



VOTER

THE LEAGUE OF WOMEN VOTERS OF CUPERTINO-SUNNYVALE

October 2007

Volume 35 Number 3

In This Issue

Board Briefs	2
Calendar	8
Federal Immigration Policy	6
Immigration Policy Values	3
Immigration Perspective	4
League News	7
LWV Bay Area	7
Membership News	2
President's Message	2

LWV Cupertino-Sunnyvale Board of Directors

President	Elaine Manley
Vice President	Susan Hough
Secretary	Louise Levy
Treasurer	Roberta Hollimon
Directors	Marilyn Howard
	LaVerne Prentice
	Jason Spiller

The Cupertino-Sunnyvale VOTER

Published by the League of Women Voters of Cupertino-Sunnyvale.

Yearly subscriptions are \$10/year to non-members. Members subscribe through annual dues.

Editor: Roberta Hollimon
e-mail: RHollimon2@cs.com

mailing: Dorothy Givens
Fran Grabau
LaVerne Prentice

CANDIDATE FORUM

Monday October 8, 2007
7:00 – 9:00 PM

Cupertino City Council

Hear the candidates and ask your questions.

Cupertino Community Hall
10350 Torre Avenue, Cupertino
(between City Hall and the Library)

Forum information: info@cs.ca.lwvnet.org

For information about everything on your ballot visit
www.smartvoter.org

MEMBER MEETINGS

Immigration Consensus Meetings

Monday October 29, 7 – 9 pm
Program repeated on

Wednesday October 31, 10 am – 12 noon

Hollimon's
11155 La Paloma Drive, Cupertino

Choose the meeting that fits your schedule.
Help set the League's Immigration Position by discussing
the issues and arriving at consensus

PRESIDENT'S MESSAGE

We had a wonderful luncheon on September 13th at PF Chang's and heard from Sunnyvale Vice Mayor Spitaleri as well as Cupertino City Councilmember Mahoney. We will plan a holiday luncheon for December 15 and are in the process of lining up some interesting speakers so please mark your calendars and plan to join us.

As we go into election season, please ask everyone you talk with if they are registered to vote and if they are not, please help get them registered. Marilyn Howard has forms, the Post Office usually has forms, or they can go online at http://www.sos.ca.gov/elections/elections_vr.htm. We have candidate forums for both Sunnyvale as well as Cupertino City Councils. Please join us at these meetings. They are informative and efficient. You can ask your questions and by the time you leave it is very likely you will be able to decide which candidate(s) you prefer to elect.

And last but not least, we are working on the Immigration Study and plan to have membership meetings on October 29 and 31. This is a complex issue. Our VOTER will provide a highlight of the different aspects to consider when designing a position so we can lobby for or against bills as they are presented. I hope you'll read the VOTER and attend our meeting and give your input. It truly is another example of how we help to keep democracy working. I hope to see you at our meetings.

Elaine Manley

A Note of Thanks

To my fellows in League: Thank you for the recognition and the gift at the luncheon on 13th September. I was so interested in the subject that Marilyn Howard was presenting that I had no clue as to where she was going. I was stunned and just sat there. Forgive me for seeming ungracious.

To me, 1918 was the year that WWI ended, not two years before a long overdue amendment was added to the Constitution.

We should acknowledge others in our League who have been there since 1973. I could name them, but a review of those whose constancy will show those who make our League possible. Know that I am not alone. Thank you again.

Evelyn Lundstrom

Board Briefs

At its September meeting your board:

- Learned that the Candidate Forum for Sunnyvale City Council will be held on September 26 in the Council Chambers.
- Agreed to work with the Clean Money Campaign to educate the public about the Clean Money process.
- Heard that we have been requested to provide speakers for citizenship classes.

Membership Handbooks Available

Thanks to Pat Boyle, Nancy Burnett, Roberta Hollimon, and Elaine Manley who helped to update the membership booklets. We now have current Handbooks. If you need a copy, contact Elaine.

Membership News

Welcome new member Lois Schulz.

Thank you for your contribution to the Community Appeal: Jack Walker.

