

Should the United States reduce immigration?

“The Congress shall have power... To establish a uniform rule of naturalization...”

- Article I, Section 8, Clause 4

From the time of America’s founding, immigration has been crucial to the nation’s growth, as well as a periodic source of conflict. Recent debate over immigration has polarized the nation, sparking rallies and marches, prompting congressional hearings, presidential initiatives and proposed legislation to reform what is widely considered an ineffective U.S. immigration system.

Approximately 24 million legal immigrants and an estimated 12 million unauthorized immigrants live and work in the United States, the highest level since the 1920s. National debate has focused on the public costs associated with the new generation of immigrant workers and the contributions that they make to our country.

Those who support lenient immigration reform, including a means for immigrants who enter the country illegally to become citizens, say vast numbers of undocumented immigrants are law-abiding, hardworking people who make the country stronger and more economically prosperous by paying taxes and taking undesirable, low-income jobs. Those who favor reduced immigration say that a large proportion of recent immigrants are low-skilled workers who take away jobs from U.S. citizens and overwhelm government agencies that provide education, public assistance and medical care.

Now it is your turn to answer the question:

Should the United States reduce immigration?

| Yes | No |
|--|---|
| Immigrants not only lower the wages of American born workers they take jobs way from American workers as well. | Immigrants have helped make the U.S. the leader in technological innovation and take jobs that American born workers do not want. |
| New immigration has added to the level of crime and has been an economic burden to public services, schools and hospitals and should be discouraged. | New immigration has added to the continual growth and prosperity of our nation and should be encouraged. |
| The 12 million undocumented immigrants who have entered the U.S. illegally have broken the law and they should be deported | The 12 million undocumented immigrants who have entered the U.S. illegally would be impossible to deport and should be given a path to citizenship. |

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Introduction

Grades:

High School

Classroom Time:

One – 45 minute class period

Constitution Connections:

- Article I section 8 clause 4

Documents Included:

Exhibit 1:

- Restoring the Rule of Law
- Immigration Law's Organizing Principles

Exhibit 2:

- Skilled Immigration and Economic Growth
- Occupations with High Shares of Unauthorized Immigrants, 2008

Exhibit 3:

- The New Case Against Immigration, Both Legal and Illegal

Author:

Jason E. Allen, National Student Programs Manager, National Constitution Center

Scholarly Advisors

J. Michael Hogan, Ph.D, Co-Director of the Center for Democratic Deliberation at Pennsylvania State University

Katherine Vaughns, Professor of Law at The University of Maryland School of Law

Objectives

Students will be able to evaluate multiple perspectives on the issue of immigration and determine their own viewpoints about how the system should be reformed.

About This Lesson

This deliberation activity is designed to encourage students to look at the issue of immigration reform from multiple perspectives and then evaluate political measures to address the issue. In any deliberation activity, compromise and listening will play a key role in finding common ground.

The reading resources for this lesson are contained in three Exhibits. Each Exhibit contains documents that give students perspective on the issue of immigration. Exhibit 1 presents the ways Congress and the courts have dealt with immigration law; Exhibit 2 presents statistical information about immigrant workers in the United States; and Exhibit 3 offers an alternative view on the need for immigration.

What is deliberation?

The framers of the Constitution envisioned deliberation among a diverse citizenry who disagreed on issues because they felt that only through deliberation and compromise could Americans find common ground.

Deliberation is often confused with debate, but the two are different. Debate creates a dichotomy while deliberation allows for careful consideration of many sides, so the best choice can be made. Essentially, debate is competitive, who is right and who is wrong, while deliberation allows for compromise and consensus.

Deliberation is focused around an issue, generally laws or policy, but also can cover public behavior and cultural practices. The Town Hall Wall deliberation method offers multiple points of view or perspectives, and then encourages a conversation around the pros and cons of each.

Resources

Links to the articles used in this lesson and extension readings for this lesson are available at the National Constitution Center's website at:

www.constitutioncenter.org/exchange .

Advice to Students for Constitutional Deliberation

The National Constitution Center is located in Philadelphia, just a few steps from Independence Hall where the Constitution of the United States was written and signed during the summer of 1787. The men who came to Philadelphia that summer did so because they knew the direction of the country they loved needed to change. They deliberated for nearly four months and created a document that none thought was perfect. But they put forward a challenge to future generations: keep working towards the creation of a “more perfect Union.” The Center was created to support this challenge and encourages visitors to walk in the steps of the founders and deliberate the future of our country.

