

IMPASSE: Border Walls or Welcome the Stranger is a must read for policymakers and citizens who wish to repair our broken immigration system. The author proposes innovative solutions to break through the policy impasse in Congress.

IMPASSE: Border Walls or Welcome the Stranger

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Susie L. Hoeller, née Yovic

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IMPASSE: Border Walls or “Welcome the Stranger”

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## **CHAPTER FOUR:**

### **THE NEED FOR HOLISTIC POLICY DEVELOPMENT**

#### **Overview**

Holistic policy development is needed to break through the current impasse in Congress. Holistic is an adjective derived from the noun "holism." The origin of the noun is the Greek *holos*, which translated into English means "whole." Webster's II New College Dictionary defines "holistic" as "... emphasizing the importance of the whole and the interdependence of its parts and ... concerned with wholes rather than with analysis or dissection into parts."

I first learned about holistic policy from South African wildlife biologist, Allan Savory and his wife, the journalist Jody Butterfield. My husband and I, then owners of small farm in Texas, were students in a pasture management course they conducted. In their book, *Holistic Management: A New Framework for Decision Making*, Savory and Butterfield explain how "Holism" is a worldview first described by the South African statesman and scholar Jan Christian Smuts in his 1926 book *Holism and Evolution*, as follows:

... Like modern-day physicists, Smuts  
came to see that the world is not

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made up of substance but of flexible changing patterns. ... Individual parts do not exist in nature, only wholes, and these form and shape each other. The new science of Smut's day, ecology, was simply recognition of the fact that all organisms feel the force and molding effect of the environment as a whole. 'We are indeed one with Nature,' he wrote. 'Her genetic fibers run through all our being; our physical organs connect us with millions of years of her history; our minds are full of immemorial paths of pre-human experience.'

Savory's early career was devoted to the challenge of saving wildlife in an ever deteriorating environment in Africa – desertification. He observed the same expanding desertification in West Texas, Europe and Asia and he began to search for a common denominator for the same results occurring under vastly different technological conditions and practices of land management. Savory realized that the common denominator was flawed decision making processes that led to desertification and species loss. Savory and Butterfield have developed a

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framework for decision making that includes the setting of holistic goals to describe the collective quality of life that the people are seeking at the outset; a description of the resource base they will need to achieve the goals, short and long term; and the use of simultaneous analysis of economic, social and environmental factors impacting the goals, short and long term.<sup>81</sup>

Some may think it is a stretch to take a decision making process used in the fields of ecology and sustainable land management and apply the same process to immigration policy development. Nothing could be farther from the truth. Holistic policy development is needed because our federal government's development of immigration law in a "partial" manner has created arbitrary and dysfunctional legal immigration categories. The federal government's failure to consider the "whole" of historical, economic, labor, social, environmental, and other factors influencing migration patterns is why our immigration system is broken.

The Twelve Step Program described in the next chapter takes into account relevant factors in a holistic manner: our U.S. national interest; the needs of American citizens and workers; the plight of immigrants fleeing poverty and/or persecution; our historical policies welcoming immigrants; and environmental stewardship.

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I do not take sides in the never ending debates between restrictionists and immigrant advocates concerning the relative revenue generating versus cost to the taxpayers impact of illegal immigrants. The two sides compare the dollar value of the work performed by illegals to the costs of government services they receive. Restrictionists contend that illegals are more of an economic burden than a benefit. Immigrant advocates argue illegals provide a net benefit. Both sides cite different economic statistics to support their arguments. I am not presenting this statistical controversy to my readers because I believe that many advocacy groups tend to manipulate statistics to support their arguments. Several books listed in Appendix E can be consulted by those who are interested in this issue. My perspective on immigration reform is not driven simply by a cost/benefit analysis. I look at immigrants as human beings, not mere units of production or units of consumption.

In the meantime, two underlying facts are not debatable. First, illegal immigrants, employed with false identification papers and Social Security numbers, are contributing millions of dollars in payroll taxes into the Social Security Trust Fund. Yet, they are not eligible to receive Social Security retirement benefits because of their illegal presence. The Trust Fund has been receiving a massive windfall of approximately \$ 7 Billion annually from these contributors.<sup>82</sup>

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Secondly, many recent immigrants are settling in states which after the colonial and settlement periods did not attract large foreign born populations.

