

Immigration 2.0—The American Dream in the 21st Century

Thank you, Steve, for that warm and generous introduction. And, thank you to The World Affairs Council of Pittsburgh for the honor of presenting today. For almost 90 years, the Council has been a leader in promoting education and programming to facilitate spirited, non-partisan and, hopefully for today, enlightened examination of the big international issues of the day. We all benefit from the work of the World Affairs Council of Pittsburgh. Special thanks for inviting my beloved Sister Marlene Luffy. Since she welcomed me on my first day of school and continuing today, Sister Marlene has been an inspiration in my life.

Today, I am here to talk to you about immigration. Believe it or not, I volunteered for this. If that disqualifies me as wise enough to deserve an audience, I will understand. Nobody volunteers to discuss this issue, and those that do end up in a no-win position making everyone unhappy. I know this first hand as both pro-immigration and anti-immigration activists criticized and protested my immigration cases when I was US Attorney. Vigils were held outside of my office; demonstrations were held in Pittsburgh and Washington DC; and an event sponsored by this group in 2016 was disrupted because of a prosecution that I had initiated. I was accused of being too lenient in the exercise of my discretion by some. Others, including some in law enforcement, said I was violating my oath. Our debates here have been as fractious and dysfunctional as those nationally.

I want to disclose my bias at the beginning. I am pro-immigration; very much so. At the end of last month, again, half of the winners selected for the prestigious Rhodes Scholarship were immigrants. This is one measure of many reflecting that immigrants are driving excellence in our education systems. Last year, again, at least 25% nationally, and perhaps as much as 40% in some states, of new businesses were started by immigrants. Immigrant entrepreneurship is driving innovation and providing job opportunities. I am satisfied that objective economic analysis proves that welcoming immigration policies benefit our economy and that restrictive immigration policies harm us.

Our part of the country has a strong immigrant history and, as a member of the university community, I see the benefits of this rich heritage every day. And, for reasons that I will expand upon later in my remarks, I believe that our greatest strength as a Nation is in our long pro-immigration history. To reject that history is to reject American values and places our future at risk.

My family is also a product of our immigration heritage. Our family's story is common, and of course, unique.

My late father was born John Joseph McNulty in an orphanage to a desperate single Mom who had just come here from Ireland to connect with his father. Family lore has it that he was killed in a workplace accident before she arrived. Dad was born in a church environment and adopted by George and Martha Hickton who lived in the rectory next to the convent. They were so poor that they earned their keep by doing the carpentry and odd jobs, and she served as seamstress for the priests' vestments. Dad had an exceptional sense of humor and, risking blasphemy, often joked that only in America could a child like him have a start that merged the stories of Jesus Christ and George Washington.

My late mother was a McDermott from Ireland on her father's side and a Calleson from Denmark on her mother's. My brother Jake says that our irresistible personalities come from the Irish and our good looks from the Danish. The McDermotts sold whiskey, the Callesons worked as blacksmiths on the

railroads, drove taxis and limousines, and for a time were undertakers. Both sides of the family loved baseball, boxing, and had a weakness for horse racing. The women in the family all worked and they were proud Bell Telephone Pioneers, among the first operators of a new and revolutionary communication system called the telephone.

They all came here because they wanted a better life and opportunity and they were hungry and eager to succeed and contribute. Our extended family today is a mix of English, French, Danish, German, Russian, Ukrainian, Polish, and Mexican, and Colombian descent. We are a proud family of immigrants in a nation of immigrants. We cherish our American citizenship and cherish all of the cultural traditions of each component of the mix. Our drive to succeed comes from our immigrant past and our desire to prove our worth backwards and forwards. Everything we have is because of the opportunity found in America and, an important component of that success is that two generations later, the traditions from our countries of origin survive.

We all know that our nation is deeply divided. I think we all agree that this polarization has many causes and consequences, and our difficult national debate on immigration policy is both a cause and casualty of our division.

Let's examine briefly how we got there.

For at least 15 years, immigration reform has been center stage in Washington. It may surprise you that this has been a nonpartisan effort with strong leadership from Republicans.