The guidelines presented below have been created to provide you with advice and ideas on how to both present your arguments and hear those of others. The advice below was inspired by the rules adopted by the Constitutional Convention, as presented by George Wyeth of Virginia on May 28, 1787.

- Think through your idea before presenting it to the group; you may wish to make a few notes on paper to ensure your idea is clear.
- Listen carefully to other ideas and consider how to incorporate them into your own.
- When you are not speaking, do not have other side conversations, read a book or document, or in another way distract the speaker.
- When challenging an idea, focus on the idea, not the person you are challenging.
- Use the Constitution as support for your ideas; refer to the text and use it as a tool to support your argument.
- Do not dominate the conversation, and do not speak more than twice before allowing everyone else the opportunity to be heard.
- Present you ideas directly to the facilitator or group leader.
- When developing your argument, consider the position of the other side, and use these ideas to support or build compromise into your position.
- Wait to be acknowledged by the facilitator before speaking.

Values

The U.S. Constitution is one of our nation’s founding documents. We look to it to understand the supreme law of the land. But we can also read it to discover the values of our democracy, values such as equality, freedom, individual rights, justice, the rule of law, and security.

While constitutional values bind us all as Americans, their application to particular issues is frequently subject to sharp debate. Moreover, values are sometimes in competition. Competing values should be considered in your deliberation-even if they create tension.

In a deliberation it is important to consider the basic values that should be upheld by everyone. By considering a variety of values, we can understand each other better, find common ground, and come up with a shared set of ideas that will guide everyone’s perspective about an issue. As your class discusses the perspectives, you may find yourself agreeing with more than one of them. Feel free to combine perspectives, and to describe new perspectives.

Opening

1. Display the **Town Hall Wall** so that all of your students can see the poster. Next, ask them to first read the short description of the issue and then answer the question with a simple *Yes* or *No* on *Post-It notes* placed on the **Town Hall Wall**.
Q: Should the United States reduce immigration?
Students are to answer Yes or No.
2. Ask your students to share their answers to the following three questions with the class and display their answers for the class to see. Your students should write the answers in their notebooks for use in Step 4, 5 and 6.
Q: What constitutional values are associated with those who answered Yes?
Students should list political principles or standards which they believe influence this choice. Examples of constitutional values include: individual rights, freedom, equality, limited government, and the rule of law.
Q: What constitutional values are associated with those who answered No?
Students should list political principles or standards which they believe influence this choice.
Q: What constitutional values do you think both perspectives have in common?
Students should list political principles or standards which influence both choices.

Investigation

3. Divide your class into groups of three students and provide each group with one copy of each of the three **Exhibits**. Assign each student one of the **Exhibits**. Using their assigned **Exhibit**, ask each student to answer the questions below designated to their **Exhibit** in their notebooks. Then, have each group member share their answers with the other members of their group. Each student is to write the answers they receive from the other members of their group in their notebooks for use in the following steps.

Exhibit 1: Restoring the Rule of Law; Immigration Law's Organizing Principles

- 1) According to *Restoring the Rule of Law*, explain why current immigration policies have failed.
- 2) According to *Immigration Laws' Organizing Principles*, explain how admission and deportation rules regulate the decisions that immigrants make?
- 3) Using examples from each reading, outline an immigration law that is enforceable and treats immigrants fairly?

Exhibit 2: Skilled Immigration and Economic Growth; Occupations with High Shares of Unauthorized Immigrants, 2008

- 1) According to *Skilled Immigration and Economic Growth*, explain how highly skilled immigrants contribute to the United States.
- 2) According to the graph *Occupations with High Shares of Unauthorized Immigrants*, explain how unauthorized immigrants contribute to the United States.
- 3) Why do you think STEM fields, the farming, maintenance and construction industries rely on immigrant workers?
- 4) Using examples from both the reading and the chart, explain how economics influences immigration.