The highest rates of growth in the foreign born population are occurring in the Southern states, Indiana, Arizona, and Nevada. I believe illegal immigration would never have become such a controversial wedge issue if illegals were only settling in our cosmopolitan cities. In large cities, the population is generally more tolerant of new immigrants instead of being afraid of them. I have lived in Chicago and Dallas and never personally experienced anti-immigrant hysteria in either city.<sup>83</sup> Many people who live in areas of the United States that did not receive many of the twelve million immigrants, who came through Ellis Island, are currently exhibiting nativist reactions that have been long discredited in cosmopolitan parts of the country. Television journalist Geraldo Rivera writes in his recent book, *HIS PANIC*:

If you have any doubts concerning  
the racial reality underlying the  
current immigration debate, picture it  
revolving around an influx of Northern  
European illegal aliens sneaking over  
the border from Canada. Now  
imagine the thousands of volunteer,

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vigilante Minutemen mustering the  
energy to get up off their couches,  
taking out the old shotgun, and  
making their way to our long and until  
recently unprotected northern  
frontier with the Great White North.  
'I've got a job to do, Mabel. Those  
pesky Swedes are infiltrating over the  
Minnesota line again! Alert the FBI,  
the CIA, the NHL!'

***Failure of Comprehensive Immigration Reform***

Congress failed to pass comprehensive immigration reform in the summer of 2007. Reform bills were defeated by opponents, led by Congressman Tom Tancredo (R-CO), who characterized the bills as an amnesty.<sup>84</sup> Under the reform proposals, most illegal immigrants would be able to continue to live in the United States. They would have to pay a significant fine, learn English, pass a civics examination, and pay unpaid back taxes to qualify for a lengthy process of "earned legalization." They would not gain permanent residency status ahead of people in the legal immigration pipeline but they would not be deported either, unless they had committed serious crimes. Since illegals would have to pay a significant fine

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and satisfy many other legal requirements, in my view, the comprehensive reform bills did not constitute amnesty. Amnesty is a legal term, which as defined by *Black's Law Dictionary*, means a governmental forgiveness for past acts.<sup>85</sup>

However, restrictionists convinced large segments of the American people that any earned legalization is amnesty, because illegals would not be deported. Instead of comprehensive reform, Congress gave the Bush Administration, the legal authority and the funding to build walls along the Mexican border and to increase deportations in the interior of the country. The 2007 reform effort was derailed because so many Americans simply cannot forgive illegals for breaking our immigration law. One of the best sounding arguments is that it would be unfair and unjust for lawbreakers already inside the country to be legalized, when millions of people wait patiently for years outside of the United States for legal permission to enter. However, the public is never told that the existing legal immigration pathways for low skilled immigrants (the majority of illegals) are extremely limited. The truth is that our legal immigration system favors extended family unification and immigrants with advanced skills, not the low skilled immigrants who make up most of the illegal population. The case is not that illegals have been too impatient to wait in line for a legal visa or

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work permit. Under our immigration law, there has been no line for them to wait in.

Due to repeated television images showing people climbing over fences or running through the desert along our border with Mexico, most Americans mistakenly believe that all illegal immigrants are Mexicans and Central Americans.

Television news programs do not show pictures of tourists and business people from Asia or Europe, who arrive on airplanes, are legally admitted for a temporary period, and then overstay the time period of their visas. There is no dramatic video footage of illegals crossing our northern border with Canada.

The American public does not realize that perhaps 40% - 50% of all illegal aliens are visa overstayers.<sup>86</sup> Although Mexicans are the largest group of illegal aliens, there are many other nationalities involved. According to the Migration Policy Institute, the unauthorized immigrant population was estimated to be growing by 515,000 people per year in 2006. Approximately 57% were from Mexico (6 million) as of 2004.<sup>87</sup> The rest were from Central and South America (24%), Asia (8%), Europe (6%), and Africa (4%).<sup>88</sup>

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***The U.S. Government and Many U.S. Employers have Encouraged Illegal Immigration***

For the past twenty-one years, ever since the problem of mass illegal immigration was first addressed by the U.S. Congress, our federal government and many employers, who prefer to hire illegals or cannot attract sufficient Americans to fill their jobs, have actually aided the mass migration of illegal immigrants by not enforcing the law and not obeying the law. Congress wrote a flawed employer sanctions law in 1986 to begin with. When pundits, TV personalities, restrictionist leaders, state and local officials, and outraged citizens rail against the law breaking by illegal aliens, far too many of them also fail to criticize the enabling role played by the federal government and the employers of illegals. CNN's Lou Dobbs is an exception. Mr. Dobbs does criticize the federal government and what he calls "illegal employers." For ease of reference, I am using his term. It is more efficient than to call them "employers of illegal immigrants."