In 2006, after his reelection, President George W. Bush proposed a broad set of reform proposals in the Comprehensive Immigration Reform Act of 2007. These included:

1. Enhanced border security including troops, fencing, and technology;
2. Stricter enforcement of immigration by business;
3. Elimination of "catch and release" enforcement;
4. English language learning and assimilation programs;
5. A compromise between path to citizenship and an agreement to not deport 12 million "illegals" residing in the US.

These proposals collapsed because anti-immigrant sentiment was nurtured and was growing rapidly, particularly on conservative talk radio.

During the Obama Administration, a long and arduous partnership effort between the Democratic President and the Republican Speaker of the House, John Boehner, combined with a bipartisan "Gang of Eight" in the Senate, developed the Border Security, Economic Opportunity and Immigration Modernization Act of 2013. This Bill had many of the same features as the effort seven years earlier but added a path to citizenship for then 13 million immigrants living in the US without legal status. The Senate passed the Bill on a bipartisan basis 68-32 but it died in the House of Representatives without a vote.

So, Congress tried and failed. Immigrants continued to flow through our borders. Further reforms were attempted and the Dream Act and DACA followed. Executive Orders and litigation ensued, and you know the rest of the law and policy failures and the tragic human consequences and the division in our Country.

A turning point in our public debate was chronicled in the book Border Wars. At a dinner in 2013 between then Breitbart's Steve Bannon, Senator Jeff Sessions, the leading Senate opponent of immigration reform, and his then little known staffer Stephen Miller, the group concluded that the way to win the 2016 Election was to recapture lost voters who could be rallied or incited by a strong focus on immigration. After initially trying to persuade Senator Sessions to run for President on an anti-immigrant platform, they found Donald Trump as their tribune. The rest is history.

After 2016, despite all the good work and bipartisan effort beginning in 2006, the prospects for compromises on immigration appear remote. Political tribalism, especially on immigration, dominates public discussion. While Trump has failed to build a wall, many are concerned that his visible policies mask even more abuse not apparent behind an "invisible wall" of current Administration immigration policy. No one disputes that we have a large and growing crisis on our hands and the question is what are we going to do about it?

So let's begin with the public at large. In my opinion, the electorate is not as divided as it appears; certainly not as divided as public officials or immigration activists. Polls show three quarters of Americans support comprehensive immigration reform and two-thirds approve of current or increased immigration levels. Significantly, these numbers must be coupled with overwhelming support—about 70%--for stricter immigration enforcement. While there is not support for the elimination of ICE and the public appears split on so-called "Sanctuary Cities," there is strong public revulsion to detention and child separation policies and subhuman and unconstitutional incarceration of detainees. Border security is understood as essential, as is the need for process and some immigration limits. The public will never support unlimited and unaccounted for immigration flow; nor should they. There appears to be public appreciation that our immigration laws are deficient and that we need to invest in more security, agents, and judges if we are to have a workable system. The issues of family, merit, and nationality (quota) based immigration policies, which are in use in other allied countries and were part of the 2013 Act with bipartisan support then, had public support then and today. The issue of a path to citizenship for those already here illegally remains a hot topic; overwhelmingly, Americans recognize that mass deportation is not feasible or desirable, but they appear split on what a path would look like and how long citizenship would take. The public seems to support some process of merit-based immigration.

A solution will require congressional action. It is hard to imagine this happening without public pressure. It is for that reason that I suggested at our event in September that we could put a group together to develop a solution. Most major reforms in America have moved forward when informed solutions are put on the table for discussion.

We must include these issues in the discussion if we are to find a comprehensive solution:

1. Border security;
2. Border detention;
3. Dreamers;
4. Refugees and asylum;
5. Guest workers and temporary status;
6. Paths to citizenship;
7. Family migration.

In my view, we all need to embrace border security as a core bipartisan tenet and uncouple it from other desired reforms. Even if it is a stand-alone issue, I believe enhanced border security should move forward. All Americans across the board understand and appreciate this as a national interest.

I believe the same is true with respect to border detention and family separation. The outrageous conditions at the border, including the family separation policy with the images of children in cages, are an international embarrassment. No one can justify this, and those who do will be accountable for decades. Americans want an end to this disgrace immediately.

