

English First Foundation Issue Brief

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The Budgetary Impact of Amnesty on an Officially Multilingual Nation

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Summary: Adding millions of illegal aliens via amnesty to the existing mix of a generous welfare state with mandatory multiculturalism is a recipe for national disaster, both economically and culturally.

Any discussion of the impact of amnesty must begin with three facts. First, America is already a nation hesitant to ask any immigrant to adapt to the rest of America by learning our language and adapting to our culture. The old saying, “when in Rome, do as the Romans do” is as dead as Latin in the United States today.

The second fact is that there was no American welfare state during the last great wave of immigration at the turn of the 20th Century, but there is one today.

While politicians may still tear up as they describe their ancestors’ first glimpse of the Statue of Liberty, they are describing events as historically distant from 2008 as the pioneers and their covered wagons were from the generation that fought and won World War II.

The third fact is that there exists today an armada of lawyers and professional ethnic activists who see themselves as advocates for immigrants, both legal and illegal. Even if a national consensus exists on some aspect of immigration policy, a single lawsuit brought before a hand-picked judge can block implementation of that national consensus, no matter how hard won.

Mandatory Multiculturalism: The Nation Must Adapt to the Immigrant

In 2006, Norway was asked by the editor of a newspaper for minorities to consider writing an Urdu version of its national anthem to allow its Pakistani immigrants to “more easily express their love for Norway.” Per-Willy Amundsen of Norway’s conservative Progressive Party suggested an alternative: Those who are new to the country can hum along while we sing.”¹

The idea that nations must adapt to immigrants instead of immigrants changing their ways is relatively recent. Yet it has become the received wisdom of every Western nation as well as the “transnational progressives” who dominate all international bodies.

Current American immigration law requires potential citizens to attempt to learn a modest amount of English, in part by delaying the conferring of citizenship. By contrast, the various extant amnesty proposals would confer instant legal status followed by a request to learn English well enough to pass a test, either eight or twelve years later.

¹ “Move to Translate National Anthem Stirs Controversy,” *Aftenposten* Multimedia A/S, Oslo, Norway, May 16, 2006, available at <http://www.aftenposten.no/english/local/article1319173.ece>.

But the most important thing about a national language policy is not whether or not immigrants eventually learn English, but in what language immigrants expect to be addressed in by officials of the American government.

A federal office that proudly flies an American flag and issues all documents in English sends one message. A federal office full of signs in multiple languages with employees wearing badges denoting the foreign languages they speak sends an entirely different message.

Clinton Executive Order 13166 of August 11, 2000, requires all recipients of federal funds to function in any language anyone speaks at any time for free.² Accordingly, E.O. 13166 transforms all English language mandates to empty gestures.

This sweeping translation mandate was expected to cost millions of dollars. There are two reasons why E.O. 13166 costs have yet to become a national crisis.

First, a 2001 Supreme Court's ruling removed the ability of individuals to file lawsuits to enforce certain federal laws and regulations.³ The Bush Administration has not enforced E.O. 13166 as aggressively as it otherwise might, keeping translation costs largely under the radar.

The second reason for the relative low cost of E.O. 13166 translation mandates to date is that most illegal aliens and even many legal immigrants tend to shun government offices. As efforts to encourage immigrants to take advantage of federal benefit programs succeed, these efforts will also produce a spike in translation costs.

Translation Mandates as Legal Weapons

The incredible exactitude with which ethic advocates seek E.O. 13166 to be enforced is demonstrated by a recent "gotcha" study of the translation offerings of Medicare Part D plan providers:

The California Medicare Part D Language Access Coalition, led by the National Senior Citizens Law Center, designed and conducted this

² Because this policy is an Executive Order, rather than an act of Congress, E.O. 13166 can be eliminated with a stroke of a presidential pen, something President Bush has yet to do as of this writing. Senator James Inhofe's efforts to defund E.O. 13166 in both 2006 and 2007 were unsuccessful, as was a 2001 effort by then-Congressman Ernest Istook.

³ *Alexander v. Sandoval* (99-1908) 532 U.S. 275 (2001) 197 F.3d 484, reversed. *Syllabus*: "There is no private right of action to enforce disparate-impact regulations promulgated under Title VI. ... Like substantive federal law itself, private rights of action to enforce federal law must be created by Congress." *Sandoval* brought this class action against the Alabama Department of Public Safety's decision to administer state driver's license examinations only in English. *Sandoval* arguing that the English-only policy violated the DOJ regulation because it had the effect of subjecting non-English speakers to discrimination based on their national origin.

survey to assess Medicare prescription drug plan call center service to LEP populations.

