

What Do Immigrants Deserve? A Warm Welcome and the Usual Benefits -- but Not Affirmative Action

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Body

NEWT GINGRICH appears to have joined Sen. Alan Simpson (R-Wyo.) and other leading conservatives in backing down on his initial plan to deny welfare and other **benefits** to legal aliens, saying he would **not** want to enact policy that could be seen as hostile to **immigrants** who live here lawfully.

His change of heart isn't surprising, given the generally pro-legal immigration stance of many top Republicans from Ronald Reagan to Jack Kemp. What is surprising is that neither Gingrich nor anyone else -- including spokespersons for African Americans -- have raised the issue of whether **immigrants** should be eligible for various **affirmative action** programs. Granting **benefits** to legal **immigrants** is sound policy, but their inclusion in **affirmative action** programs is an historical accident for which there is no possible justification.

Affirmative action grew out of the civil rights revolution of the late 1950s and 1960s. James Farmer, the former head of the Congress on Racial Equality, once recalled a 1963 conversation he had with Vice President Lyndon Johnson. Farmer urged Johnson to consider implementing a new federal policy that would grant "compensatory preferential hiring" for blacks. According to Farmer, the vice president said: "Yes, it is a good idea, but don't call it compensatory. Call it '**affirmative action**.' "

Six years later, President Nixon announced the Philadelphia Plan, which required companies doing business with the government to set up "goals and timetables" for the hiring and promotion of African Americans in craft union jobs. In all, more than one third of the nation's work force was affected by the new regulations. The idea was simple: to make up for America's legacy of slavery and caste segregation. Employers were told to pay particular attention to jobs where they had fewer minorities than would be expected given the pool of available candidates.

But the Nixon regulations took another big step by defining four categories of minorities: Asians and Pacific Islanders; African Americans; Hispanics; and native American Indians and Alaskan natives. With that move, a much broader notion of minorities slipped into American law at the very moment when the volume of immigration was **not** only growing but increasingly including Asians and Hispanics.

Today, Hispanics make up about 40 percent of the foreign-born population, and Asians about 23 percent. In the 1980s, the Philippines, China, Korea and Vietnam led all other countries in immigration to the United States. The new composition of American immigration results from a worthy 1965 decision to get rid of national-origin quotas, a system driven by racist assumptions. The problem is that most of the post-1965 **immigrants** and their children are eligible for **affirmative action**. Even if one thinks, as I do, that **immigrants** contribute a great deal to the national interest of this country, giving them preferential treatment in the workplace isn't helpful.

It is true that, in various ways, American laws discriminated against Asian **immigrants** through the 1950s, and that Latinos, particularly in the Southwest, suffered from discrimination often backed by state **action** until the civil rights movement of the 1960s. But no one has come up with a plausible reason why **immigrants** (and their children) who have come to America voluntarily in the last two decades should qualify for **affirmative action**.

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To include immigrants who came to this country after 1970 in such programs is bad for them and bad for the United States. The message these new entrants receive is that they are entitled to special benefits merely because of their membership in a designated group. That message is contrary to the American civil rights compact, based on the principle of individual and not group rights. No Supreme Court justice, not even Thurgood Marshall, Harry Blackmun or William Brennan, ever defended affirmative action programs in the name of group rights. To the contrary, they have been careful to insist that numerical goals linked to timetables, set-asides, ethnic gerrymandering and the like are temporary remedies, sometimes rough and flawed, to ensure individual rights.

African Americans rightly resent it when new immigrants, including those who were legalized under the Immigration Reform and Control Act of 1986, are counted to fulfill affirmative action goals. The effect is bound to be divisive. When the Republican governor of Ohio recently awarded 19 contracts to businesses owned by immigrants from India, he provoked a strong protest from elected African American officials and a counter-attack by one of the Indian businessmen, who said that the black-owned firms continue to get "all the work."

When a new city council district was created in Oakland, Calif., for the specific purpose of electing an Asian, African-American leaders loudly protested in a heated debate that has yet to end. Other examples of affirmative-action-induced ethnic conflict exist in dozens of states.

Such policies serve only to inflame the anti-immigrant feeling spreading through this country. For many Americans, immigrants have become the scapegoats who get blamed for crime, unemployment and all varieties of problems this country faces.

This negative sentiment gelled most recently in California's Proposition 187, which, if upheld in court, would deny all but emergency medical benefits to illegal aliens. Proponents say that chief among their goals is to send Washington a message that Californians are fed up with the federal government's failure to enforce the nation's immigration laws.

Though California voters may not realize it, the Clinton administration actually has been more attentive to enforcement than previous administrations. New strategies and tactics have been developed for better border enforcement and airport control. More recently, President Clinton in his State of the Union address recommended a new measure that would sanction employers who knowingly hire illegal aliens by validating Social Security numbers through a computerized national registry.

Enforcing immigration laws is critical to sound policy, but the vast majority of legal immigrants who work hard, pay taxes and are subject to any military draft should not have safety net benefits taken from them.

One reform that should be made is to end the policy of including immigrants in affirmative action programs under the guise of civil rights.

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