IMMIGRATION STUDY

The League of Women Voters has recently launched a two-year Immigration Study aimed at helping communities understand the implications of immigration at the local, state, and federal level. As part of this project, League members and leaders will explore the underlying values and principles regarding immigration, reasons for immigration, current federal immigration policy, and the impact of immigration in American society. Other topics covered will include:

- business and economic effects and impact
- diversity
- effects of global interdependence on migration
- motivation of refugees, asylees and other immigrants
- identifying things that need to be a part of the law for those entering the country
- how we handle those that are already here but undocumented

The Cupertino Sunnyvale League has formed an Immigration Study Committee that is preparing background information to help members understand this very complex issue. Articles will appear in the VOTER in preparation for consensus meetings in the future. Save these VOTERS and bring them with you to the consensus meetings.

Articles on the following four pages have been taken from the LWVUS website. For more in depth study of the issue visit www.lwv.org. Click on "For Members" and then "Immigration Study" in the blue box

IDENTIFYING VALUES ASSOCIATED WITH IMMIGRATION POLICY ISSUES

What has been missing from much of the debate on immigration policy is articulation of the values that should form the core of our policies. At our first consensus meeting we will ask members to consider addressing the following question. What values should form the basis of immigration policy in the United States? One example of a value could be: "job security for American workers." Another might be: "fair wages for all workers."

If we were to design a new Immigration Act what are the most important criteria to include? At the meeting you will be asked to decide if you would rate the following criteria as "high priority," "lower priority," or "disagree" meaning that you don't think that should be a priority at all in federal immigration laws.

- Ethnic and Cultural Diversity
- Economic, Business and Service Employment Needs
- Environmental Impact/Sustainability
- Family Reunification of Authorized Immigrants and Citizens with Spouses and Minor Children
- History of Criminal Activity
- Humanitarian Crises/Political Persecution in Home Countries
- Immigrant Characteristics (health and age)
- Rights of All Workers to Safe Working Conditions and Livable Wage
- Rights of Families to Remain Together
- Rights of all Individuals in U.S. to Fair Treatment Under the Law (Fair Hearing, Right to Counsel, Right of Appeal, and Humane Treatment)
- Education and Training

You will also be asked to think about what we should do with immigrants who are already here and apply the same three ratings to the following list:

- Deport Unauthorized Immigrants
- Some Deported/Some Allowed to Earn Legal Adjustment of Status Based on Length of Residence in U.S.
- Some Deported/Some Allowed to Earn Legal Adjustment of Status Based on Needs of US Employers
- All Allowed to Earn Legal Adjustment of Status by Doing Things Such as Paying Taxes, Learning English, Studying Civics, etc.
- If Deported, Assess Fines Before Possible Re-Entry
- Assess Fines Before Allowed to Earn Legal Adjustment of Status

Study Committee members will present background material and answer questions you may have about the criteria.

We look forward to a lively discussion.

U.S IMMIGRATION: A HISTORICAL PERSPECTIVE

PART II

By Katherine Fennelly

Excerpt from *The National VOTER*, February 2007

Refugees and Asylees

As a result of World War I, millions of individuals became stateless, but the U.S. accepted relatively few refugees until after World War II, and the Displaced Persons Act of 1948. The subsequent arrival of large numbers of war refugees, asylees and the family members who joined them, added richly to the diversity of the country. Contemporary refugees range from the well-to-do, highly educated to those with limited financial resources, with little formal schooling.

Changes in both border policies and the admission of refugees illustrate the ways in which American immigration is tied to the country's political and economic relations with the outside world.

As sociologist Ruben Rumbaut has described it, "migration patterns are rooted in historical relations established between the U.S. and the principal sending countries...[they are] related to the history of American military, political, economic and cultural involvement in the sending countries."¹ Examples include the resettlement of Hmong allies of the U.S. in the Vietnam War, the welcoming of thousands of refugees from the former Soviet Union in the 1990s and current restrictions on Middle Easterners related to the politics of homeland security. In Rumbaut's words, "as the U.S. has become more deeply involved in the world, the world has become more deeply involved in America."¹