Exhibit 3: The New Case Against Immigration, Both Legal and Illegal

- 1) According to the reading, explain what has changed from the first era of mass migration in the 18th and 20th centuries and the current era of mass migration.
- 2) According to the reading, explain why legal, illegal, skilled and unskilled immigration should not be allowed.
- 3) Do you think immigrants, both unauthorized and legal, share some or all of the "broadly shared American goals?"
- 4) Do you agree with the authors premise? Explain in detail, why or why not.

Inventory

4. Staying in their group, ask each student to work with their group to brainstorm answers to the following questions using values from *Step 2* and evidence from *Step 3*. These answers will be used in *Step 5*.
- Q: Should current immigration laws be better enforced instead of creating new laws? Why or why not?
 - Q: Should immigration be expanded to help fill occupations, both high-skilled and low-skilled, which are in high demand? Why or why not?
 - Q: Should immigration be reduced? Why or why not?

Deliberation

5. Have all of the groups present their final ideas on the following questions to the class. Record their answers for the class to see. If the same values are given more than once, then mark them with a star to determine the values with which the majority of the class agrees. These values will be used in *Step 8*.
- Q: List the consequences of not changing current immigration laws and maintaining the status quo.
Ask your students to use evidence and values that have previously been listed to support their answers.
 - Q: List the consequences of expanding the number of immigrants allowed into the United States.
Ask your students to use evidence and values that have previously been listed to support their answers.
 - Q: List the consequences of reducing the number of immigrants allowed into the United States.
Ask your students to use evidence and values that have previously been listed to support their answers.
 - Q: List the tensions or conflicts that exist between those who want to keep the status quo, those who want to expand and those who seek to restrict immigration?
Use previously listed values to describe the tensions or conflicts between each perspective.
 - Q: What values do each of the perspectives all have in common?
Ask your students to use values that have previously been listed to support their answers.
 - Q: How can our common values be used to address the issue of immigration?
Use previously listed values to overcome any tensions or conflicts to finding common ground.
6. As a class, ask your students to take a position on the question: “**Should the United States reduce immigration?**” Your students should create a **Compromise Statement** that draws upon the evidence and the values that all the perspectives have in common. The Compromise Statement is to be negotiated among the supporters of each perspective.
7. Class **Compromise Statements** can be uploaded to: www.exchangeideas.org for students around the country to view as part of our on going conversation at [The Exchange](#).

Restoring the Rule of Law: Reflections on Fixing the Immigration System and Exploring Failed Policy Choices (Excerpts)

Arriving at a consensus on fixing the [immigration] system is paramount to the national interest. Significantly, opinion polls indicate the public's acceptance of comprehensive immigration reform. Equally important are the legislative initiatives that will curtail unauthorized immigration, address harsh and inhumane immigration laws passed in a misguided attempt to make the U.S. borders more secure, and finally recognize the practical reality of a seemingly insatiable demand for cheap labor to fuel the U.S. economy.

[I]mmigration matters have gotten progressively worse at the U.S. border and in its interior, due in large part to the government's initial inattention to border enforcement, a total lack of resolve to police worksite(s) despite new laws prohibiting the employment of unauthorized workers, and a complete inability to appreciate how few opportunities exist under the current system to enter the U.S. lawfully.

In actuality, a generation ago Congress did put in place policies that had the potential to lead this country in the right direction in terms of its immigration policies. The failed implementation of certain initiatives, insufficient funding for others, and lack of will to sustain those reform efforts altogether proved too problematic on a number of levels.

To avoid employer sanctions, which were never fully funded or adequately enforced, a cottage industry of producing fake or fraudulent documents arose in the wake of the [1986 Immigration Reform and Control Act's] passage. Also Congress adopted language in the governing provisions that, coupled with concerns about the anti-discrimination provisions and a decided leaning towards employing cheap labor, conspired to render worksite enforcement ineffectual. This failed strategy contributed to the persistence of a black market or underground economy in which employers were willing to take the chance of being sanctioned in order to get the benefits of cheap labor... Finally, enhanced border security enforcement...was not accomplished by significant new funding and personnel until the mid-1990s.

