

Chapter 9

BUREAUCRATS AND IMMIGRANTS

National governments can have great power over the people they call citizens and even greater power over the people they call noncitizens. While national governments divide people into these two groups, other governments treat everyone as equals. The mayor of a city or the governor of a state must treat lifetime residents and newcomers as having equal rights. Local governments may not block people from entering their cities or working in their states.

Many national governments now believe that no other person may enter their part of earth without permission. These laws and attitudes of sovereign governments deserve to be changed by the people they control on both sides of the border. One example of recent progress is the right to migrate within Europe. Sovereign nations must be reminded that they too are local governments on a planet where the people like to move.

The U.S. government encouraged me to write this book. All federal employees were encouraged to promote the idea of Equal Opportunity. But the process was much more formal than that. At the end of each year, supervisors rated employees on how well they promoted Equal Opportunity. A good rating could result in higher pay, and bad ratings could result in less pay or even being fired.

GOALS

Bureaucrats such as myself selected specific goals to work toward at the beginning of each year. These were typed into a formal document and signed by the bureaucrat, the supervisor, and the supervisor's supervisor. I selected the following goals and the government officially okayed them in January of 1994.

- Write poetry expressing the need for Equal Employment Opportunity for all people.
- Explain to anyone listening that governments should not control where individuals may live or work.
- Treat potential Americans with as much dignity and respect as current Americans (even if that is against the law.)
- Promote an international view of Equal Employment Opportunity and work to convince decision makers that nationalist EEO policies are unjustly narrow and discriminatory.

For several years, my official goals as a bureaucrat included writing the material in this book. Often I called it my Equal Opportunity book. The actual writing and research for this book was always done outside of government business hours on my own time. That way I could copyright the book and sell it. Books from the federal government are given away and not

The Right to Migrate

copyrighted. As each chapter was completed, I listed it in my performance documentation. Finally in 1995 my supervisor told me that *The Right To Migrate* was not related to Civil Rights or Equal Opportunity.

Bureaucrats work on Equal Opportunity, but not all day long. Other job duties in my own performance standards were 1) plan and conduct research, 2) report research, 3) technology transfer, 4) communication, and 5) safety and employee health. My end-of-year ratings for the first three of these usually were high, but often I was told to do more about Equal Opportunity and communication. I'm still working on these.

STANDARDS

All bureaucrats don't have to write poetry, respect noncitizens, or fight nationalism while on the job, but each bureaucrat has to follow some common standards. The performance standards for Equal Opportunity / Civil Rights that applied to most employees of the Agriculture Research Service follow. Supervisors of three or more employees had stricter standards than these. The wording in these standards changed a little from year to year. For 1994, here's how bureaucrats at my level were supposed to act.

- Performs all duties in a manner which consistently demonstrates fairness, cooperation, and respect toward coworkers, office visitors, and all others in the performance of official business. Demonstrates an awareness of Equal Opportunity / Civil Rights policies and responsibilities.
- Through personal action, demonstrates support of Equal Employment Opportunity principles in all decisions affecting subordinate employees which may include activities in one or more of

the following functional areas: recruitment, interviewing, selection, training, performance evaluation, promotion, travel, awards, adverse action, and work assignments.

- Advises subordinates and establishes through personal example that when addressing employees, delivering speeches, making public appearances, or representing the Agency in any capacity, inappropriate comments regarding race, age, color, sex, religion, national origin, individuals with disabilities, or marital status will not be tolerated.
- Is conversant on the Agency's Affirmative Employment Plan and actively participates in the accomplishment of goals and objectives.
- Distributes to all employees with supportive comments Agency and Departmental Equal Employment Opportunity issuances.
- Maintains an atmosphere of equal treatment in the work unit by discouraging discrimination of all forms. This includes assuring the prompt and fair resolution of all formal and informal complaints of discrimination.

These government standards may sound good and may help bureaucrats to be more open-minded, but they made me sick. A private company or a university or a state government may hire the best person for the job, whether a citizen or noncitizen (Equal Opportunity). The federal government may not hire citizens of other countries for permanent jobs here (No Opportunity). The Justice Department tries hard to keep most noncitizens outside of U.S. borders so that

Chapter 9

they can't become U.S. citizens (Limited Opportunity).

As a bureaucrat I followed these government standards and treated everyone fairly. But I discriminated against foreigners as required by U.S. law. Sometimes I met noncitizens at work, or at meetings, or at school. I even became friends with some. If they wanted a job at USDA, the answer I gave them was "The federal government does not discriminate, but you can't work here." Uncle Sam hires only his nieces and nephews to fill the bureaucracy. In Washington, DC, that's what the politicians mean when they say Equal Opportunity.

