

The Quorum Report

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TPPF PANEL WRESTLES WITH IMMIGRATION ISSUES

Opinions range from "there is no line for Mexican workers to get in" to "catch them and shoot them" to "the only terrorists found trying to enter the country came through Canada" (quotes are actually paraphrases)

Birthright citizenship, the federal government's failures to deal with legal and illegal immigration and even state Rep. **Charlie Howard's** recently found respect for Chinese immigration policy were among the highlights at today's discussion of the hottest of hot button issues at the *Texas Public Policy Foundation's* policy orientation for legislators.

Panelists **Edward Erlar** a professor at *Cal State – Bernardino* and **John Trasviña** of the *Mexican-American Legal Defense & Educational Fund* clashed on the birthright citizenship question, which as Capitol types would know spurred legislation last session from Rep. **Leo Berman (R-Tyler)**.

Erlar seemed to be rehearsing for a legal brief should the *Roberts' Supreme Court* revisit the issue. He argued that while birthright citizenship is founded in English common law, the 14th amendment to the *U.S. Constitution* rejects common law definitions of citizenship. The conflict between the two ideas should be resolved in favor of the Constitution, he said.

To buttress his argument, he said the intent of the amendment's framers was to extend citizenship neither to Native Americans because their allegiance was to their individual tribes nor to foreigners living in the country. He added that the same writers wrote legislation three years later that would allow for people to voluntarily give up their citizenship. Erlar said that was proof that they intended to break with common law standards for citizenship because citizenship under common law was understood to be perpetual.

Trasviña raised the counter argument that the *U.S. Supreme Court* ruled in 1898 that the children of non-citizens born in this country were citizens. He also made the more practical argument that denying citizenship to the children of illegal immigrants would create "a permanent underclass who would never be able to become citizens." Other countries, such as France, have run into problems on this score as they are unable to effectively assimilate immigrants because of the barriers to citizenship, he said.

Erlar, though, asserted that the Court's decision did not entirely apply because it dealt with the child of Chinese parents who were legally admitted to the U.S. but were barred by treaty from becoming full citizens. "No case on point (exists) dealing with the children of illegal immigrants," he said.

The panelists were in agreement that the federal government has botched the current legal system of immigration, which in large part spurred the boom in illegal immigration. The panel disagreed, though, on the remedy.

Matt Mayer, a professor who teaches homeland security at *The Ohio State University*, said that from a security standpoint, the influx of illegal immigrants is not an academic issue. Rising rates of illegal immigration damage property and the environment along the border and raise the risk of another catastrophic terrorist attack, he said. He noted, though, that securing the border should occur on the "more porous" northern border as well.

The only people until now caught crossing the border with known terrorist intentions crossed from Canada.

His solution was to make it tougher for people to get across the border and for employers to hire undocumented immigrants. While illegal immigration can't be stopped totally, raising the level of difficulty in getting to this country and then getting a job should deter illegal immigration in the future, he said.

Michael Flynn of the *Reason Foundation*

said the visa system does not afford the vast majority of would-be immigrants a legal channel to enter the U.S. He noted, for instance, that someone wanting to bring a brother or sister from the Philippines would have to wait 20 years to get permission to do so. He cited a recent example of a New York bank that wanted to hire 200 foreign born workers who had recently graduated from *Ivy League* schools. Only 60 were able to get visas and the rest went to bank branches overseas in cities like London. That is one reason why in 10 years, London could supplant New York as the world's financial capital, he said.

For an unskilled Mexican worker, there's no way to enter the U.S. legally. "There is no line to get in," he said. Flynn said the illegal immigration issue ties into the general malaise in the country, a feeling that he found incredible since "we are the healthiest, richest people in history. We're putting televisions in fridges."

He added that border fences scare him because they don't stop people from getting in and only up the fear level in the nation. "If you spent days going through a desert, a fence won't stop you," he said. "In history, fences never work. They only build fear and the fear's trapped inside."

In the concluding Q&A section, state Rep. **Charlie Howard (R-Sugar Land)** noted though the *Great Wall of China* was subverted only because the wall's guardians were bribed. He also said that he was in China over the summer and found that country's immigration system admirably efficient. An electronic fence now means that people trying to enter the country are caught promptly and if they don't have papers, they are either sent home or shot.

"They have no illegal immigrants in China," he said.

Flynn answered, "There's a lot of things that we have that China doesn't have."

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