Vaughns, Katherine L., *Restoring the Rule of Law: Reflections on Fixing the Immigration System and Exploring Failed Policy Choices*. U of Maryland Legal Studies Research Paper No. 2006-27; University of Maryland Law Journal of Race, Religion, Gender and Class, Vol. 5, No. 2, 2005. Available at SSRN: <http://ssrn.com/abstract=927410>

Immigration Law's Organizing Principles (Excerpts)

For over a century, every effort by courts and scholars to draw a conceptual distinction between *immigrant-selecting rules* and rules that affect immigrants' behavior outside the selection context (*immigrant-regulating rules*) has been an utter failure. These efforts have inevitably led to radical disagreement about how to classify any given rule. The reason is not surprising: legal rules cannot be classified as concerning either *selection* or *regulation* because every rule concerns both. Every rule that imposes duties on non-citizens imposes both *selection pressure*, potentially influencing non-citizens' decisions about whether to enter or depart the United States, and *regulatory pressure*, potentially influencing the way in which resident noncitizens live.

[A]dmission and deportation rules are those rules that both courts and scholars have most commonly identified as selection rules. In reality, however, admission and deportation rules also operate as immigrant-regulating rules by generating powerful incentives for immigrants to live their lives in particular ways.

A noncitizen facing an American admission rule that privileges migrants who will work in a particular industry might choose to pursue a career in the United States in that industry in order to secure the immigration benefit, even if the immigrant otherwise would have preferred a different profession. And even before the point of entry, potential migrants' decisions about education, marriage, and a variety of other matters are shaped by the admission rules of other states.

Cox, Adam B., *Immigration Law's Organizing Principles* (February 6, 2009). University of Pennsylvania Law Review, Vol. 157; U of Chicago Law & Economics, Olin Working Paper No. 453; U of Chicago, Public Law Working Paper No. 258. Available at SSRN: <http://ssrn.com/abstract=1338886>

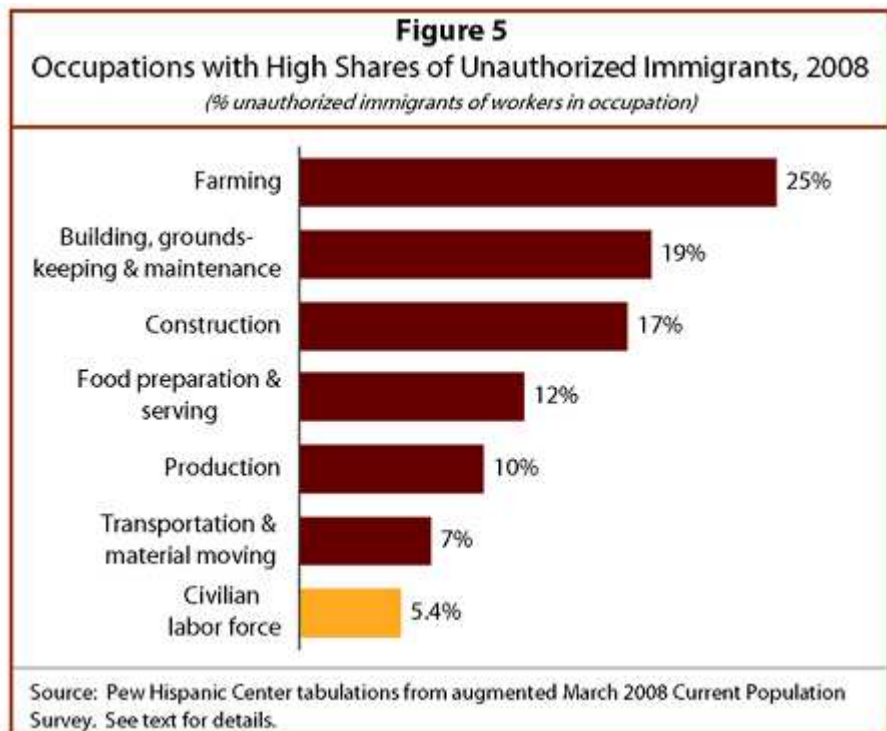
Skilled Immigration and Economic Growth (Excerpts)

Skilled immigrants have achieved great success in founding U.S. engineering and technology startups, which in turn have contributed significantly to the country’s economic growth over time. Our research confirms that advanced education in STEM fields (science, technology, engineering and mathematics) is correlated with high rates of entrepreneurship and innovation among both immigrant and U.S. - born founder populations. To maintain and grow the U.S. entrepreneurial landscape, future policy endeavors may target means of attracting and retaining innovative, highly skilled foreign minds.

