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:

“...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.

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 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.