Furthermore, the illegal employers are not only businesses. Millions of American households have directly employed illegals to clean their homes, take care of their children, and maintain their yards. American citizens, as consumers, have financially benefited from the lower cost labor of illegal immigrants. Illegals have been concentrated in meatpacking and poultry

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processing plants; fruit, vegetable and tobacco fields; hotels and restaurants; construction; and household services. On the other hand, the widespread employment of illegals has lowered wages for American workers doing the same jobs. In the June 18, 2007 cover story on immigration, entitled *Why Amnesty Makes Sense*, Time Magazine reported that in the late 1980's as the starting wage in a financially struggling meat packing plant in Beardstown, Illinois fell from \$11 an hour to \$7.50 an hour, the lower paying jobs were filled with Hispanics. Americans as workers and employees lose out when the jobs and professions they work in face direct competition from illegals or are outsourced to cheap labor countries. Millions of well paying manufacturing jobs have been outsourced during the Clinton and Bush II Administrations. These jobs have not been replaced by similar well paying jobs. Laid off manufacturing workers have had to take lower paying jobs in retail and health care, have made due with several part time jobs, or have left the labor force and are being supported by other family members.

#### ***Failure of the 1986 Employer Sanctions Law***

With respect to the hiring of illegals, U.S. businesses and household employers can be placed in three groups. First, there are those employers who knowingly recruit and hire illegals to deliberately lower their labor costs. It is widely perceived that illegals are more submissive employees, will work for lower

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wages, and will work harder and longer than Americans. This labor increases illegal employers' profit margins and market share, because the employers are able to undercut the costs and prices of their competitors who do not break the law. The second group of employers may not deliberately seek to hire illegal aliens but their business operations provide such a combination of low wages and harsh working conditions that few, if any, U.S. citizens apply for the jobs. These are the jobs that President Bush has characterized as "jobs Americans won't do," when he has advocated the need for a guest worker program to match up "*willing employers with willing employees.*"<sup>89</sup> The third group does not look for illegals and provides fair wages and decent working conditions. However, because the 1986 Immigration Control and Reform Act ("ICRA") did not impose requirements for fraud proof documentation, job applicants are able to present documents falsifying their identity and/or their employment eligibility status. If an employer questions the genuineness of the documents presented, the employer can be charged with document abuse and national origin discrimination under ICRA. Honest employers have sometimes unknowingly hired illegals. All along, dishonest employers and illegal aliens have taken full advantage of a poorly conceived law, which was rarely enforced until most recently.

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***Current Policies – Selective Law Enforcement, Attrition, Walls, and Anti-Immigrant Rhetoric***

Twenty-one years after ICRA was supposed to put an end to illegal immigration, the issue has become a major wedge issue in American politics. In the meantime, state and local governments have been enacting their own enforcement legislation in the wake of the impasse at the federal level. Over 1,500 state and local immigration laws have been passed at the time of this writing. U.S. Immigration and Customs Enforcement (“ICE”) <sup>90</sup> has been teaming up with state and local police forces to conduct highly publicized worksite raids at meat packing and poultry processing plants around the country. At the same time, work on what is euphemistically called the border “fence” is on-going, and hate crimes against Hispanics are up.<sup>91</sup> In 2008, we see policies which will not solve the problem of illegal immigration but are creating additional problems. Attrition through enforcement,<sup>92</sup> building border walls, and stirring up the public for political or financial gain are the wrong policies. The Bush Administration and the Democratic majority in Congress do not have the bi-partisan leadership and co-operation necessary to pass a holistic solution. It is a shame that these two branches of the federal government have been so derelict in their duties and responsibilities under our Constitution.

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Despite the pressures from vocal restrictionists, the Bush Administration has at least said that it will not conduct a massive, forced deportation of 12 million people. Homeland Security Secretary Michael Chertoff has stated that it is not practicable and far too expensive to try and forcibly deport the illegals.<sup>93</sup> We have had a forced deportation program before. With the end of the Bracero agricultural labor program in 1964, four million Mexicans were deported back to Mexico. But this deportation was carried out in more remote areas of the country and at a time before 24 hour cable television and the internet would be able to broadcast the details to the American public. Television and YouTube images of millions of frightened immigrant families, including children, being rounded up by federal, state and local police officers, and forced from their homes onto buses or trains taking them back to Mexico could tear this country apart.

Instead, we have the current policy of attrition by enforcement and the involvement of states and local governments in what is essentially a federal responsibility. Advocates of the attrition policy believe that highly publicized worksite raids and arrests by ICE, working with local officials under the Section 287(g) program,<sup>94</sup> will instigate enough fear of deportation and family separation in Hispanic and other immigrant communities, motivating illegals (and their families, including U.S. citizen children) to “voluntarily” pack up and

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return to their country of origin. Added to this mix, there is fear and hostility created by xenophobic statements made by talk show hosts and various elected officials as well as an increased incidence of hate crimes.

