

FROM COLUMBUS TO BUSH: THE STATE OF U.S. IMMIGRATION LAW

El Derecho Del Pueblo

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The People's Right

A column of social comment [Destiny](#) and legal advice by attorney and teacher Matthew "Mateo" Katz.

When Christopher Columbus arrived on the shores of the island of Hispanola, he made a declaration to all of the native Arawak peoples that he encountered: "each of you bring back to my ship a significant quantity of gold every day, or I order my men to hack your hands off with their swords." Within several weeks, the entire indigenous population of the island was obliterated, because almost no gold existed on that island. Today, the Arawak civilization is a bare echo in historians' archives and is otherwise lost to our daily cultures and our daily lives.

We don't realize it as we drive down the street or walk into the store, but the tombs of native civilizations rest beneath our shoes, beneath the tires of our cars and the concrete roads upon which we drive. Resting beneath you now are the clues of the once-ancient people that thrived here, with their teepees, bows and arrows, canoes, moccasins, camp-fires and sleds. Now we have department stores, expressways and 18-wheeler trucks that spew gas exhaust into the air.

When Hernan Cortez arrived in Mexico, the Aztec city of Tenochtitlan was one of the largest cities in the world, as populous and in many ways more sophisticated than Seville, Paris or London. Its beauteous temples rose toward the skies, massive markets stretched across decorated squares, and complex sewage systems kept the city clean and healthy. But the Aztecs were only one of dozens of tribes of native peoples that stretched across North and South America: from the Mapuches of today's Chile, to the Iroquois of today's U.S. Eastern Seaboard, so many languages, styles of dress, spirituality and harmony with nature were prevalent throughout these "Americas" we inhabit.

Okay, so what's the point of all of this? The point is to point out that there is tremendous irony

in the United States' enforcement of immigration laws against Latinos who carry the blood of the people who have lived and cared for these Americas for several millennium. There is even more irony in this fact when we realize just how unjustifiably hostile U.S. immigration law is to Latino "immigrants" to the U.S. Take, for example, the post-9-11 immigration enforcement operations of the past few years directed at arresting mainly Mexican food service and custodial workers at O'Hare Airport and the Sears Tower. Did anyone seriously believe that any of these workers were hiding explosives in their lunches?

Take, for example, that people who have to "apply" for legal status in their ancestors' lands, are confronted with a backlog in the government's processing of some 3.7 million cases, according to the American Immigration Law Foundation. Too many individuals wait endless months, years, even decades, to be united with loved-ones because fixing this problem is not a priority for the current government. Furthermore, according to the American Immigration Lawyer's Association president, Paul Zulkie, the Immigration Service constantly hikes filing fees for applicants to pay for changes needed to correct the backlog, making filing for legal status prohibitive for far too many people.

Furthermore, contrary to stereotypes and myths, immigrants bring millions more to the American economy than they take in benefits. Alan Greenspan, Chairman of the Federal Reserve Board, reported in 2002 that the net benefit to the economy was at least a \$27 billion dollar gain for the U.S. In Illinois, he testified that "Illegal workers pay \$547 million in taxes yearly, compared to \$238 million in services used."

To add insult to injury, provision 245(i) of the Immigration and Nationality Act, the law that allowed many to adjust their presence in the U.S. to legal status from within the country and thus saving countless immigrants from the hassles of having to travel hundreds or thousands of miles to file documents or interview at consulates abroad, lapsed as of April 30, 2001. The U.S. Senate voted to extend this in 2002, but the House of Representatives failed to follow suit, and the provision remains outdated.

Finally, the state of immigration law is so onerous and cumbersome that a federal judge was moved to remark that the set of regulations, codes, opinions and memoranda which govern the current policies and procedures are so complex as to rival even the tax code in its level of complexity. This state of affairs is counterintuitive: a democracy should thrive on clarity and fairness in the law, not complexity intended to obfuscate or undermine justice or history. Indeed, Supreme Court Justice Oliver Wendell Holmes taught that the most streetwise of criminals would always know what the penalty was for his or her wrongdoing and that this was as it should be, for the people should know and understand that the law governed their

behavior and, just as should a child in the classroom, comprehend the consequences of their actions.

When Cortez arrived at the mountains of Mexico, he had no idea that the beautiful lands which sprawled out before him would within one generation be intricately controlled by the Spanish Crown. Nor did he know that the ultimate consequences of his actions would, year after year, see the following scenes repeat redundantly at the “borders” of these very lands: scores of people dying of suffocation, smashed together in the cargo-holds of immigrant hustling “coyote” driven trucks, far too many shot dead or beaten by border patrolling cowboy-styled vigilante groups, endless numbers of immigrant women violated by before the eyes of their own children, and sweat-shop style slave-labor warehouses dotting our urban landscapes.

All of these realities add up to one conclusion: the time for serious improvements in our country’s immigration policies is now.