Contemporary Legislation

In the Civil Rights era the immigrant quota system that had been in effect since the 1920s was abolished with passage of the 1965 Immigration and Nationality Act (INA). Under the new system, preference was given to the relatives of U.S. citizens, and secondarily to immigrants living in the U.S. and those with special skills needed by American companies. The INA family reunification provision led to a dramatic increase in immigrants from Mexico,² and the changes resulting from the Act became the core of the current immigration system.¹¹ Today about two-thirds of all immigrants enter the country under the sponsorship by a family member.²

The next significant piece of immigration legislation was the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA unauthorized immigrants who had been in the U.S. since 1982 were offered permanent resident status. IRCA also proposed monetary sanctions against employers who knowingly hired unauthorized workers.² However, few employers were actually sanctioned, and unauthorized immigrants continued to enter the U.S. An unintended result of IRCA was to encourage wage and benefits discrimination, as many employers turned to labor subcontractors as an alternative to direct employment.³

The North American Free Trade Agreement (NAFTA), enacted in 1994, did not include major provisions addressing immigration policy, but it was characterized as a treaty that would substantially *reduce* immigration. Instead, due to several factors, it served as a stimulus to unauthorized immigration. First, the lowering of trade barriers between the U.S. and Mexico has integrated the two economies without eliminating large wage disparities. At the same time, the marketing, sale and transport of goods to and from Mexico has encouraged emigration at a time when the commercialization of agriculture in Mexico has pushed farmers off the land.

Furthermore, while NAFTA greatly encouraged the free flow of goods and capital, it did not facilitate the free flow of labor.⁴ To the contrary, border controls instituted under IRCA continued, and Congress passed legislation enacting harsh penalties against individuals who overstayed their visas and forbidding authorized and unauthorized non-citizen immigrants from receiving most means-tested federal and state benefits.⁴

In the short term, reducing trade barriers produces "a migration hump—a temporary surge of more emigration as protected local industries are exposed to competition."⁵ As Philip Martin has noted, reductions may be a long-term outcome of NAFTA, but the translation of investments into jobs takes time.

Another outcome of NAFTA that served to stimulate labor emigration was the proliferation of "maquiladoras," predominantly U.S.-owned firms in a free trade zone on the Mexican side of the border.

High-Skilled Immigrants

While much of the public, legislative and media attention has been focused on lowskilled immigrants, American business leaders have put pressure on Congress and the President to acknowledge the importance of high-skilled foreign-born workers to the U.S. economy. The Immigration Act of 1990 raised the immigration ceiling to 700,000 per year and granted preference to relatives of U.S. residents or citizens and to immigrants with high-level work skills.²

Stimulated by growing high tech industries and a “knowledge economy,” educated foreign-born workers are significantly overrepresented in the natural and social sciences, medicine, engineering, and computer-related professions.⁶ Today almost half of the college-educated immigrants come from Asia, particularly India and China.

Immigration and National Security

Before 9/11/01 national security concerns were not generally tied to discussions of immigration policy. In fact, just a few years earlier the *Wall Street Journal* had advocated a constitutional amendment stating “there shall be open borders.”⁷ However, the 9/11 attacks focused intense scrutiny on border security and the visa process, resulting in a number of restrictions and delays for some individuals attempting legal entry to the U.S.

Doris Meissner, former director of the Immigration and Naturalization Service, suggests that many of these restrictive policies, particularly the arbitrary arrests and relaxation of due process protections for Arabs and other Middle Easterners, were the result of “initial, panicky responses.”⁸ Such actions have been decried by civil libertarians in the U.S. and abroad.

Current State of Immigration Policy Debates

In the past decade, immigration has reached unprecedented levels as the result of a combination of factors, including continued reunification of immigrant families, a strong economy, trade expansion, and the refusal of the government either to authorize sufficient numbers of visas for the legal entry of low-skilled immigrant workers or to enforce employer sanctions. At the same time, Americans are about equally divided in their opinions about current levels, with half saying that the number should be decreased, and another half saying that it should be maintained or even increased.

Most recently in 2006, after failing to get the immigration reform he had sought in the form of a guest

worker program, President Bush signed into law a bill authorizing the construction of a 700-mile fence on the 2,000-mile southern border.