Closely related to this attrition strategy, but counter-productive to its objective, is the internal movement caused by “get tough on illegals” state laws. As states like Arizona, Oklahoma, Missouri, and New Jersey crack down on illegals, they may not return to Mexico, but instead move to another state. At a local level, if the mayor and police in one town participate in a 287(g) program and start arresting illegals, they will move to neighboring towns where local police are not morphing into federal immigration raiding parties.

The federal attrition policy, coupled with a patchwork of state and local enforcement, is not consistent with a Christian perspective. Selective enforcement of federal laws by targeting some workplaces and not others is unjust. Laws should be uniformly and fairly enforced. Furthermore, deliberately creating fear and inciting xenophobia against fellow human beings, made in the image of God,<sup>95</sup> is sinful. Illegal aliens broke federal law when they entered into or overstayed in the country without lawful authority. But this act of law breaking does not justify attacks on the human dignity of these people. It is particularly egregious when hateful public or private slurs against illegals and

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Hispanics are made by U.S. citizens and politicians who say they are Christians. These people resemble the biblical Pharisees.<sup>96</sup>

Another thing that ICE and local officials have been doing in the area of selective enforcement is enforcing the law more harshly against Hispanic family owned businesses. Publicly traded companies have also violated the law, in order to increase their profits by hiring illegal immigrants at lower wages, but these companies receive more favorable treatment from the federal government when they are caught. They are just fined and the fines are low, especially compared with the companies' revenues. Here is an example of the selective and discriminatory enforcement policy. In the fourth quarter of 2007, the Hispanic owners of the popular Acambaro restaurant chain in Northwest Arkansas were jailed and the homes of family members were pre-emptively seized, based on allegations that the restaurants had hired illegals, paid them off the books, and violated currency reporting laws. If true, these allegations are serious offenses and I am not condoning law breaking.

However, as stated above, many publicly traded corporations have also violated the immigration laws by hiring undocumented workers. We have not seen mug shots of their CEOs in the local newspapers like we have seen of the Acambaro owners. Public company CEOs were not put in jail and their homes were not forfeited. I think it is wrong to have

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selective and harsher enforcement of our laws against small, privately owned Hispanic businesses, as compared to large, publicly traded corporations. Selective and discriminatory enforcement is unjust and it breeds disrespect for the law; when the powerful and the connected are given a slap on the wrist and the powerless and the unconnected have the book thrown at them.

In the Acambaro case, which is still being prosecuted at the time of this writing, the reported physical actions of certain law enforcement personnel are disgraceful and indicative of racist attitudes driving the selective enforcement strategy. On May 22, 2008, Jim Miranda, a successful businessman and founder of the Arkansas Friendship Coalition, gave a speech to students at the Clinton School of Public Service in Little Rock. The Coalition is a newly formed organization of civic and business leaders who believe illegal immigration is a federal issue and who advocate against sweeping anti-immigrant laws at the local level in Arkansas. Mr. Miranda laid out the details of what happened at the Acambaro raids and in many other immigration enforcement incidents in Northwest Arkansas. Law enforcement officers, during the raid on the warehouse supplying the Acambaro restaurant chain, donned aprons and danced around the warehouse mocking the frightened employees; threatened to “start with Acambaro and end by

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*targeting every Hispanic owned business until we rid the area of “illegals”; rifled through an elderly lady’s purse; and threw people against their vehicles and onto the floor, while laughing at them.*

In addition, there have been the warrantless raids of homes and the warrantless arrests at elementary school parking lots, where small children have seen their parents taken away by heavily armed law enforcement personnel. Or how about the agent who snatched a baby from its mother’s breast as she fed it in her home which was being invaded in a warrantless raid under Section 287(g). The agent callously retorted as the mother cried out that the baby was a breast fed baby, “*I don’t care, the baby can drink from a bottle, and you are coming with us.*”

A Hispanic woman, accused of selling pirated CDs at a Northwest Arkansas flea market, was locked in a holding cell for four days without food or water at the local courthouse in Fayetteville, Arkansas, by a bailiff who “forgot about her.” She is now in federal deportation proceedings. Another woman, who was caught up in the Acambaro raids, is facing a criminal sentence of ten to fifteen years for possessing a false ID. Under the 287 (g) program, Hispanic immigrants are now being charged with the crime of identity theft, when carrying a false ID used for employment purposes. Yet just down the street, non-

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Hispanic university students, using false IDs to get into local bars, are not prosecuted for the same crime of “identity theft.”

What Mr. Miranda described in his speech at the Clinton School is not just happening in Northwest Arkansas. It is happening all over the country in places where the Department of Homeland Security and local law enforcement have signed 287 (g) cooperation memoranda.