Because hundreds of thousands of California's low-income dual eligibles (individuals with Medicaid and Medicare) are Limited English Proficient, the survey covers the sponsors of the nine prescription drug plans into which dual eligibles are automatically enrolled. The survey placed a total of 417 telephone calls in eleven of the thirteen most common languages spoken by LEP dual eligibles in California.

Results of the survey indicate that plans are falling significantly short of meeting their obligation to provide interpretive services to all LEP beneficiaries.

Plan sponsors are only able to serve Limited English Proficient dual eligible beneficiaries in their primary language 54.7% of the time.

Non-Spanish speaking LEP beneficiaries have even less success communicating with their plans. Plan sponsors are only able to serve non-Spanish speaking Limited English Proficient dual eligible beneficiaries in their primary language 36.6% of the time.

Caller Experiences

- **The majority of the calls completed during the survey ended without connecting to an individual who spoke the language of the caller.** Of the 417 calls that were made, more than 60% of calls placed never reached an individual speaking the language of the caller. Nearly 57% of calls connected to a live representative, but the caller was unable to speak to someone who understood the caller's language. An additional 6% of calls never reached a live representative speaking any language.
- **More than 50% of all calls completed ended without any attempt by the plan representative to connect the caller to someone speaking the caller's language.**
- **Representatives failed to connect callers to individuals speaking the language of the caller for a variety of reasons.** Unsuccessful calls were most often the result of the representative's inability either to recognize that the caller was speaking a language other than English, or to identify the language being spoken. There were, however, also calls during which the representative correctly identified the language spoken, but still made no attempt to connect the caller to an interpreter. Many representatives told callers that they must speak English if they wanted assistance.

- **Calls that successfully connected to an interpreter speaking the appropriate language did not always result in a successful exchange of information.** While interpreters were generally linguistically competent, they did not always meet professional interpretation standards requiring complete, accurate and undistorted transmission of communications. A lack of health systems literacy among interpreters used by plans resulted in multiple reports of miscommunication and misinterpretation. There were also reports of rudeness and inappropriate interference by interpreters.

- **Translated materials were not available to callers.** With two exceptions, all requests for written materials in a non-English language were denied.⁴

Note that every instance cited in this report could result in a loss of eligibility for all federal funding, if a complaint happens to be made charging violation of E.O. 13166.

Yet most people if they pick up a telephone and are addressed in a language they themselves do not understand will simply hang up. This is also a violation of E.O. 13166.

E.O. 13166 requires someone trying to keep up with numerous incoming calls to (1) listen to the caller carefully (2) identify the language being spoken or enlist help in doing so (3) connect the caller with an interpreter who may or may not be available at that moment and (4) hope the interpreter does not make a mistake.

A look at the report's own data demonstrates that these call centers are doing pretty well under the circumstances. Nine of 18 calls conducted in Armenian were handled successfully; 30 of 42 calls in Spanish and 21 of 43 in Cambodian (sic) (Khimir?).⁵ The Hmong speakers, a small tribe from Laos had a tougher time (3 out of 62) but the astounding thing is that there were three Hmong translators.

Many Americans already complain of being required to "press one for English" when they telephone a federal agency. What will they do when they confront a receptionist who barely speaks English? The question is not theoretical, since E.O. 13166 requires fluency in foreign tongues but imposes no English fluency requirement.⁶

⁴ Kendra Scalia, "Medicare Prescription Drug Plans Fail Limited English proficient Beneficiaries," National Senior Citizens Law Center, February, 2007 at iii to iv.

⁵ *Id.* at 19.

⁶ This same omission was made in the establishment of bilingual education mandates in 1974. Considerable attention was paid to a "bilingual" teacher's foreign language skills but English fluency was entirely unmentioned until 1994.

Worse from a community relations perspective is that English speakers do not enjoy the same legal protection E.O. 13166 grants to speakers of every other language in the world. This means that taxpaying English speakers will undoubtedly be ignored while government bureaucrats will be seen as endlessly catering to the non-English speakers.

