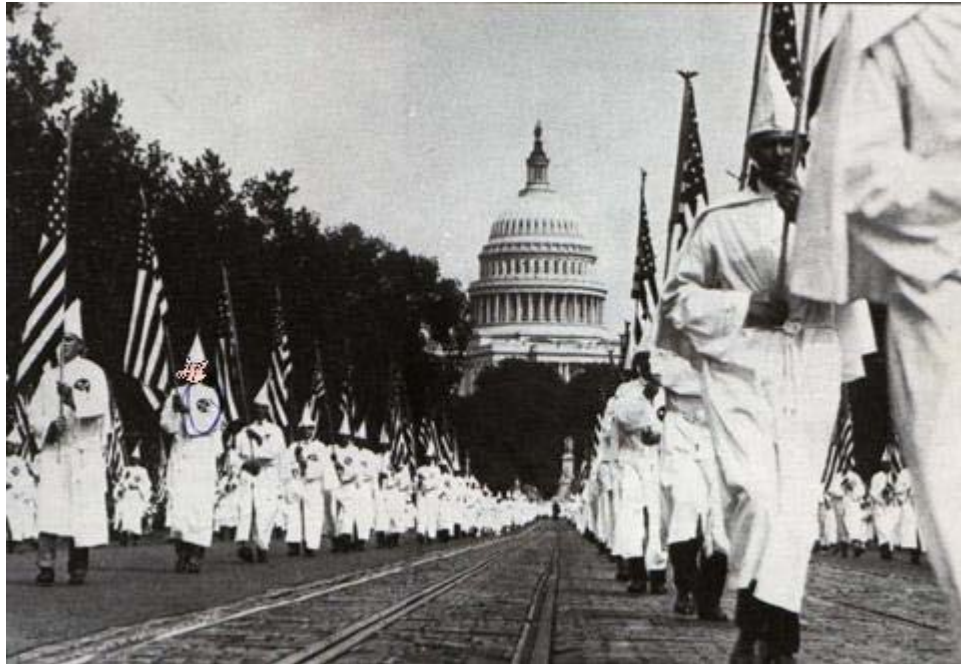
Historical overview of immigration to the United States

1891: Immigration Act establishes the Bureau of Immigration and the first comprehensive law for immigration control, directing the deportation of aliens unlawfully in the U.S.



Historical overview of immigration to the United States

1915: The Ku Klux Klan is reorganized after terrorizing African-Americans during reconstruction, now focusing its opposition on Jews, Catholics, and other immigrant groups



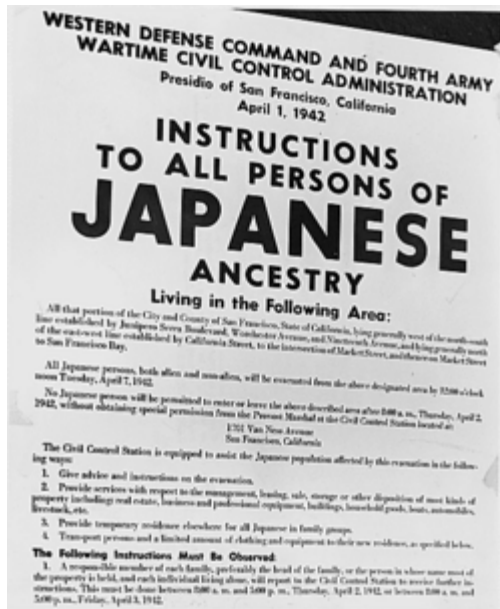
Historical overview of immigration to the United States

1924: The Comprehensive Immigration Law restricts immigration from nations of origin to a numerical quota that corresponded with the representation of nationalities in the United States as of 1890. Northern and Western European immigrants were thus granted the highest quotas



Historical overview of immigration to the United States

1942: Executive Order 9066 forces Japanese immigrants and Japanese Americans to relocate to internment camps during World War II