There is no compelling reason to not afford immediate status to Dreamers. Every day and especially with each new graduating class, the achievements of these amazing young people demonstrate that they are assets not liabilities. They came here as children and there is no moral basis to deny them status. Americans understand this issue and it is resolvable.

One reason further issues are difficult to resolve is that immigration policy looks different to immigrants than it does to current American citizens. We must confront which view drives the policy decisions. There are many reasons immigrants come to America, but I submit to you that the two principal reasons are “freedom” and “opportunity.” Since the beginnings of our Country, we have been a beacon in the world for those subjected to personal, ethnic, and religious persecution and indeed all seeking a better life. People all over the world have escaped poverty, oppression, and even incarceration and death because we here in America stood as a welcoming place inviting immigrants to our shores. But, to incumbent American citizens, the question also seems to now include: “how can these immigrants help our Country?” This should not mean that we refuse refugees and eliminate asylum, and we certainly do not want a wealth or education threshold if we are to be true to our values. If those requirements existed historically, I, and most of the rest of you, would not be here. But if we are to solve the problem, we have to face all of the questions—especially the hard ones. There is wide public support for “earning” a path to citizenship. Americans are united that we do not want terrorists or criminals. We want and expect a fair and consistent process with order and limits.

The political support and opposition to immigration reform takes many forms, some of it surprising. For example, organized labor is generally for immigration and immigration reform but opposes guest worker programs. Some are for immigration reform, including enhanced border security, but oppose using facial recognition technology and other tools that infringe on personal privacy boundaries. Technology improvements contemplated for improved border security (and offered as substitutes for border walls) involve artificial intelligence and emerging digital tools, which requires serious law and policy debates as they challenge conventional understandings of the security-privacy balance. Some oppose immigration and reform except when their business interests are starved for low-skilled workers and some of these businesses publicly oppose immigrants at the same time they are actively engaged in helping illegal immigrant workers enter the Country. Some faith-based groups are unconditionally supportive of and helpful to immigrants while others seem to have lost their copies of both their US Constitutions and the Beatitudes opposing immigration aggressively. Putting together a winning coalition on an immigration reform package has proved to be very difficult for good reasons.

I believe that any comprehensive plan must include cooperation with and investment in countries of immigration origin. By and large these are our allies. We also need to develop a package of cooperation agreements with countries where immigrants come from, especially in Mexico and in Central and South America. This cooperation needs to cover law enforcement, education, and economic development. By creating partnerships and incentives we will create a less adversarial relationship with partner nations

and reduce and stem immigration flow productively and at less cost. If we invest in solving the problem, we will spend far less money and get a greater return in human capital and international goodwill.

We need to refresh the economic argument in favor of liberal immigration like never before—with facts, with emphasis, and with a plan. While some isolated and often interested economists dissent, the overwhelming majority of credentialed economists who have studied the immigration issue concur that welcoming immigration policies are beneficial and indeed essential. We know this because no western democracy has achieved effective economic growth without positive immigration flow. Cassandra-style warnings about growing and record percentages of immigrants ignore that there is some positive correlation between high percentages of immigration and boom times in the historical cycles in our national economy. In fact, if we look at what is going on around the world, Italy and Germany as prime examples, when birth rates decline and immigration is restricted, a demographic imbalance or “population bomb” occurs, meaning there is insufficient workforce to support a growing older population with longer life expectancy and more need for medical and elder care. This is an unsustainable economic crisis and makes increased immigration, not just a good idea, but an existential imperative. Yet, we have allowed those who dogmatically oppose immigration to recite the false and unchallenged narrative that immigrants threaten our economic security, when the reverse is true.

These are my ideas for how we achieve a mechanical solution. They may work or not. At a minimum, they are fair and perhaps our next work together would be to put a group together to work toward a policy paper and maybe we can help hold Congress accountable to fix this.

But, most importantly, I think we need to reframe the entire discussion. If we are to embark upon a new journey to find Immigration 2.0, I believe we need to fundamentally reestablish the value of our diverse culture and reassert the currency of differences which we owe to our immigrant past.