Yet even making all this work is not good enough. In healthcare settings, Pediatrics notes that paid professional interpreters make mistakes that can cause a malpractice lawsuit 53% of the time.⁷

Immigrants Will Respond to Whatever Signals America Sends (The SSI Test Case)

One seldom-mentioned reason illegal aliens work at dirty jobs paying low wages is that illegal aliens are not eligible for government benefits. Once they can qualify for benefit programs, perhaps by receiving amnesty, statistics demonstrate they will use them. Motivated immigrants can and will always find hairs to split:

[It is assumed that] that immigrants will avoid using welfare, as welfare use might compromise their eligibility to sponsor further family members for immigration. Most Chinese immigrants who wish to go on welfare circumvent the sponsorship problem by separating the roles of the *petitioner* and the *sponsor*: Suppose Mr. Chow, say, wishes his sister to immigrate to the U.S. If Mr. Chow is on welfare, he obviously cannot certify that he will financially support his sister. But he can ask his son, for instance, to certify that support. The INS then terms Mr. Chow the *petitioner*, exercising his eligibility to bring in his sister, and the son is termed the sister's *sponsor*, the financial guarantor [emphasis in original].⁸

As the number of immigrants on welfare in a given state grows, general awareness of welfare benefits grows as well, creating a feedback cycle which further increases the welfare usage rate. Statistically speaking, in California and New York, the two largest immigrant-receiving states, an immigrant is three times more likely to be a welfare recipient than is a typical immigrant in the nation as a whole.⁹

⁷ “Mistaken Translations May Cause Trouble,” *American Medical News*, January 27, 2003, available at <http://www.ama-assn.org/amednews/2003/01/27/prsb0127.htm>: “Errors committed by “ad hoc” interpreters (nurses, social workers, siblings) had potential clinical consequences 77% of the time compared with 53% of the time with professional translators.

⁸ Norman Matloff, “Welfare Use Among Elderly Immigrants,” Testimony to the U.S. Senate Judiciary Committee Subcommittee on Immigration, February 6, 1996, available at <http://heather.cs.ucdavis.edu/pub/Immigration/WelfareUse/WelfareUsageReport/FullNMReport.html>.

⁹ *Id.*

Chinese immigrants trust, *Zai Meiguo Sheng Huo Xu Zhi (What You Need to Know About Life In America)*, with its “36-page guide to SSI and other benefits.”¹⁰ The degree of awareness of welfare among immigrant Chinese seniors is striking. Edna Law, whose job includes helping seniors apply for welfare, marveled, “Sometimes I’m amazed--the seniors know more than I do!”¹¹ Their study paid off:

Between 1982 and 1995, the number of alien recipients of Supplemental Security Income increased by more than 500 percent. By 1996, legal aliens, who make up less than 6 percent of the population, received over half the cash benefits from the SSI program for the elderly.¹²

Until 1996, all immigrants were eligible for Supplemental Security Income (SSI) benefits.¹³ Did their “advocates” encourage these immigrants to shun these checks? Not exactly:

Chinese advocacy groups have made major efforts to promote use of SSI by Chinese immigrants. They have campaigned heavily, through the Chinese community centers, Chinese-language television, Chinese newspapers and so on, disseminating information about SSI, and urging the seniors to come in and apply.

¹⁰ *Id.* As of 1992, this book was in its 6th edition.

¹¹ *Id.*

¹² E. Clay Shaw, Jr., and Lamar Smith, “Immigrants, Welfare and the GOP,” *Washington Post*, May 28, 1997, available at <http://www.washingtonpost.com/wp-srv/politics/special/welfare/stories/op052897.htm>.

¹³ SSI benefits are now restricted to U.S. citizens. However “Refugees and Asylees, aliens whose deportation is being withheld, Amerasians, and Cuban/Haitian entrants, and victims of a severe form of trafficking are exempted from the ban on SSI for their first 7 years in the U.S.” Summary of Immigrant Eligibility Restrictions Under Current Law (as of 10/04/04), Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, available at <http://aspe.hhs.gov/hsp/immigration/restrictions-sum.htm>. There is a five-year delay on eligibility of legal immigrants for Medicaid, SCHIP and food stamps:

Most “qualified aliens” entering the country on or after enactment [8/22/96] are banned from receiving “Federal means tested public benefits” for a period of 5 years beginning on the date of the alien’s entry with a qualified alien status (Sec 403) (see exceptions below). The HHS interpretation, published in the Federal Register on August 26, 1997 (62 FR 45256), designated TANF and Medicaid (except assistance for an emergency medical condition under Medicaid) as the Federal means tested public benefits administered by the Department. Subsequently, HHS has communicated that the Children’s Health Insurance Program (CHIP) is also a “Federal means tested public benefit.” The Social Security Administration has stated that Supplemental Security Income is a “Federal means tested public benefit.” The Department of Agriculture has also stated that food stamps is [sic] such a benefit. **No other program has been determined to be a “Federal means tested public benefit” program** [emphasis in original]. *Id.*