Historical overview of immigration to the United States

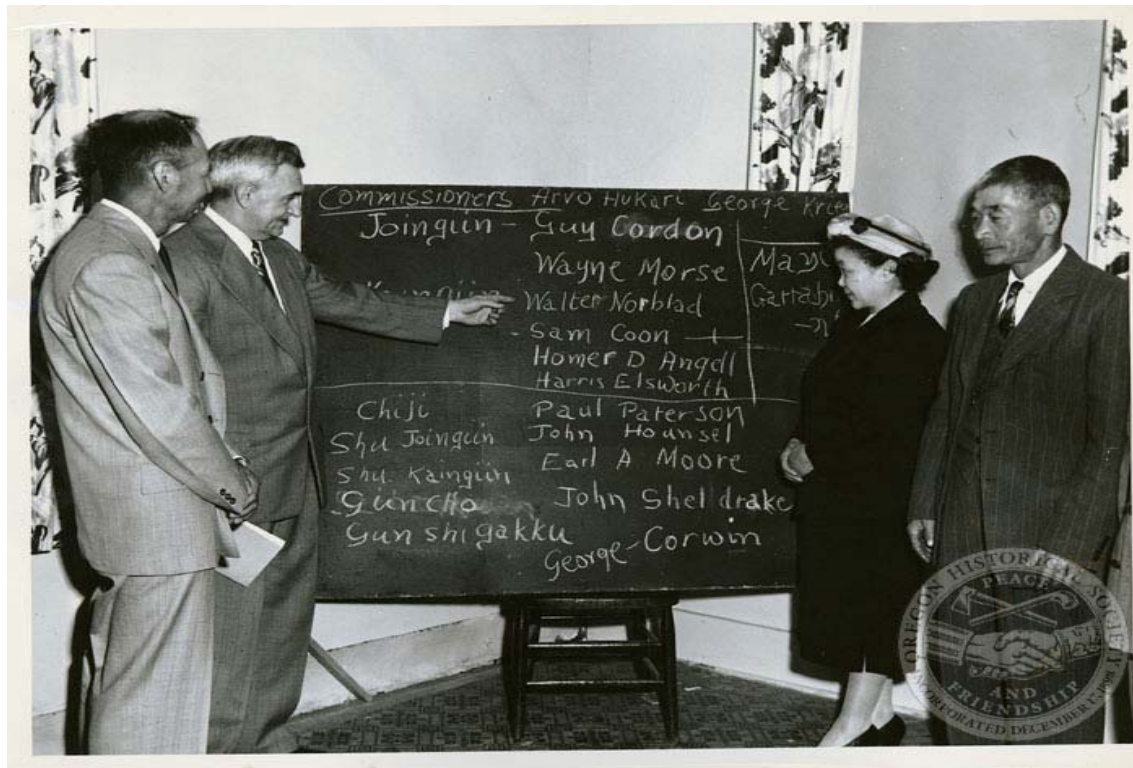
1942-1964: The Bracero program invites Mexican farm workers into the United States on account of a labor shortage, but denies them permanent residence



AP / 1964

Historical overview of immigration to the United States

1952: Walter-McCarran Act grants all people of Asian ancestry the right to become citizens