[This year]...Congress...[did not] enact a bill that includes the regularization of status for unauthorized immigrants, similar to the provisions in a bill passed by the Senate in May of 2006. That bipartisan measure called for a temporary worker program and a path to legalization for undocumented individuals who have been in the U.S. for more than five years, who pay a penalty and who demonstrate payment of back taxes and proficiency in English.⁹

Whatever happens, there is no doubt that debates about immigration policy will continue to be at the forefront of the U.S. political scene for years to come.

Endnotes

1. Rumbaut RG. Origins and destinies: Immigration to the United States since World War II. *Sociological Forum*. 1994;9:583-621.10. Green N. *Immigration*. Washington, DC: CQ Press; 2002.
2. Congressional Budget Office. Immigration policy in the United States. 2006.
3. Massey D. The American side of the bargain. In: Jacoby TEDT, Jacoby T, eds. *Reinventing the Melting Pot: The New Immigrants and What It Means to Be American*. Basic Books; 2004:111-111-121.
4. Massey DS. March of folly: U.S. immigration policy after NAFTA. *The American Prospect*. 1998.
5. Martin P. The battle over unauthorized immigration to the United States: New bills in the U.S. House and Senate vary on how to deal with illegal immigrants. 2006.
6. Batalova J. College-educated foreign born in the U.S. labor force. *Migration Information Source*. February 1, 2005.
7. Teitelbaum M. Advocacy, ambivalence, ambiguity: Immigration policies and prospects in the U.S. *Proceedings of the American Philosophical Society*. 1992; 136:208-208-225.
8. MPI staff. Interview with Doris Meissner. *Migration Information Source*. 2002.
9. Under the Senate bill, individuals who have lived in the U.S. for two to five years would have to return to a border entry point to apply for a guest-worker program, and individuals here less than two years would have to return to their countries of origin. Other provisions called for enhanced border security and the declaration of English as the “national” and the “common and unifying” language of the United States.

Katherine Fennelly is a professor at the Hubert H. Humphrey Institute of Public Affairs and the Fesler-Lampert Chair in Urban and Regional Studies at the University of Minnesota. She is a member of the LWV of Minneapolis and serves on the LWVUS Immigration Study Committee.

OVERVIEW: FEDERAL IMMIGRATION POLICY AND PROPOSED REFORMS

By Deborah Macmillan

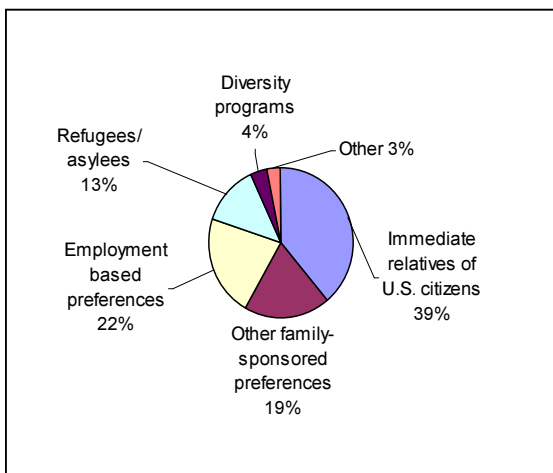
Federal Immigration Policy

Federal immigration policy applies directly to anyone who has immigrated or who wishes to immigrate to the U.S. It does not apply to persons born in the 50 states, the District of Columbia, and U.S. territories, as these are native-born U.S. citizens.

Legal immigrants and categories under which they may enter the U.S.:

Immigrants who enter the U.S. legally today are most likely to do so as a spouse or child of a citizen or permanent resident, or as another family member. The next largest group enters under an employment-based preference or as a refugee/asylee. Diversity immigrants, the last group of any size, come from a variety of countries under a "lottery" system without respect to the number entering from their countries via other visa groups.