Not content with selective interior raids, arrests, deportations, excessive criminal charges, and creating a political climate where racists and hate groups can flourish, the Department of Homeland Security, as instructed by Congress, is building a series walls along the Mexican border, although they are calling it a “fence.” This is a fallacious and environmentally destructive policy. Many American citizens and landowners living along the border in Texas and other border states do not want the wall built through their communities and across their land. Some border area citizens support the current wall building because there has been such an increase in violent crime along the Mexican border, caused by drug smugglers, human traffickers, and gangs. Walls will not stop violent criminals in any event, they may slow them down; but the solution to crime is more law enforcement resources deployed on both sides of the border and more cross-border cooperation. America is driving the demand for drugs and human beings that are being

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trafficked in here – so we need to crack down on the demand side and Mexico needs to crack down on corruption in its law enforcement agencies. These are crime problems that will not be solved by wall building.

The wall will destroy wildlife by cutting off access to the Rio Grande, San Pedro and other rivers in this arid region. Citizen groups, landowners, environmentalists, Texas senators, and others are trying to stop Secretary Chertoff in various court cases. Chertoff is disregarding federal and state environmental laws through a “waiver” process. Of course, most of the Congressmen, who voted for the walls by passing “*The Secure Fence Act*,”<sup>97</sup> have never visited or lived in the border area. They disregard how ecologically sensitive this unique and beautiful area is. They have no concern for the close family, business and cultural ties that Americans living in border towns share with the Mexican communities next door. All they care about is pandering to their vocal constituents who have been stirred up by Tom Tancredo, Heath Schuler, Lou Dobbs, Glenn Beck, Congressman Peter King (R-NY), and other fear-mongers.

Throughout history, walls have been built based on fear. Most of them end up being torn down or becoming unmanned when the fear passes away. In the meantime, the human suffering caused by walls which divide people and restrict freedom cannot be measured.

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Few Americans know that sections of the Mexican border wall are being built with Chinese made steel.<sup>98</sup> This sourcing decision by Secretary Chertoff is both offensive and ironic. Offensive in the sense that American made steel and American workers, are as usual, being displaced by Chinese products, paid for by American taxpayers. Ironic in the sense that the Bush Administration builds walls made of Chinese steel to keep out hard working Mexicans – while it has done nothing to protect American consumers from the free trade in poisonous and defective products streaming in from China, whether the products are pet food, toys, toothpaste, tires, seafood, or heparin.

### ***Impact of Globalization and Free Trade***

Holistic immigration reform has to deal with more than just the physical movement of people across our borders. The “comprehensive” immigration reform of 2007 failed because it was not holistic – it was a partial plan doomed to failure because it did not consider the “wholes” of migration patterns, economics, geography, and other factors discussed here. Congress has to face up to the reality that we are a rich country, bordered to the south by countries, whose wealth is concentrated in the hands of small elites and where the majority of the population is poor. The United States is not the only country which is dealing with illegal migration. Every rich country

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in the world is faced with this issue. The major difference is that we are the only rich country in the world with an over 2,000 mile land border with a poor country. When we have a world of great economic inequalities between countries, we are going to have economic migrants. When we have a world with open, democratic societies and closed, authoritarian societies and civil wars, we will have people fleeing the latter for the former. Holistic immigration reform must contain vigorously enforced labor protections for U.S. citizen workers. It must be consistent with our immigrant receiving traditions and historic generosity to newcomers. It cannot be legislated in a vacuum without other reforms that deal with all relevant factors.

Without a holistic framework that includes other laws and policies at the same time, reform of our immigration processes will continue to fail. Americans now live in a globalized economy where many global corporations, even if they were founded in or maintain their corporate headquarters in the United States, have no allegiance to the United States as a nation-state or to the American people. Some global corporations have more money and economic and social power than our state governments and the governments of foreign countries. They also have unprecedented influence in Congress and the Administration through lobbying and campaign contributions.

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The current CEO of PepsiCo, Indra Nooyi, calls corporations “little republics” and has challenged other CEOs to run their businesses with a social conscience. While I commend her leadership on corporate social responsibility, I don’t think all corporations should be characterized as “little republics” – some of them should be called “big republics,” especially when we compare their revenues to the GNPs of many nation states.<sup>99</sup>

Regardless of whether they are big or little republics, large corporations engage in a relentless search for sources of ever cheaper labor. This is nothing new, except that instead of just moving production facilities within the United States, they are now moved outside our borders. In the past, owners closed the New England textile mills and shoe factories, and moved the machinery to the southern states, which offered cheaper labor than in the unionized north. Later, when the southern workers demanded more pay and benefits, the mill owners moved their operations overseas to take advantage of even cheaper labor in the developing world. Textiles and shoes have been followed by steel, automobile parts, toys, furniture, appliances, and almost every consumer product. Today it is very difficult to find “Made in the USA” products in retail stores. In addition to consumer level products, the manufacturing of complex industrial equipment, electronics, and airplanes is now being performed outside of the U.S. as well. Even the U.S. Air Force has

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outsourced a \$35 billion dollar contract for refueling their tankers to a European Consortium, EADS. The outsourcing of the manufacturing of rare earth magnets, used in so-called smart bombs, from Indiana to China is now an issue in the Indiana Democratic primary. Hillary Clinton, currently posturing as the savior of blue collar workers, has raised the issue. Her husband's Administration had approved the outsourcing, even though Hillary is falsely blaming Bush II.