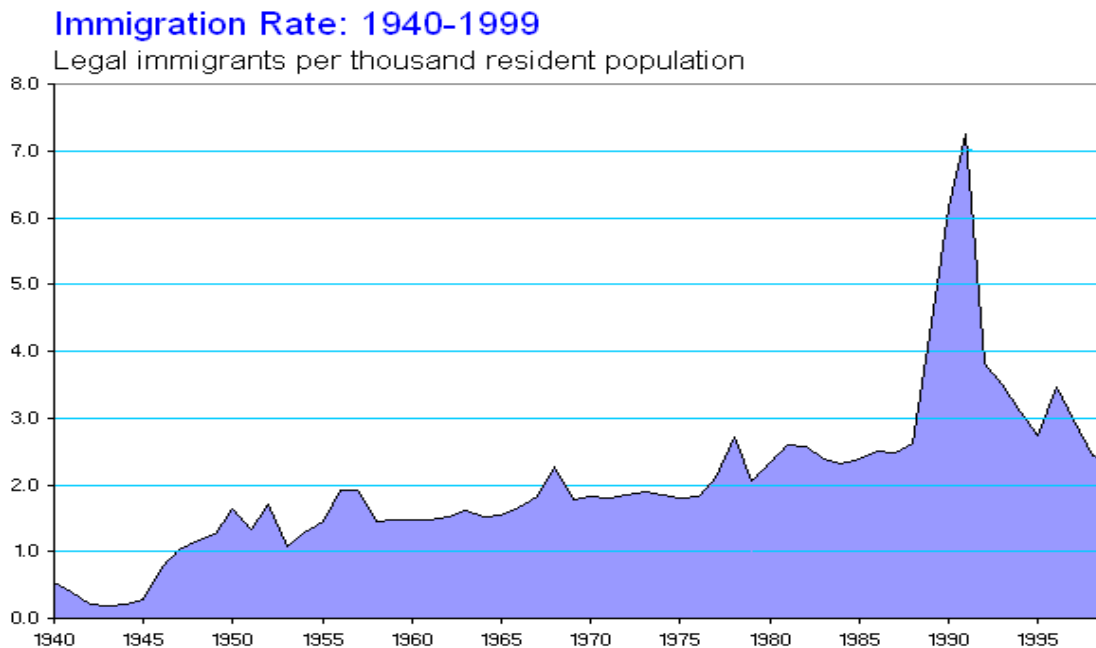
Historical overview of immigration to the United States

1965: The Immigration Act removes race, religion, and nationality as reasons for denying entry into the United States



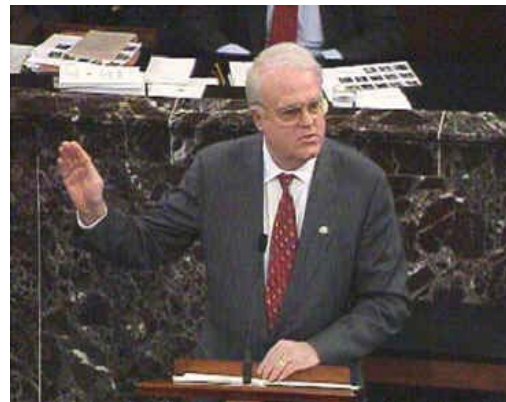
Historical overview of immigration to the United States

1986: The Immigration Reform and Control Act punishes employers who hire illegal immigrants, criminalizes working without a green card, and provides amnesty for three million illegal immigrants



Historical overview of immigration to the United States

2006: The United States Senate passes legislation that would implement a guest worker program and provide for a path toward citizenship for illegal immigrants already in the country. The House passed legislation in 2005 that emphasized border security. Unable to compromise, Congress instead agreed upon a bill that would build a 700-mile long fence along the United States-Mexico border



Focus on Policy: The Comprehensive Immigration Law of 1924

- Established numerical quotas for incoming immigrants by nation of origin
- These quotas are determined by 1890 Census figures representing the number of foreign-born residing in the US by country
- An equivalent of 2% of each foreign-born population by country were admitted annually, with a minimum of 100 per country
- *Goal:* To preserve Northern and Western European dominance of population threatened by recent immigrants from Southern and Eastern Europe
- *Loophole:* Legislation did not apply to North America

Focus on Policy: The Immigration Reform and Control Act of 1986

- *Goal*: to control unauthorized immigration to the U.S.
- *Employer sanctions*: \$250 to \$10,000 fine for hiring unauthorized aliens along with potential imprisonment for repeated violations. Also prohibits discrimination on the basis of national origin with the exception of illegal immigrants
- *Border security*: increased appropriations for enforcement
- *Amnesty*: those who lived continuously in the US from January 1, 1982 could apply for citizenship by May 4, 1988

Focus on Policy: The Border Protection, Anti-terrorism, and Illegal Immigration Control Act (H.R. 4437)

- Passed by House 239-182, but failed in Senate
- 700 miles of fence along Mexican border at points with highest numbers of crossings
- Requires federal authorities to take custody of illegal immigrants detained by local authorities
- Mandates employer verification of immigration status through electronic means
- Reimburses states for enforcement costs
- Makes it a felony to house a removed alien with a minimum prison sentence of 3 years
- Increases fines for employers who hire undocumented workers: \$7,500 for first offense, \$15,000 for the second, and \$40,000 for subsequent violations