Status under which visas were granted for permanent residence in 2005



In 1965, a major revision of immigration law set quotas for these various groups. These quotas indicate the primary foci for U.S. immigration policy:

- *Employer need and employment-based preferences*, including high-level professionals and entrepreneurs who provide work for others
- *Family reunification*
 - For citizens
 - For other permanent residents

- Reunification with immediate relatives (spouses, children)
- *Human rights issues* related to needs for refuge, asylum or other protected status
- *Diversity* of country of origin

The 1965 diversity requirement set a maximum for each country of 7 percent of the total immigration in a given year (excluding refugees), now slightly over 25,000 per year. As a result, legal immigration from Mexico, China, India and the Philippines, the countries that send us the most immigrants, is markedly lower than it would be if entry from a country were proportionate to those who wanted to come.

Temporary visitors:

Federal policy also determines who may enter the U.S. on a temporary basis, for instance as a tourist, a student or a guest worker. Temporary work quotas are also complicated. For example, in 2005 the quota for skilled professional workers was 65,000, but the actual number of these temporary workers was roughly 124,000. This number includes 20,000 workers with advanced degrees, not counted against the quota, who worked for the government, nonprofit organizations and educational institutions.

Temporary visitors should have little relevance for permanent immigration, but 25 to 40 percent of unauthorized immigrants are individuals who have overstayed temporary visas. Adjustment from temporary to permanent status is frequent.

Quotas as policy:

Numeric quotas are indicative of the importance of family unification, employment (mostly skilled) and diversity. These quotas also indicate a desire to limit immigration in order to minimize the disruption of large-scale or uncontrolled immigration. Much of the current focus on control stems in part from the very visible increase in immigration over the last several decades.

This is true even though the percentage of immigrants today in terms of current population figures is no larger than it was in the late 1800s and early 1900s.

LEAGUE NEWS

National – The League has announced that a free independent judiciary publication is now available. The “Safeguarding U.S. Democracy: Promoting an Independent Judiciary” project is offering a free publication, *Courting Danger: How the War on Terror Has Sapped the Power of Our Courts to Protect our Constitutional Liberties*. This insightful publication was compiled by LWV partner, the Justice at Stake Campaign, and covers crucial topics pertaining to the effect war has had on our judiciary. Please email David Ward at dward@lww.org if you are interested. Be sure to include your name, League, and mailing address.

State – Janis R Hirohama, President of the League of Women Voters of California, has been nominated to be on the statewide commission for impartial courts, which studies and recommends ways to ensure judicial impartiality and accountability for the benefit of Californians.

LEAGUE OF WOMEN VOTERS OF THE BAY AREA

The western area of the Bay Area League had its bimonthly meeting on September 13th, 2007. The bay area Leagues are divided into western and eastern areas for meetings in order to keep travel distances within range of representing members.

Part of the concerns of the meeting had to do with the regional focus of the Bay Area League for the current League Year. Just as city governments seem to move slowly, the League here can only review what is already being discussed by local councils and committees. Housing and Transportation remain at the top of the list. The League did a study in 2002-03 of the way local transit agencies are adapted to Land Use Policy. We were presented with a draft of the final report. What emerged were suggestions for creating an integrated system of transit hubs linking different transport modes. In its regional convention in May, 2004, LWVBA approved the Land Use/Transportation survey. The results of participating Leagues are data in the reports, showing activity undertaken at the local level, where communities must be sensitive to citizen input and approval.

This report will be available on the LWVBA web as it is given finalized form.

Coming events:

Bay Area League Day – Friday, Feb. 22, 2008

Bay Area Convention – Saturday, May 31, 2008.

On October 26, 2007 ABAG-MTC will be meeting to present a final report on important issues that was many years in the planning. The League has an active interest in the plans to be heard. This forward-looking content will undoubtedly be reviewed.

*Fran Grabau
Bay Area Representative*

Help Make Government Work Join the League of Women Voters

Membership in the League of Women Voters is open to all men and women of voting age who are U.S. citizens. Others are welcome to join the League as associate members.

Send your check to LWV Cupertino-Sunnyvale, P.O. Box 2923, Sunnyvale, CA 94087.

<input type="checkbox"/> \$50 Individual member	Name: _____
<input type="checkbox"/> \$75 Two members in a household	Address: _____
<input type="checkbox"/> Contribution \$ _____	City: _____ State: _____ ZIP: _____
Telephone: _____	Email: _____

Checks made out to LWVCS are not tax deductible.