For example, Annie Chung, executive director of the Self Help for the Elderly mega-chain of Chinese senior centers based in San Francisco, is one of the three or four hosts (the host position rotates from week to week) of *Chinese Journal*, a Chinese-language community affairs television program on Channel 26 in San Francisco. She often devotes shows to tutorials on how to apply for SSI, subsidized housing, Medi-Cal and so on.¹⁴

Furthermore:

Indeed, many of the Chinese seniors I interviewed praised the U.S. for being so generous in providing this “free money.” One senior pointed out that a common attitude among the seniors about SSI was *mh hou sit dai*--Cantonese for “don't miss this great opportunity.”¹⁵

Like other human beings, immigrants seek the highest wage possible for the work they perform. Chinese immigrants employed in New York City's Asian restaurants began picketing in April of 2007 for higher wages after filing federal wage lawsuits.¹⁶

In 2005, the Pew Hispanic Center reported:

[A]bout a quarter of all drywall and ceiling tile installers in the United States are unauthorized migrants, as are about a quarter of all meat and poultry workers and a quarter of all dishwashers.¹⁷

Whatever the nobility of honest labor, hanging drywall and washing dishes has not exactly been the road to riches. Again, quoting from Pew:

The average family income in 2003 for unauthorized migrants in the country for less than ten years was \$25,700, while those who had been in the country for a decade or more earned \$29,900. In contrast, average family incomes were considerably higher for both legal immigrants (\$47,800) and the native-born (\$47,700).¹⁸

¹⁴ Matloff, *op cit*, note 8.

¹⁵ *Id.*

¹⁶ “At Asian Restaurants Where Delivery is a Mainstay, Workers Sue Over Wages,” *New York Times*, April 15, 2007 at A24.

¹⁷ Jeffrey Passel, “Unauthorized Migrants: Numbers and Characteristics,” Pew Hispanic Center, June 14, 2005. Some of this material in this section originally appeared in *National Review Online* on March 30, 2006 (Jim Boulet, Jr., “The Costs of Amnesty,” <http://www.nationalreview.com/comment/boulet200603300705.asp>).

¹⁸ *Id.*

To put those numbers in perspective, a family of four earning \$19,350 would be considered to be on the poverty line in 2005.¹⁹

There are lots of government programs meant to help the needy in America. There is even a website, www.benefits.gov, where folks can ensure they are not missing out on a dime of government aid, like Medicaid, food stamps, Head Start, “Low Income Energy Assistance,” “Summer Food Service,” and “Weatherization Assistance.”

It must be said that illegal aliens already utilize federal programs for which they are eligible:

Undocumented immigrants are not eligible for food stamps but are fully eligible for the Supplemental Nutrition Program for Women, Infants, and Children (WIC). More than half of the undocumented Latinos or their family members in El Paso received food stamps in 1997, and almost half received WIC services.

Across the other three sites these figures are lower, with 9–18 percent receiving food stamps and approximately one-quarter obtaining WIC services.²⁰

It is fair to suggest that once amnesty confers upon illegal aliens the same right to access taxpayer-funded benefits as other American citizens, their famed work ethic can be expected to regress toward the American mean. After all, immigrants are neither fools nor supermen.

Amnesty, Outreach and the Costs of Health Care

Amnesty advocates dodge the subject of medical care for the newly amnestied (and their relatives) by claiming that doctor visits are cheaper than emergency rooms. While this argument is technically correct, it evades certain essential issues.

Peasants in Mexico or Peru don’t receive much in the way of preventative medicine. Once those people become American farm workers, medical care remains a luxury. They may have medical problems untreated for years, including the basic wear and tear of doing stoop labor, wear and tear that makes them far older physically than their chronological age.

A 2000 *Health Affairs* study, “Health Care Use Among Undocumented Illegal Immigrants,” sought to prove that illegal aliens were not coming to the United States for medical care. According to their report, a mere 2.5 percent of El Paso’s illegal aliens had participated in Medicaid in 1996-97. In Los Angeles, only one out of ten (9.8 percent) did

¹⁹ *Medicaid at a Glance, 2005*, available at http://www.cms.hhs.gov/MedicaidDataSourcesGenInfo/02_MAAG2005.asp.