SECRETARIES

A big bureaucracy such as USDA is not easy to change, especially if you're on the bottom of it, which I was. The Secretary of Agriculture was my boss's boss's boss's boss's boss's boss. Nearly all decisions and instructions from the President or the Secretary or the Congress were passed from the top level to the bottom level thru the chain of command. One topic was too important to be passed from boss to boss thru the chain. That topic was Equal Opportunity.

Soon after a new Secretary of Agriculture was appointed, every employee would receive a policy statement on Equal Opportunity straight from the top. The Secretaries told us to promote Equal Opportunity, and I did so. Some examples of their instructions follow.

"Avoidance of discrimination must be our constant, daily practice. It must be so deeply ingrained in our policies and practices that it becomes automatic. We must be so completely dedicated to an anti-discrimination policy that when the slightest hint of discrimination shows up it is quickly

spotted and eliminated as a glaring inconsistency.

I will not tolerate discrimination in any form..."

Secretary of Agriculture Richard Lyng
June 12, 1986

"For me, equal opportunity, work force diversity, and basic human rights are a given. They should not be subject to debate..."

Secretary of Agriculture Clayton Yeutter
May 3, 1990

"We will continue to support the goal of ensuring equal opportunity for all in employment and program delivery."

Secretary of Agriculture Mike Espy
October 13, 1994

"World trade is booming and agriculture is America's No. One exporter - having hit \$60 billion last year. But while markets are open, they're still not open enough. And we have to keep fighting the phony barriers some countries hide behind."

Secretary of Agriculture Dan Glickman
January 31, 1997

"By our words and our actions, each of us must demonstrate a commitment to equal opportunity for all individuals."

Secretary of Agriculture Dan Glickman
June 7, 1995

The Right to Migrate

These Secretaries seemed to believe in the right to migrate. Certainly, they never told us to be unfair to immigrants and noncitizens. Ed Madigan, Secretary from 1991 to 1992, went further than the rest and commented directly on the right to migrate. Robert Franco, an Associate Director in the Office of the Secretary, sent this reply to me after I sent the chapter “The Right To Migrate” from this book to the Secretary:

Dear Mr. VanRaden,

Thank you for your recent letter to Secretary Madigan concerning the right to migrate freely throughout the world. Mr Madigan has asked that I convey his appreciation for your comments and assure you that they will be thoughtfully considered in addressing this problem through our representation in international organizations and agencies.

I know you will be interested to learn that the United States supports the international recognition of the right of free immigration. This is one of several issues that is being negotiated as part of the general trade talks with our European and South American neighbors.

Associate Director Robert Franco
Office of the Secretary
March 18, 1992

After receiving this letter, I began to watch the trade talks more closely. Free migration could come quickly if the other nations stop dragging their feet. We in the United States already officially support the right to migrate. At least that's what I was told.

JOBS

The Secretaries' instructions all seemed clear and helpful, but I wished that more people in the bureaucracy would follow them. The personnel division of USDA decides which people are qualified for which jobs and what their pay will be if hired. They also announce job openings. In 1992, the personnel division wrote an announcement for a job that I supervised. All of the nice phrases were in place, but the words didn't make sense. In the following letter, dated January 7, 1992, I asked Ms. Jane Giles, Director of Personnel, to explain why discrimination on citizenship is not called discrimination.

Dear Ms. Giles:

You are probably familiar with Secretary Lyng's memorandum of June 12, 1986, which states, “We must be so completely dedicated to an anti-discrimination policy that when the slightest hint of discrimination shows up it is quickly spotted and eliminated as a glaring inconsistency.” Recently, I spotted a glaring inconsistency in vacancy announcements distributed by the Personnel Division in Greenbelt, Maryland. On page 2 of ARS-D-2-B0016, the announcement said, “Qualified applicants will be considered for appointment without regard to race, color, religion, sex, marital status, physical handicap, age, national origin, or any other nonmerit factor.” About three paragraphs later on the same page, the announcement said, “U.S. citizenship is required.”

Citizenship is a nonmerit factor. If we reject all noncitizens because of Executive Order 11935, 5 CFR Part 7.4, and 31 U.S.C. 699(b), how can we claim to hire only on merit? Such wording in vacancy announcements discourages applications from qualified noncitizens (for example, Chinese students eligible by Public Law 102-141) and

Chapter 9

defeats the intent of Equal Employment Opportunity.