[H]ighly educated skilled immigrants who have entered the country legally...tend to hold more advanced degrees in science, technology, engineering and mathematics and start their companies much sooner after graduating than U.S. born entrepreneurs. Understanding their contributions, background and motivations can help develop better national policies which help the U.S. keep its competitive edge in the rapidly globalizing economy.

One-quarter of all companies founded in [U.S. engineering and technology related industries] from 1995 to 2005 had at least one immigrant key founder; and these firms contribute substantially both to job and wealth creation in the U.S. This underscores the importance of a more nuanced view of immigration policy: our beliefs about the appropriate policy for poor, low-skilled immigrants should not shape our deliberations regarding these skilled immigrants who, on average, are more highly-educated than their native-born counterparts, and who are making important positive contributions to national economic development.

Wadhwa, Vivek, Saxenian, Anna Lee, Rissing, Ben and Gereffi, Gary. Skilled Immigration and Economic Growth (2008). Available at SSRN: <http://ssrn.com/abstract=1141190>



<http://pewhispanic.org/files/reports/107.pdf>

The New Case Against Immigration, Both Legal and Illegal (Excerpts)

It's not the immigrants—it's us. What's different about immigration today as opposed to a century ago is not the characteristics of the newcomers but the characteristics of our society. Immigrants are what they've always been: not the poorest of the poor but one step up from the bottom, strivers looking for better lives for their children, coming from rural or small- town backgrounds in traditional—what we would call third- world—societies. But the changes that define modern America—in our society, economy, government, and technology, for example—are so fundamental that our past success in dealing with immigration is simply no longer relevant.

These social changes marking national adulthood don't mean that mass immigration was out of place during our country's adolescence. America ended up a stronger nation because of the mass-immigration phase of our development, a phase that extended for seventy- odd years, from the late 1840s until the early 1920s.

[The] characteristics common to all modern societies which, when combined with mass immigration, undermine [broadly shared American] goals:

| Broadly Shared American Goals |
|---|
| A strong sense of shared national identity; |
| A large middle class, with the gap between rich and poor not growing inordinately; |
| A functional, responsible, and affordable system of social provision for the poor; |
| Middle- class norms of behavior, such as orderliness and cleanliness of public places, residential occupancy limits and zoning rules, and obeying traffic laws; |
| Government spending on certain kinds of infrastructure, such as schools. |

| Characteristics of Modern Societies |
|--|
| Easier and cheaper long distance communication and transportation; |
| The trend toward smaller families; |
| Social atomization, disengagement, and anonymity. |

The social and other changes...are inherent characteristics of a mature society; we cannot say that "immigration would be fine if only we got rid of (fill in the blank)" when what we fill in the blank with is an inextricable part of how we live today. Instead, immigration undermines many of the objectives that our modern, middle- class society sets for itself and exacerbates many of the problems brought on by modernization.

[T]he central problem is the large-scale settlement of people from abroad, whoever they are and however they get here: legal or illegal, skilled or unskilled, immigrants or guest workers, European or Latin or Asian or African. Obviously, different kinds of immigrants will have different impacts; an illegal alien, for instance, undermines the rule of law but places less of a burden on government services than an otherwise similar legal immigrant. Likewise, a skilled immigrant does not have trouble learning and speaking English, but he may be more susceptible than his low-skilled counterpart to a politics of ethnic grievance and be more able to pursue dual citizenship and a transnational lifestyle. Despite the different effects that different kinds of immigrants may have, the common thread remains—modern America has outgrown mass immigration.

The problem is not that America has become decadent and weak and is thus unable to take full advantage of the blessings of mass immigration as it once did. Rather, a policy that served America's interests during our national adolescence no longer serves those interests now, during our national maturity.

We the People

Our country faces enormous challenges both foreign and domestic. We need citizens who believe that democracy demands more than voting in November. A sustainable democracy needs citizens who believe in taking part in our nation's political, social and economic discourse. The responsibility for maintaining a democracy that protects the freedoms enshrined in our Constitution is in the hands of the people.

This is why Abraham Lincoln's words still ring true today:

“...government of the
people, by the people, for
the people...”

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