²⁰ Marc Berk, Claudia Schur, Leo Chavez and Martin Frankel, “Health Care Use Among Undocumented Latino Immigrants,” *Health Affairs*, July/August 2000, available at <http://content.healthaffairs.org/cgi/reprint/19/4/51.pdf>, at 51,59.

so, while Fresno led the pack with a Medicaid-participation rate by "undocumented Latinos" of 25.5 percent.²¹

Accordingly, illegal aliens tend to rely on hospitals, not doctors for their medical care:

Compared with other Latinos or the U.S. population as a whole, undocumented immigrants obtain fewer ambulatory physician visits; rates of hospital admission, except hospitalizations related to childbirth, were comparable between undocumented immigrants and other Latinos.

Rates of physician visits were much lower for undocumented Latino immigrants in the study sites than for all Latinos or all persons in the United States. About 75 percent of the U.S. population and 66 percent of the Hispanic population had at least one physician visit. The proportion of undocumented immigrants with a visit ranged from 27 percent in Los Angeles to a high of 50 percent in Fresno. For those undocumented immigrants who did obtain access to ambulatory care, the intensity of service use was much lower (three to four visits per year) than that of other Latinos or the nation overall (six visits).²²

Once these people are eligible for free health care, it is reasonable to expect that they will utilize more health care, probably much more.

But let's say the new amnesty recipient choose to continue to avoid the doctor's office. In 2008 America, there is a whole system of "outreach" to ensure that people do not "underutilize" their right to free medical care.

According to E.O. 13166 regulations adopted by the Bush Department of Justice:

Recipients should first examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. In conducting this analysis, it is important to include language minority populations that are eligible for their programs or activities but may be underserved because of existing language barriers. [R]ecipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.²³

²¹ *Id.* at 56-57.

²² *Id.*

²³ Department of Justice, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," *Federal Register*, June 18, 2002 (available at <http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.htm>) at 41455, 41460.

What sort of “outreach” do people have in mind? The following is taken from an actual U.S. government document:

Multilingual brochures and other written material do not help those persons who cannot read no matter what language they are written in. In addition to traditional pathways such as television, radio and print media consider "moving" information through e-mail, internet and mass transit advertisements. Also remember that people can act as communication vehicles because of their ability to move through communities and connect with your target audience.

Keep the following points in mind when developing and using communication vehicles:

- Develop publications in the language of the population you are targeting.
- In publications, use pictures including the targeted group to promote identification of the issue as “being important to people like me.”
- Explore the use of community-based media outlets (such as minority newspapers and magazines, minority college campus newsletters, local minority radio, cable television programs, etc.) and use prepared public service announcements, sample articles, flyers and posters as a way to get information out to minority populations. ...
- Distribute program literature at hair salons, barber shops, day spas, laundromats, dry cleaners, video stores, grocery stores, libraries and restaurants. Recruit minority volunteers to target these distribution sites.

Look for ways to penetrate trusted pathways. For example, use religious radio broadcasts for public service announcements and pow wows [sic] for circulating print materials as well as announcements during ceremonial dance breaks. ...

- Exhibit information and educate minority caregivers through professional meetings, conferences and publications. There are national associations of minority physicians, nurses, media professionals, attorneys, etc. that hold regular meetings, produce publications and seek to educate their memberships through association activities.²⁴

²⁴ “Achieving Cultural Competence,” Administration on Aging, Department of Health and Human Services (2001). (Available at <http://www.aoa.gov/prof/adddiv/cultural/CC-guidebook.pdf>.) competence at 24 25.

Outreach of this sort will inevitably send a message to the public that “the federal government wants you to apply for these benefits, further undermining any notions of self-reliance and personal responsibility.

After “Outreach” Comes “Cultural Sensitivity.”

American medical care will not only be free for most amnesty recipients, it will have to be administered in expensive new ways.

[A] solid and growing body of research now indicates that one of the major reasons that services remain inaccessible and under utilized is because they are not responsive to the needs of the group being served....they are not “culturally sensitive.”²⁵

This “cultural sensitivity” seems to encompass providing free transportation for people so they might use their free medical care more often:

Another set of structural barriers is logistical difficulties, including a lack of transportation, language difficulties and illiteracy. Transportation difficulties disproportionately affect lower income racial and ethnic minority elders [sic], many of whom do not have automobiles and, even more importantly, may not have the language skills and information necessary to get a driver’s license and navigate through their community. Many of these elders also experience confusion regarding public transportation and other resources available to help them access services.²⁶

What does this mean?

