KEYNOTE FOR MIRA THANKSGIVING LUNCHEON

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First, I would like to say what a real honor and a pleasure it is to be here with you today. I have been deeply engaged in immigrants' rights work since I became a lawyer, which was many years ago. The work means a lot to me. My clients, who have come from more than 40 different countries by my last count, mean a lot to me, and the work of MIRA is something I am very happy to support however I can.

My love for this work comes from some personal history. I remember very vividly how my beloved grandmother, Rena Hanish, told me her own immigrant story—fleeing pogroms in Russia and Ukraine at the age of 4 with her parents and her 8 brothers and sisters (her father was a coppersmith with no money and no job in the US). That was around 1908.

Life was hard for them at first but, like so many immigrants, grandma came to love this country deeply and was always grateful to have been accepted here. But she also kept many connections to her culture—some special language connections: (she would speak Yiddish … especially when it involved food or her grandchildren); some special recipes—some delicious to an American child--like chicken soup and potato

pancakes in the old Russian style—some that we had to just tolerate (I am thinking of a particular peasant dish made, I think, from horses or cows' hooves. I cannot really speak of it to this day…) Most importantly, though, she always told me—"be proud to be an American but do not forget where we came from."

My grandmother also inspired me by her work with other immigrants—she was a member of a group called the Emma Lazarus Society. They helped people in New York get oriented off the boats at Ellis Island, get settled, find housing, become citizens, get jobs, and so on. I expect that many—but probably not all of you--will recognize that name: Emma Lazarus. She was a poet who wrote the inscription that is still on the base of the Statue of Liberty in New York harbor. It is such an inspiring and beautiful poem. I remember being moved by it even as a child and I am still inspired by it today. Consider how unusual it is in this world for a country whose basic greeting newcomers is so generous and so open-hearted:

"Give me your tired, your poor,
Your huddled masses yearning to breathe
free,
The wretched refuse of your teeming shore.

Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"

I ask my students at Boston College to think about what this poem does *not* say: "it *doesn't* say give me your rich, your talented, your high tech entrepreneurs," for example. Of course, we want them, too, but that is not what a statue of liberty is for. We don't need much poetry for that group. The poem welcomes "huddled masses" and "wretched refuse." What does this mean? Does America really want such people? The answer, I believe, is **yes** and I think—*especially* on Thanksgiving at an event like this—that this tells us something very profound about the United States.

Now let me assure you that I am not usually so sentimental about all this. In fact, I have spent most of my professional life defending people from exclusion and deportation and writing articles and books that seriously criticize the immigration system of the United States. My first book was called *Deportation Nation*, and it tried to explain how and why how our country has definitely not always lived up to its best ideals. My latest book, *Constructing Illegality*-as Eva mentioned—looks at the daily lives of the millions of undocumented who live among us and explores how strange and sad it is that we call people—*not conduct*—but *people*

in their very being—that we call them "illegal" as we threaten them with arrest, removal and family separation. This is a scandal that must stop.

But I am still thankful that I live in this "*nation of immigrants*." Maybe you have heard this term before. It comes from a book written in 1958 by a young senator from Massachusetts, John F. Kennedy. It is an interesting phrase, in fact another author, Susan F. Martin, just published a new book with exactly the same title, "*A Nation of Immigrants.*" Why is this idea still so popular (even among some of those, Like George W. Bush, who supported harsh deportation actions?)

Well, first, it describes reality: The U.S. immigrant population now exceeds *40 million people*, some 13% of the total population. [1] This is high by any historical measure and it is far more than any other country in the world. The next largest immigration country, Russia, has some 12.3 million immigrants.[2] (But that was the country that drove my grandmother here!) All children who are born here are US citizens by constitutional birthright, no matter the status or lack of status of their parents. This is a powerful statement of openness and welcome to all. Even naturalization, though not easy or cheap, as I expect some of you

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[1] Pew Research Hispanic Trends Project, *A Nation of Immigrants*, January 29, 2013. available at: http://www.pewhispanic.org/2013/01/29/a-nation-of-immigrants/

[2] *Id.*

know, is relatively open compared to many other countries. And the US remains open to new-comers. About one million new immigrants enter the US each year and more than one hundred million temporary visitors cross US borders legally each year.[3] So in that sense, the US is clearly still a *nation of immigrants*.

Of course, immigration reality is not simple. More than a quarter of the population of noncitizens lacks legal status and remains vulnerable to deportation and exploitation. Many immigrants still cannot get health insurance or work legally. Major expansions of the immigration and deportation enforcement systems have deported millions (yes, **millions**) of noncitizens. In fact, many of those people had legal status here and were deported for minor offenses. The idea that the United States is a "nation of immigrants" is, for them, surely a cruel irony. BUT THE MOST IMPORTANT THING IS THIS: OUR NATION OF IMMIGRANTS IS A WORK IN PROGRESS.