I have been inspired by the book Rebel Ideas by Matthew Syed, which I recommend to you. In his book, Syed makes the case for the benefits of dissent and diversity and, expressly, immigration. In an exacting research and examination of success, innovation, conventional wisdom, and decision-making, Syed posits that many of the “givens” such as genius, experience, expertise, and consensus as determinants of success can actually be limiting if there is insufficient diversity among participants and a culture of constructive debate and dissent. Syed expands the definition of diversity, debunking limiting it to obvious differences like race and gender, to include ethnic, cultural, cognitive, and experiential diversity. He describes the dangers of “assimilative thinking” and conformity due to dominance culture decision-making to highlight the dangers of bubble and echo chamber thinking—two distinct concepts by the way.

The failure to understand and appreciate the value of immigration and our long history of diversity leads to decreased innovation, bad decision-making, and poor outcomes. Our collective intelligence exceeds the sum of the intelligence of the individuals. Human social networks comprised of different people with diverse perspectives in a culture of constructive dissent have driven human progress. Diverse social networking is stronger than individual and siloed genius. One concrete illustration of this is that if you take six individuals of different backgrounds with no expertise in a matter and an open environment where discussion and dissent are valued and encouraged and compare their deliberations and solutions to those achieved by six experts of homogeneous backgrounds, the results of group one will be better. This is because the value of cognitive diversity exceeds raw expertise and, if the expert is identified and controls the discussion, group learning will suffer.

Syed examines everything from the failures to detect the 9-11 attacks, a failed expedition to climb and return from Mt Everest, Indian tribes creating arrows, and an air disaster. He stresses the value of difference, dissent, and diversity as means to avoid echo chamber thinking, domination behaviors, lack of creativity, and innovation and tribalism. A recurrent theme throughout the book is that the majority or dominant group ITSELF is disadvantaged by excluding different, minority, and dissenting individuals and groups because it decreases intellectual diversity.

Diversity has become a bad word today. Diversity programs have been denigrated as a politically correct tools of the left and as compromising American excellence. Dissent or rebel ideas are also under assault.

Syed notes and debunks the view of the late Justice Antonin Scalia, expressed in oral arguments in a case determining the legal validity of affirmative action at the University of Michigan Law School. Scalia claimed that diversity and performance is a choice; that you can either be diverse or excellent (or “super-duper”) but not both. Syed criticizes this point of view as failing to appreciate that collective intelligence comes not just from knowledge of individuals but from the different points of view and their different experiences. Scalia and others criticizing diversity programs have many adherents. Apart from demonstrating cultural amnesia and perhaps self-hatred, I think these people are fundamentally wrong because they presume validity of unbiased universal standards of achievement. They ignore cultural, economic and cultural bias. They are also wrong because they see diversity as a “symbol” and not “substance” and devalue different perspectives. They fail to appreciate that when a majority population consciously or unconsciously excludes a minority population, both groups lose. When incumbent American citizens seek to restrict immigration, we deprive ourselves of our greatest strength. When humans, the most intelligent and accomplished species on the planet, limit diversity, we limit our collective intelligence which Syed says is the hidden secret of our success.

The false choice between excellence and diversity and the false equivalency of dissent and disloyalty are prime tools of those who oppose sensible immigration reforms. The relationship between our impasse on immigration reform and our tribalism reveals that we are living a huge unfortunate, unnecessary unforced, self-inflicted error. I see this today in our university and technology communities. Restrictions on HB1 visas are dimming the brilliance of both the capacity and depth of important efforts that can lead to the new discoveries which will maintain our leadership. I saw this and saw it corrected when I was in law enforcement in my last job. As Syed points out, once law enforcement opened itself up to input from outsiders of different backgrounds and different ideas, the challenges of a more complex world could be addressed. We really need to reverse our thinking and save ourselves from ourselves.

We are stronger if we are diverse and we encourage dissent. That is as American as apple pie. It follows therefore that one of the reasons America is and has always been great is because we are a melting pot of diverse backgrounds and cultures with a historical tolerance and indeed appreciation for difference and debate. Our greatness is rooted in our differences, not our sameness. Encouraging immigration promotes that vital strength and is the keystone of our future. Moving productively on immigration reform will help us heal and unify our people. We need to embrace this as a cornerstone of our own national collective intelligence.

Thank you.