Opening the door requires that services be located in the community where the elders live and that admission procedures do not exclude elders based on such criteria as immigration status and language ability.²⁷

Immigration Advocates: Rights of Immigrants Transcend the Rights of Americans

On June 12, 2007, the State Department announced that 60,000 additional green cards (a document granting permanent U.S. residency) would be available less than a month later on July 2. But on July 1, the State Department reversed course and stated that no more green cards would be available after all. On July 5th, the American

²⁵ *Id.* at 5.

²⁶ *Id.* at 10

²⁷ *Id.* at 30.

Immigration Lawyers Association announced it would sue demanding that “thousands of applications” be accepted simply because people applied thinking they might get a green card.²⁸

There are even individuals and organizations eager to teach illegal aliens how to take advantage of any weak points in our system of immigration laws.

Some of these instructors are themselves former illegal aliens, like Godofredo Garcia, who says he snuck into the United States on a tomato truck, but now as a legal resident works with CASA of Maryland to protect the rights of illegal aliens.²⁹

Other illegal aliens do not hide in the shadows but instead proudly identify themselves at public demonstrations, not only as illegal aliens, but as representatives of “the Mexican Solidarity Network” or El Salvador’s FMLN.³⁰

Other advocates on behalf of illegal aliens are life-long Americans like Mark Silverman of the Immigrant Legal Resource Center in San Francisco. During the summer of 2006, Silverman held a seminar for 200 illegal aliens in Sacramento, California, on how to defy Immigration and Customs Enforcement officers.³¹

There are hundreds of attorneys like Silverman, hard at work for national organizations like the Mexican American Legal Defense and Education Fund or for state groups like the Massachusetts Immigration and Refugee Advocacy Coalition. Others choose to be free-lance independents.

This means that even should our politicians get serious about enforcing immigration law, major organizations have already decided to oppose such enforcement efforts every inch of the way.

The American Civil Liberties Union Foundation’s Immigrants’ Rights Project was established in 1987.³² The ACLU boasts:

In the past two years, courts have ruled against anti-immigrant ordinances across the country including in Hazleton, Pennsylvania; Escondido, California; and Farmers Branch, Texas. These lawsuits have confirmed that the ordinances have serious legal flaws, have cost local

²⁸ “Immigration Lawyers to Sue Over Changes in Visa Policy,” *The New York Times*, July 6, 2007.

²⁹ “Pastors in Md. Stage Rally For Path to Legal Residency,” *Washington Post*, May 5, 2007, at B9.

³⁰ “Critics of day-labor center in Derwood spar with backers,” *Washington Times*, June 22, 2007, at A1, A7.

³¹ “Advocates Show Aliens Legal Ropes,” *Washington Times*, July 24, 2007 at A2.

³² ACLU web site, <http://www.aclu.org/immigrants/gen/11663res20040806.html>.

governments thousands of dollars, and have caused other cities to rethink passing similar ordinances.³³

The 2007 Convention of the National Education Association adopted a resolution rejecting the “criminalization” of illegal aliens.³⁴ The Southern Poverty Law Center sued the Immigration Customs and Enforcement Agency over its 2006 raids in Georgia.

Assimilation as the Enemy

These immigrant rights organizations may pay lip service to the goals of assimilation, but their long term economic self-interest lies in keeping today’s immigrants entrapped in linguistic ghettos. A common language enhances other forms of unity, while language barriers can encourage other forms of separatism.

The National Council of La Raza (the race) is firmly on the side of linguistic separatism and identity politics, given some of the speeches at that organization’s 2007 convention.

It was not enough for some that La Raza was on record as opposing official English. Representative Lincoln Diaz-Balart (R-Florida) told convention attendees:

“It is important that we emphasize the Spanish language and that we keep the Spanish language, and that we transmit that emphasis to our children and grandchildren.”³⁵

Doing the jobs Americans really want to do

A 2007 report by the President’s Council of Economic Advisors was released to great fanfare during the Senate’s June immigration debate. The Council’s chairman, Edward Lazear, told the *New York Times*:

[Although illegal aliens] “might drive down slightly the wages of roofers in the United States. But as a result of having this valuable supply of labor from abroad, other people on the construction project like carpenters and electricitians are more productive. **They have better people to work with**, more people to work with” (emphasis added).³⁶

One aspect of the impact of amnesty rarely discussed is its potential impact upon the African-American workforce. Studies show that African Americans are employed in

³³ ACLU web site at <http://www.aclu.org/immigrants/discrim/27848res20070105.html>.