Hopefully, you can help me reduce inconsistent wording in our vacancy announcements in the short run and eliminate our discrimination against noncitizens in the long run.

The response came a few weeks later, on January 29, 1992. The statements about Equal Opportunity on government job announcements are required by law. Therefore, the words make sense even if they say opposite things. Ms. Giles did not see even the slightest hint of discrimination. That's what she told me.

TO: Paul M. VanRaden

This is in response to your letter of January 7, 1992, expressing your concerns about the requirements for citizenship for Federal employment.

It is unlikely that Secretary Lyng's 1986 anti-discrimination policy was meant to cover citizenship issues, since these are mandated by law, Executive Order, and/or appropriations acts, and are applicable Government-wide. Thus, the statement "U.S. citizenship required" which you see on vacancy announcement is in keeping with these mandates. The references in your letter (except for Public Law 102-141, which will be addressed in my next paragraph) pertain only to Competitive Service positions which must be filled by U.S. citizens, as mandated by one or more of the issuances mentioned above, unless excepted as stated in one of the references in your correspondence, 5 CFR Part 7.4(c).

As you probably know, Public Law 102-141, your last reference, is the "Treasury, Postal Service and General Government Appropriations Act, 1992." The incorporation

in the Act, of the reference to EO 12711 concerning Nationalists of the People's Republic of China (PRC), does not make the Nationalists eligible for positions in the Competitive Service. As a result of the Law, however, certain Chinese Nationalists may occupy positions in the Excepted Service until expiration of EO 12711 on January 1, 1994. Several ARS selecting officials are currently considering such Nationalists for Research Associate positions. When we announce Excepted Service positions, we never include the statement, "U.S. citizenship required." To do so would be in violation of the anti-discrimination provisions of the immigration laws.

I hope I have successfully explained that ARS is in compliance with the current laws, Executive Orders, and appropriations acts as they relate to employment in the Federal Government.

Job announcements might be shorter and clearer if we list only the groups that we do discriminate against, instead of all the nonmerit factors that we try so hard to disregard. If a person's race, color, religion, or national origin should not influence hiring decisions, neither should their citizenship. As the Secretaries all said, discrimination of any form is wrong.

TRAINING

Bureaucrats were trained not to discriminate, but by law they had to discriminate. Civil rights experts taught that people of any race, color, sex, age, national origin, religion, marital status, sexual orientation, or disability could be hired. The experts often said nothing about the foreigners, immigrants, and other noncitizens that could not be hired. The experts taught

The Right to Migrate

that more women, blacks, and Hispanics should be hired to make up for past discrimination. Bureaucrats learned to ignore the rights of everyone else. That's why I didn't like civil rights training, as shown in the next two letters.

September 21, 1998

Subject: Civil Rights Training
From: Darrell Cole
To: Dr. VanRaden

I understand that you have not attended one on the sessions regarding the Mandatory Civil Rights Training required by the USDA. We have a session scheduled at 9:00 am to 12:00 noon, Wed. Sept. 23, in room 020, Building 003, BARC-W that you are required to attend. If you do not attend this session, you will be subject to disciplinary action.

September 22, 1998

Dr. Cole,

Thank you for informing me of this training. I haven't attended so far because I wonder why noncitizens have no right to apply for permanent government jobs. The government tries to teach me that only citizens have civil rights. Does the course scheduled for 9:00 am to 12:00 noon, Wed. Sept. 23, in room 020, Building 003, BARC-W teach that all people, including noncitizens, deserve civil rights and equal opportunity? If so, please tell me, and I will be the first one in the door. Everyone should have civil rights Paul

The mandatory training seemed useless but also harmless, so I attended in order to keep my job, along with three other

employees facing disciplinary action. My bosses didn't care what I learned, they only demanded that I sit in the training. The class taught us that USDA treats everyone equally and then it showed us people that USDA can't hire.

Page 3 of the training booklet demanded that we "demonstrate a commitment to equal opportunity for all individuals." Then we watched a civil rights video made by Canadians at the Royal Bank in Canada. U.S. law excluded Canadians from the term "all individuals," but the course included them. When the instructor asked for my reaction, I gave about a two minute speech protesting the fact that Canadians have no rights at USDA. Instead of being the first one in the door, I was the first one out. My boss's boss was not amused.