What I mean by this is that the "*nation of immigrants*" idea is **essential to the identity of the US itself**. As the Harvard historian, Oscar Handlin, famously wrote in 1951, "Once I thought

[3] Some 50-60 million have I-94 cards recording their entrance. Qingqing Ji and Jeanne Batalova, *Temporary Admission of Nonimmigrants to the United States*, November 2012, Migration Policy Institute, MPI Data Hub, available at: http://www.migrationinformation.org/USfocus/display.cfm?ID=915

to write a history of the immigrants in America. Then I discovered that the immigrants *were* American history." [4]

A big part of this idea is one of safe haven for dissidents and the oppressed (like my grandma). This goes back to the beginning of the country and it inspires today's refugee and asylum laws. Again, these laws are far from perfect but, compared to many countries, they are quite good. This idea of safe haven for the oppressed and persecuted goes back to the beginning of the American Revolution. Thomas Paine, a revolutionary, asked his comrades in 1776, to "prepare in time an asylum for mankind."[5] Thomas Jefferson, in his first inaugural address, asked "shall oppressed humanity find no asylum on this globe?"[6] This idea has endured through the 19th and 20th centuries, despite episodic bouts of racist laws, anti-immigrant agitation, and the rise of a formidable machinery of exclusion and deportation. It is linked to deep truths that we consider "*self-evident*," such as individual rights, freedom of movement, and freedom of speech, religion, and conscience.

In the twentieth century, *the nation of immigrants* ideal became more complex (remember I said it was a work in progress), with newer ideas like the melting pot, or the mosaic or the stir-fry.

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[4] *The Uprooted* (1951).

[5] Thomas Paine, COMMON SENSE (1776).

[6] 1801 Annual Message to Congress.

These are ideas of *cultural pluralism* and *diversity*. The US recognized the energy, enthusiasm and talents that immigrants –not just European immigrants, but those from the whole world--bring here and accepted that *e pluribus Unum*—the ancient US motto---could apply to new streams of newcomers of all races, ethnicities, and religions. As young Senator Kennedy put it, the "secret of America" was that it was "a society of immigrants, each of whom had begun life anew, on an equal footing." America, to this Massachusetts-born, great-grand-child of immigrants, was a "nation of people with the fresh memory of old traditions who dared to explore new frontiers, people eager to build lives for themselves in a spacious society that did not restrict their freedom of choice and action." [7]

So this is what I mean by a work in progress. Today the debates are over legalization of the Dreamers and access to health care and, I hope, reform of our very harsh deportation and detention laws. But the basic aspiration, the hope, the ideal, of a nation of immigrants remains constant.

As Susan F. Martin writes in her *Nation of Immigrants* book*:* TODAY "… there is a profound ambivalence about immigration among the American public."[8] The irony, as she notes, is that Americans see their own "immigrant forebears through rose-

[7] John F. Kennedy, A Nation of Immigrants (1958) p. 2.
[8] Susan F. Martin, A NATION OF IMMIGRANTS (Cambridge University Press 2011) p. 1.

colored glasses while raising serious concerns about the contributions of current immigrants and the extent to which they will assimilate our values, language, and experiences." [9] So this is a challenge, to take the current debates about immigration back in time, to see how what some say today about Latino immigrants is almost exactly what others once said about the Irish and the Jewish immigrants from Eastern Europe. We need to recognize what is at stake not only for immigrants, but for citizens as well, and for the very idea of the United States, when we talk about the rights of newcomers.

Let me just end by saying what should already be obvious: my work on behalf of immigrants is NOT charity work. It is not something that *We* do for *THEM*. It is a labor of love and a labor to repair the fabric of our incredibly unique constitutional experiment of a *nation of immigrants*.

As a Supreme Court justice once put it: "Only by zealously guarding the rights of the most humble, the most unorthodox and the most despised among us can freedom flourish and endure in our land." [10]

This is our task today, I think: to give thanks, to be grateful; but also to keep struggling for those who are not yet here or not yet fully or legally here or who face the threat of deportation. It is

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[9] *Id.*

[10] *Bridges v. Wixon* , 326 U.S. 135, 165. (1945) (Murphy, J. concurring).

surely a difficult struggle, but I am optimistic that the better angels of our nature—linked to our long and best historical traditions—will prevail and that together we can both give thanks and work together to build this dream—my grandmother's dream-- for our children and grandchildren.

As the Spanish poet, Antonio Machado once wrote, "*No hay camino; se hace camino al andar*." "There is no road; the road is made by walking."