³⁴ “Education Agency Wants Illegals to Remain in U.S.,” *Washington Times*, July 5, 2007 at A3.

³⁵ “Hispanic Group Aims to Stop ‘Wave of Hate’,” *Washington Post*, July 22, 2007 at A1, A7.

³⁶ “White House Report Lauds Immigrants’ Positive Effects,” *New York Times*, June 20, 2007 at A17.

well-paying, high-security municipal jobs in much higher percentages than their share of the population would suggest. Two-thirds of all black managers and professionals work in the public sector, compared to only 17 percent among the general population.³⁷

As the Hispanic population increases, Hispanics demand their “fair share” of these recession-proof jobs. Yet the research of Professor Paula McClain determined that “the most significant predictor of limits to Hispanic municipal employment opportunities is the Black percentage of the workforce. As the black share increases, Hispanic opportunities decline.”³⁸

Part of the problem for Hispanics is that their political strength is far less than their numbers would suggest because illegal aliens are lumped with American citizens in U.S. Census data as “Hispanics.” Large percentages of Hispanic voters are not supposed to be voting at all, since voting is a privilege reserved for American citizens.

The fruits of a political spoils system are reserved for those who exercise electoral clout – from the days of Andrew Jackson to New York’s Tammany Hall to today.

In the 1970’s, affirmative action enabled blacks to pry their way into Irish and Italian-dominated police forces. Language requirements could play the same role for immigrants in this decade.

Consider Oakland, California’s language policy for new municipal employees. On May 8, 2001, the Council passed Ordinance 12324, which required that every Oakland public agency to utilize “sufficient Bilingual Employees in Public Contact Positions.”³⁹ While no current employees would be fired or demoted,⁴⁰ the ordinance required that “bilingual conversational proficiency will be a job requirement” for every new Public Contact position opening for which bilingual capacity is necessary.⁴¹

The Equal Access Office of Oakland’s Office of the City Administrator’s “Follow-Up Status Report On The Implementation Of The Equal Access Ordinance For Fiscal Year 2006-2007” found:

During fiscal year 2006-2007, the City hired 427 employees. Of these total hires, 295 (69%) were PCPs [public contact positions] and of the new hires, 196, (46%) were bilingual and of the approximately 2004

³⁷ Stephen Powers and Stanly Rothman, *The Least Dangerous Branch? Consequences of Judicial Activism* (2002) at 81.

³⁸ Nicolas C. Vaca, *The Presumed Alliance: The Unspoken Conflict Between Latinos and Blacks and What It Means for America* (2003) at 51.

³⁹ Section 2.30.030 Equal Access to Services (a)

⁴⁰ Section 2.30.030 Equal Access to Services (b)

⁴¹ Section 2.30.120 Recruitment,

total PCP positions, 851 (42%) receive bilingual pay and 267 of these position are bilingual PCPs. 2000 Census data indicates that 22.3% of the City's population spoke English "less than well." The number of Oakland's bilingual employees compares favorably with the available census data.⁴²

The main languages required of new hires are either Spanish or Cantonese Chinese. Given that inner-city schools have considerable difficulty graduating students who can speak passable English, the number of Chinese-speaking African Americans graduated each year is unlikely to be high. Thus the language requirement can effectively reserve a large percentage of entry-level Oakland City jobs for the children of recent immigrants.

Given that the English requirements for amnesty were extraordinarily modest, federal amnesty legislation would lead to the same language debates that have taken place in Oakland, particularly because a large number of illiterate, impoverished illegal aliens would suddenly become eligible for a panoply of federal benefits.

This liberal enthusiasm for the rights of illegal aliens bodes ill for the political future of African Americans. According to a Pew Hispanic Center poll, over one third of African Americans say that they or a family member has lost a job to an illegal immigrant.⁴³ Yet San Francisco State political scientist Robert Smith still claims that "the only solution for African-Americans is to support legalization ... [for] only together can they revive the working-class struggle."⁴⁴

Shock Troops for Socialism

[O]n May 1, when immigrants from Los Angeles to New York boycotted their jobs on May Day, Smithfield workers paraded with thousands of Latinos in Lumberton, North Carolina. Most of the plant's immigrant workers were used to the idea of demonstrating on May Day, a working-class holiday in their countries of origin.⁴⁵

In too many countries, elections don't matter much. One group of oligarchs simply trades places with another, while major political questions are resolved in the

⁴² <http://www.oaklandnet.com/government/Equalaccess/pdf/17179.pdf>

⁴³ Michelle Garcia, "A Bronx Tale," *The Nation*, June 19, 2006 at 14, 17.