Focus on Policy: The Secure America and Orderly Immigration Act (S. 1033)

- Required new investment in border security and technology
- Allowed employers to hire foreign workers under a temporary visa program if they are unable to hire Americans for the same job
- Guest workers would have been able to change jobs, apply to stay in the US, and been issued tamper-proof identification documents
- Allowed illegal immigrants already on US soil to apply for citizenship. They would have moved to the “back of the line,” paid a hefty fine, and must have both maintained employment and paid back taxes

A Focus on Policy: The Failed 2007 Senate Compromise

- Illegal immigrants would wait 8 years before becoming permanent residents, 13 to become citizens
- Secure the border: improve infrastructure, manpower, and technology (much of this already underway)
- Temporary worker program: immigrants come for three stints of two years each, going home for one year after each and barred from re-entry after the third stint. Capped at 400,000, later amended to 200,000
- Enforcement of immigration laws at worksites
- Eliminating the backlog of applications for legal immigrants
- Movement to a merit-based system of acceptance based on job skills and education rather than family reunification
- Failed by 14 votes in Senate in move to end debate. Reid had previously pulled from floor, only to return with combination of 27 amendments

The Contemporary Debate: A Piecemeal Approach

- **DREAM Act: Development, Relief and Education for Alien Minors Act**

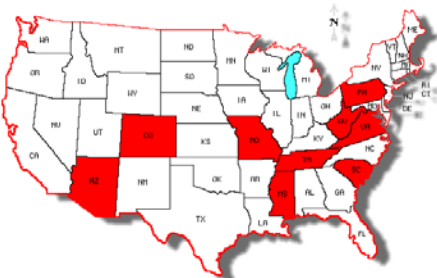
- Would allow illegal immigrants who entered the country before the age of 16, resided here five years, graduated from high school and completed two years of college or military service, legal status.
- High schools graduate 65,000 such students every year, and 360,000 college students or recent graduates could benefit
- Failed in Senate 55-41 after passing House in 2010

- **Arizona SB 1070: Support Our Law Enforcement and Safe Borders Act**

- Enforcement of immigration law: State and local authorities reasonably attempt to determine the immigration status of those lawfully stopped, detained, or arrested
- Failure to complete or carry an alien registration document
- Unlawfully picking up passengers for work
- Unlawful transporting or harboring unlawful aliens
- Signed into law on April 23, 2010, but an injunction was imposed one day prior to implementation (July 28, 2010) by a federal district court, and the 9th Circuit upheld the injunction on April 11, 2011

The Contemporary Debate: A Piecemeal Approach (Continued)

- **Bills similar to SB 1070 introduced in at least seven state legislatures**
 - Illinois: H6937, sponsored by Rep. Ramey (R), but died in committee
 - IL HJR 119 condemning SB 1070 passed the House in 2010, but died in the Senate
 - Georgia recently passed a similar law, to take effect July 1
- **Nine states have passed laws punishing employers for hiring undocumented workers**
 - SCOTUS upheld Legal Arizona Workers Act of 2007
 - Law challenged by U.S. Chamber of Commerce, Obama Administration, and civil rights groups
 - Roberts, writing for a 5-3 majority: The law "falls well within the confines of the authority Congress chose to leave to the states"
 - May set the stage for consideration of SB 1070



The Contemporary Debate: A Piecemeal Approach (Continued)

- **Efforts to repeal driver's licenses for undocumented immigrants failed in NM and WA**

- These two states and UT stand alone in offering this privilege

- **A different approach in Utah**

- Passed revised version of AZ law, requiring verification of immigration status for those suspected of committing a serious crime, but otherwise voluntary

- Creates guest worker program for undocumented immigrants, requiring federal waiver

- Creates a commission to work with Neovo Leon State to bring workers to UT through the existing federal guest worker program

- **Secure Communities**

- Initiated in 2008 by President Bush, but expanded under President Obama

- Those booked into jail, immigrants and citizens alike, have their fingerprints checked against FBI databases along with those of DHS for immigration violations

- Operational in 42 states and 1,331 local jurisdictions: IL, NY, and MA have opted out