All of the people who are demanding the mass deportation of illegals do not realize that there will be "unintended consequences" of such policies. If growers, meat packers and poultry plants can no longer rely on the cheap labor from illegals in the U.S., they will move many of their plants and operations overseas. Imports of foodstuffs are already rising and this trend does not just involve imports of foods which are not grown in the U.S., such as bananas, or imports of fruits and vegetables, off season, like fruit arriving in our winter months from Chile. There are increasing imports of food and food ingredients from third world countries because this saves global corporations money. Some of the cost savings may be passed onto consumers in the form of lower prices but many of the cost savings are retained to bolster the company's profit margins. This is not to contend that lower prices on goods and services are a bad thing. After all, lower prices on imported goods are

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one of the most heralded upsides of globalization. This is assuming that imported foodstuffs, products and medicines are safe, which is increasingly questionable. In any event, with global food prices rising rapidly due to speculation, regional crop failures, increased demand, and ethanol production; any cost savings there might have been are disappearing in the current inflation of agricultural commodity prices.

The mass illegal immigration our country has experienced, especially in the last twenty-five years, is linked with our country's free trade policies and the Reagan, Bush I, Clinton, and Bush II Administrations' excessive de-regulation of big business. The economic and political power of global corporations is the dominant force driving globalization. National governments and international bodies such as the World Trade Organization ("WTO") are merely referees in the global trade process. They are not the players in the game. As in sports, there are never enough referees to call every rule infraction. As stated above, global corporations seek ever cheaper labor, whether the labor is in Honduras, China or provided by an illegal alien in Kansas. Deportations of illegal immigrants, without attendant reforms in U.S. corporate and labor laws as well as trade agreements, will give the restrictionist lobby a temporary victory, in that some number of illegals will depart and others may be deterred from entering. This is already happening with our economy in a

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recession caused by record oil prices, speculation on commodities, and the mortgage lending scandals. Restrictionists and nativists may throw a party when all the illegals leave a small town in Nebraska or Missouri. They will not be celebrating when they see the local meat packing or poultry processing plant being dismantled and all the machinery carted off to Mexico or Brazil. This type of plant closing, just like the manufacturing plant closings before it, will not just impact the families who lose the meat packing or poultry processing jobs. It will impact the entire local economy (ranchers and growers, trucking firms, suppliers, merchants, lawyers, medical facilities, schools, realtors, and hairdressers). Addressing illegal immigration with attrition and selective deportations will not be successful as long as corporations continue to pursue ever cheaper labor worldwide under the cover of free trade.

The inventor of American mass production, Henry Ford, understood a basic economic truth. He knew that he needed customers with enough money to purchase his Model T cars. He paid his factory workers at wage levels where they could also be his customers – they could afford to buy the same automobiles they were manufacturing.

Too many American capitalists, financiers and corporate leaders ignore this basic principle. As these people continue to move American manufacturing capability, technology and

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know-how overseas, they will find that Americans who have lost their well paying manufacturing jobs and are now employed in lower paying service industries (or unemployed) have drastically reduced purchasing power. Even if the imported goods are cheaper, the lower sales prices don't make up for workers' lost wages and benefits. Democratic presidential candidate Barack Obama has correctly said that Americans do not want to exchange a well paying job for a cheaper T-shirt.<sup>100</sup>

This is not just a problem for manufacturing workers. The same problem is faced by high tech American engineers and technicians, who have lost jobs and wages to the unfair competition from H-1B visa holders and overseas engineers and technicians. Many studies, even the federal government's own studies, have shown that the U.S. Labor Department has failed to enforce the prevailing wage regulations which are supposed to protect American workers against unfair competition from lower paid foreign visa holders. Our middle class manufacturing, engineering, and technical workers have been suffering and many professional and mid-level managerial and service employees are joining them. Accounting, tax preparation, customer service, graphic design, radiology, financial back office, benefits administration, software design, and programming, and many other services are continuing to move offshore for cheaper labor. Of course, some jobs cannot be

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outsourced. Police officers, fire fighters, school teachers, nurses, doctors, plumbers, and others need to be physically present in the U.S. to render their services. The question is who is going to pay for these services, once America does not produce real wealth and real goods anymore? Services do not generate lasting wealth. Innovation, technological development, productivity, and quality manufacturing generate wealth and we are fast losing these generators of real wealth. There is short term wealth generated by financial speculation but it is not lasting since nothing is produced by speculators. Speculators just divert wealth from producers and consumers. They are like the lamprey eels destroying the fish in the Great Lakes. Of course, I have to admit, some would say the same thing about attorneys.