⁴⁴ *Id.* at 17.

⁴⁵ David Bacon, "Feds Crack Down on Immigrant Labor Organizers," *The American Prospect*, May 11, 2007, available at: http://www.prospect.org/cs/articles?article=feds_crack_down_on_immigrant_labor_organizers.

streets.⁴⁶ Some Americans, enthralled with the activism of the 1960's, see millions of amnesty recipients as a means of rekindling the energy of the American Left:

In Herndon, [Virginia], where 38 percent of the 22,000 residents are foreign-born, local unions and undocumented day laborers have forged a mutually beneficial alliance. Hugo Carbaillo, an organizer for Local 11, said the construction union's bargaining power has been considerably enhanced by an influx of undocumented workers, who represent an estimated 80 percent of the union's membership. "We never ask for papers. Our goal is to organize as many people as possible, whether they're legal or not," Carbaillo said.⁴⁷

Amnesty for these people is a means of transforming American politics: Leaders of the immigrants' rights movement have a broad social vision that begins with immigration reform but does not end there, and immigrant workers have emerged as a key force that could disrupt the reigning neoliberal consensus."⁴⁸

The *American Prospect's* David Bacon agreed:

Everywhere in this country immigrant communities are growing, defying the raids intended to terrorize them -- organizing and speaking out. This movement is a powerful response to Congress' inability to pass a pro-immigrant reform bill. It can and will resist and stop the raids, but its potential power is far greater.

Like the civil rights movement four decades ago, the political upsurge in immigrant communities makes a profound demand -- not

⁴⁶ An example of which may be seen in the film *Evita* when the *Peronistas* march upon the capitol of Argentina:

[Eva:]

... [T]here's no risk, there's no call for any action at all. When you have unions on your side ...

[All:]

A new Argentina, a new age about to begin. A new Argentina, we face the world together. And no dissent within. ...

[Che:]

How annoying that they have to fight elections for their cause. The inconvenience, having to get a majority
If normal methods of persuasion fail to win them applause. There are other ways of establishing authority

⁴⁷ Mara Revkin, "Day Laborers Rally in Virginia," *The American Prospect*, August 7, 2007, available at http://www.prospect.org/cs/articles?article=day_laborers_rally_in_virginia.

⁴⁸ Deerapk Bhargava and Angelica Salas, "The Fight of Our Lies," *The Nation*, May 7, 2007, at 8.

simply for visas, but for freedom and equality. It questions our values. Will local communities share political power with newcomers? Will workers be able to organize to turn low-paying labor into real jobs? Will children go to school knowing their teachers value their ability to speak two or three languages as a mark of their intelligence, not their inferiority?

Those who fear change are right about one thing. Once we answer these questions, we will not be the same country.⁴⁹

These American progressives have no quarrel with immigrants receiving federal benefits because they think almost everyone should be on the government dole, their needs provided by “the rich.” The people who claim to represent the interests of Hispanic immigrants agree.

Thus the National Council of La Raza issued a 23-page white paper comprised of complaints that illegal immigrants in New Orleans were not properly taken care of after Hurricane Katrina.⁵⁰ Their complaints included:

One complaint was that hurricane warnings were not issued in Portuguese or Spanish on local television in Gulfport, Mississippi.⁵¹

The federal government did not announce “a cessation in immigration enforcement,” which meant that “some immigrants who sought relief services were placed in deportation proceedings.”⁵²

The Red Cross was criticized for “a lack of diversity in management or governance.”⁵³

Conclusion

The economic, linguistic and social costs of amnesty merit far more discussion than they have heretofore received. This issue brief is but a beginning for that debate.

--revised, February 16, 2008.

⁴⁹ David Bacon, “Time for a More Radical Immigrant-Rights Movement,” *The American Prospect*, July 24, 2007, available at http://www.prospect.org/cs/articles?article=time_for_a_more_radical_immigrantrights_movement.

⁵⁰ Brenda Munoz, “In the Eye of the Storm: How the Government and private response to Hurricane Katrina Failed Lationos,” National Council of La Raza, 2006.

⁵¹ *Id.* at 5.

⁵² *Id.* at 8.

⁵³ *Id.* at 10.