- Secretary Napolitano said that participation is mandatory by 2013

The Contemporary Debate: Birthright Citizenship

- **Move in AZ and DC to create two tiers of citizenship**

- Thought is would trigger a Court challenge and potentially an end around a constitutional amendment

- U.S. v. Wong Kim Ark* (1898) interpreted citizenship provision of 14th Amendment as applicable to child born in the U.S. to Chinese immigrants

- As of now, so-called “anchor babies” cannot sponsor their parents’ applications for citizenship until they turn 21

- Birthright Citizenship Act of 2011*: Amends the Immigration and Nationality Act to consider a person born in the United States "subject to the jurisdiction" of the United States for citizenship at birth purposes if the person is born in the United States of parents, one of whom is:

- (1) a U.S. citizen or national

- (2) a lawful permanent resident alien whose residence is in the United States,

- or

- (3) an alien performing active service in the U.S. Armed Forces



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The Contemporary Debate: Closer to Home

- **The Illinois DREAM Act**

- A privately-funded scholarship program for undocumented students to attend college

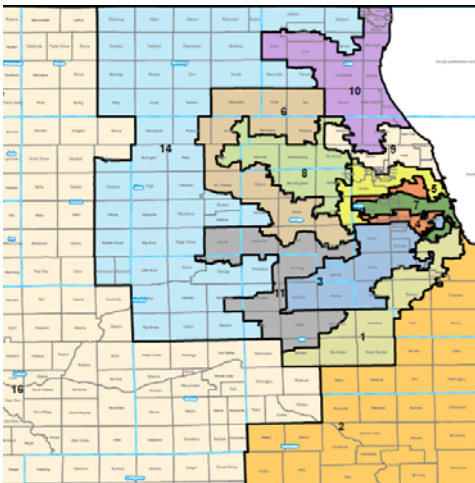
- May also join state-run college savings programs

- **The plight of US-born children when their parents are deported**

- **The suburbanization of immigration**

- **Challenges of converting strength in numbers to sway at the ballot box**

- Exemplified by the recent remap of IL legislative districts



The Contemporary Debate: The Obama Administration



- *Secure our borders*: “Today our borders are more secure than any time in the past several decades...”
- *Accountability for businesses*: Punish employers who hire and exploit undocumented workers, while making verification reliable
- *Legal immigration as a means of strengthening our economy*: Includes retaining foreign college students, passing the DREAM Act, and establishing some form of a guest worker program for agricultural purposes
- *Creating a pathway to citizenship for undocumented immigrants*: Register, undergo background checks, pay back taxes, learn English, and begin the naturalization process

The Contemporary Debate: House Republicans



H.R. 1299: The Secure Border Act of 2011: Requires DHS to provide a five-year plan to curb undocumented immigration, including:

1. Staffing requirements for all border security functions.
2. Investment in infrastructure, including pedestrian fencing, vehicle barriers, and roads.
3. The use of unmanned aerial vehicles, camera technology, and sensors.
4. Cooperation agreements with international, State, local, tribal, and other Federal law enforcement agencies that have jurisdiction on the border.
5. Other means designed to detect, respond to, and interdict cross-border unlawful activity and to reduce the level of violence.
6. A schedule for implementing security measures, including a prioritization for future investments.
7. Considerations of risks to border communities and law enforcement.

The Contemporary Debate: G.O.P. Presidential Field



- *Romney*: "Ultimately, we have to secure the border, and we have to insist on employers following the law"
- *Pawlenty*: Abolish birthright citizenship
- *Huntsman*: Border fence "repulses" him but may be necessary; an alternative to mass deportation once border is secured; signed law as governor authorizing "driving privilege cards" for undocumented immigrants
- *Gingrich*: More flexible treatment for those who have resided here for a length amount of time, obey the law, and have a family



The contemporary debate: Americans in Waiting (Motomura)

- Immigrants treated like citizens until they fulfill the residency requirement (5 years) for citizenship application
- Lawful immigrants can sponsor relatives as if they were citizens
- Eligible for public benefits and to vote
- Could be deported for serious crimes
- Treating not as noncitizens, but instead as Americans in waiting



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Questions?