Illegal immigration is intimately linked with our misguided free trade/cheap labor policies, which in my opinion, are destroying this country. I don't agree with Lou Dobbs on immigration policy but I do agree with him about what he calls the “war on our middle class.” Historically, a large portion of human civilization's wealth has been built by trade. The difference is that in the past, trade was based on specialization and reciprocity. Trading partners produced goods and services that other partners could not. We would receive bananas from Central and South America because we could not grow them here. We would send back a manufactured item. In the 1900's,

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England could not grow cotton so England imported it from the American South. The South did not have factories and imported finished textiles from England. This was *specialized and reciprocal trade*, an exchange of goods and services from one location to another, each location contributing something the other trading partner could not provide. Of course, there were colonial powers who exploited their colonial possessions.

Obviously, I am not recommending that type of mercantile trade.

Today, we have consumer goods, tomatoes, and apple juice arriving from China. This is not because we cannot produce these items here. It is because our workers cannot compete against the unfair cost advantages Chinese manufacturers maintain with their cheaper labor and lower regulatory compliance costs. Actually, as the coastal Chinese workers are finally demanding more pay and better working conditions, manufacturers, dependent on cheap labor and lack of regulation, are moving their operations to inland China, Vietnam, and Bangladesh.

When free trade with Mexico and China started in the 1990's, Americans were thrilled because they could go to retail stores and buy less expensive imported products. What did “*Made in the USA*” mean to enthusiastic bargain hunters? Now that almost every consumer product on store shelves, as well as

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commercial, industrial and even military products, are being manufactured overseas, more Americans are finally waking up and understanding that free trade is not really free. It is costing millions of Americans their well paying jobs and their middle class standard of living. We are being increasingly brought down to third world standards - both in our declining wage structure and with the increased number of poor quality and unsafe imported goods we are consuming. We will not have a peaceful and prosperous country if this situation is not corrected. We will not be able to get our high quality jobs back once China and India have all of our technology. For the near term, many executives running global corporations and financial funds are not concerned – if they lose American customers, they will gain replacement customers as the Chinese and Indian middle classes grow. China is so heavily populated that as the Chinese middle class grows, Americans will be fighting an economic war with China over scarce resources. We already are – the first skirmishes have begun - it is just that many Americans do not realize that the world is changing so fast, that many of the negative changes will be irreversible. In 2007 and 2008, as food prices continue to inflate steeply, many people think it is solely because we are foolishly converting corn to ethanol. This is part of the reason, but because the growing middle classes overseas want to eat more animal protein; whether it be milk or meat;

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their huge demand is and will continue to cause prices to rise for American consumers. I am not saying that the people in the developing world should not be able to live a better life and have more sources of protein in their diets. However, this overseas growth is negatively impacting Americans, both as workers and consumers, and we need to take steps to re-orient our trade agreements towards a goal of reciprocal trade not free trade. Free trade benefits the bottom lines of global corporations and Wall Street financiers but it comes at the expense of American jobs and delivers many inferior products, from a quality and safety viewpoint.

When our foreign trading partners have all of our technology and knowhow and have our jobs, we will not be able to compete, with our much smaller population. We simply will not have the money to fund education and innovation in our country at current levels. The developing world's economy is now as big as ours<sup>101</sup> and at the same time the gap between the elites in this country and the average American is growing wider and wider. With one in ten Americans now relying on food stamps and a small coterie of hedge fund executives making billions in compensation, we are living in a "Second Gilded Age." This situation is clearly not what our Founders envisioned for our republic.

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The Constitution of the United States of America was adopted by the Constitutional Convention delegates on September 15, 1787 and after ratification by the thirteen original states it became legally effective on March 4, 1789. Our Constitution is a secular document, and rightly so, since it is the foundational document for our nation's government. The Preamble reads as follows:

We the people of the United States,  
in order to form a more perfect union,  
establish justice, insure domestic  
tranquility, provide for the common  
defense, promote the general  
welfare, and secure the blessings of  
liberty to ourselves and our posterity,  
do ordain and establish this  
Constitution for the United States of  
America.

The Constitution was not written to enhance the wealth and power of global corporations, lobbyists, and self-serving professional politicians in Washington D. C. It was enacted by and for the people of the United States and their future generations.

There were also important spiritual influences in the founding of our country. In 1630, the Founder of the

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Massachusetts Bay Colony, John Winthrop, penned his famous sermon, “*A Model of Christian Charity*,” during the sea voyage aboard the *Arbella*, across the North Atlantic Ocean from England to the New World. In his sermon, Governor Winthrop looked to the future of the soon to be established colony:

The Lord will be our God, and delight  
to our ways, so that we shall see  
much more of His wisdom, power,  
goodness and truth, than formerly we  
have been acquainted with. We shall  
find that the God of Israel is among  
us, when ten of us shall be able to  
resist a thousand of our enemies;  
when He shall make us a praise and  
glory that men shall say of  
succeeding plantations, ‘may the  
Lord make it like that of New  
England.’ For we must consider that  
we shall be as a city upon a hill. The  
eyes of all people are upon us. So  
that if we shall deal falsely with our  
God in this work we have  
undertaken, and so cause Him to  
withdraw His present help from us, we

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shall be made a story and a by-word  
through the world.<sup>102</sup>

Readers are probably wondering what all of this has to do with immigration policy and especially the issue of illegal immigration. My answer is everything. The mass illegal immigration we have seen in the past twenty years is intimately related to the growth of free trade; the growing inequality between the rich and everyone else; and the rise of unregulated global corporate power, under the Social Darwinian philosophy that the market is supreme. NAFTA has devastated small farmers in Mexico who cannot compete with U.S. agribusiness. Having lost their livelihood, many of the farmers had no choice but to emigrate to the U.S. But unfair trade with China has been more harmful to U.S. workers than NAFTA. As the U.S. dollar loses its value and inflation and unemployment rise, Americans are finally waking up and trying to understand what has gone wrong. Scapegoating illegal immigrants may make racially prejudiced people feel better but illegal immigrants are not to blame for the hemorrhaging of well paying jobs and the loss of financial security for millions of Americans.

In order to fix our broken immigration system, we have to simultaneously reform our corporate, labor, and trade laws. We need to bring back reasonable and fair labor protections, and we need to move away from many of the economic policies, of

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the last thirty years, which only benefit elites to the detriment of middle and lower income families. We must reconnect with some of the economic and environmental philosophies and programs of Theodore Roosevelt, Franklin Delano Roosevelt, and Richard Nixon. We need to adopt some (not all) of the ideas of the Christian Democrat parties in Europe. I am not talking about a socialist abolition of private property or confiscatory levels of taxation but I am talking about policies like reasonable limits on executive compensation which are now under consideration in Germany. We should keep our market based economy, but vigorously reform it, as we have done in the past, when its excesses got out of hand. Our market economy has produced enormous wealth and prosperity for speculators; innovators and entrepreneurial risk takers; the highly educated; the unusually talented; and trust fund beneficiaries. Nevertheless, it needs recalibration with fairly enforced laws and new opportunities which enable Americans to earn living wages and Americans who are elderly, sick or disabled to live in dignity. Just like the GI Bill lifted millions of returning World War II veterans into the middle class, our country must implement new visionary educational and job training programs to help people help themselves and not leave their survival and well-being to the vagaries and manipulations of the unregulated global markets.

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This may sound like I am against business – nothing could be further from the truth. I have worked in business organizations during my student years and throughout my legal career. I am only against the excesses of unregulated and unethical global capitalists and free trade based upon cheap labor. In our present system, there are no counterbalancing forces strong enough to protect other stakeholders: independent and small business owners; small farmers; employees; retirees; and consumers. The environment, wildlife, fisheries, and animals raised for food are not properly cared for in the rush for ever greater rates of return by Wall Street. The largest beef recall in U.S. history, which took place in early 2008, was a result of both animal cruelty and poorly regulated meat packing, far too reminiscent of *The Jungle*, Upton Sinclair's 1905 description of the Chicago Stockyards.

There is a growing corporate social responsibility movement and this is a very positive development. However, much more needs to be done to rein in some business leaders who view corporate social responsibility only as a public relations tool and not a core business process. We need more “servant” business leaders who know how to make reasonable profits while protecting humanitarian values. Furthermore, in my view, the 21<sup>st</sup> century “robber barons” who have made their fortunes by

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disregarding laws and exploiting workers cannot receive “absolution” through subsequent philanthropic giving.

Now, let us turn to the specifics of my Twelve Step Program for Immigration Reform.

IMPASSE: Border Walls or Welcome the Stranger is a must read for policymakers and citizens who wish to repair our broken immigration system. The author proposes innovative solutions to break through the policy impasse in Congress.

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