October 29, 1998

SUBJECT: Letter of Caution
TO: P. Van Raden
FROM: T.J. Sexton

This memorandum is a notice of caution regarding your disruptive behavior during the Introduction to Civil Rights training held Wednesday, September 23, 1998. At our meeting on October 8, 1998, you did not dispute the account.

According to the instructor of this training, during the discussion period you loudly explained that you could not understand how the group could discuss diversity and sensitivity when ARS discriminates against non-citizens. You continued to say that you repeatedly discard applications from possible employees simply because they are not citizens of the U.S. When the instructor indicated she did not think your comments pertained to the issue of

Chapter 9

the training course, you strongly disagreed and said that you could not sit there and watch the video when ARS continues to discriminate against non-citizens. You then gathered your belongings, scratched your name off the sign-in sheet, added the statement “Noncitizens should have civil rights” to the sign-in sheet, and left the room.

Your disruptive behavior involving this incident reflects a serious inability on your part to comply with the rules and regulations to guide employees in their conduct. This memorandum is to clearly notify you that this conduct is not acceptable and will not be tolerated in the future. This notice of caution is being sent for remedial and not punitive reasons. Your failure to heed the message that this notice of caution is meant to convey may subject you to formal disciplinary action in the future.

The next day, October 30, 1998, I received a rating of unsuccessful for my performance in fiscal year 1997-98. I had to retake the mandatory civil rights class within one month or else be demoted or fired. My bosses didn’t accuse me of discriminating against or denying civil rights to anyone. I was punished for questioning during civil rights class the law that requires us to discriminate against others.

My boss’s boss, after cautioning and punishing me, then suggested that I give a formal statement of ideas on how to improve civil rights. I tried to send this memo thru the chain of command up to the Secretary of Agriculture, but my boss’s boss’s boss refused to let me send it.

November 12, 1998

SUBJECT: Greater Employment Opportunity

TO: Dan Glickman
FROM: Paul VanRaden

Thousands of USDA employees recently completed Module I of the Civil Rights training. I did not complete the training because I am very firmly committed to equal employment opportunity for ALL individuals. I take the phrase “all individuals” in the USDA Civil Rights Policy Statement seriously, broadly, and literally. The training video for Module I showed Canadian individuals. These individuals have no right to work for USDA, and so I walked out of the training to protest the obvious fact that “all individuals” aren’t given equal opportunity. If USDA chooses Canadians to train us, why shouldn’t Canadians work for us?

Recently, employees of USDA were challenged to make USDA the Civil Rights leader. I proposed during the Civil Rights training that USDA hire noncitizens for permanent jobs in USDA. The Civil Rights Policy Statement demands Equal Employment Opportunity for all individuals, but the law excludes noncitizens from the term “all individuals.” Employers would have more choices and individuals would have more job opportunities if noncitizens were included in Equal Employment Opportunity. Employers and citizens could both have greater employment opportunity. I would like to disregard national origin when hiring and be fair to all individuals: citizens and noncitizens.

American businesses and universities can and do hire the talented noncitizens that USDA refuses to hire. Foreign businesses, universities, and governments also compete to hire some of the American citizens that might work here. In the race to create opportunity in agriculture, the private sector is the leader and USDA is getting farther

The Right to Migrate

behind. Because the government tends to promote from within, most hiring is at the entry level. Noncitizens have had to enter the workforce outside the government. By the time they become citizens, entry level jobs no longer attract them because many of them already have good jobs and seniority in the private sector.

The Olympic phrase “Go for the gold,” which you have borrowed, will apply to Civil Rights only when our playing field contains citizens of other nations. The work of USDA and of the Agriculture Research Service is rapidly becoming international. I interact with citizens of many other nations on a regular basis, and I gain much by working with them. Foreign citizens might do my work as well as I can and vice versa. The private sector is becoming global and more diverse, but government employers reject all foreign citizens and limit diversity. This hiring ban is a form of discrimination that we can’t afford. Noncitizens should be welcome at USDA.

While the U.S. government rejects noncitizens, some employees actually embrace them. Two of my nineteen American coworkers recently married Canadian citizens, another married a Swedish citizen, and another’s daughter-in-law is a Japanese citizen. When I was hired, my significant other was a German citizen and thus not welcome to work for USDA, so we ended the relationship. My previous job was taken by a Polish citizen, and I interviewed for a university position but it was taken by a German citizen. One coworker recently adopted a 5-year-old Latvian citizen, and one went to work at Agriculture Canada in Ottawa after his USDA position expired in 1994. Other governments don’t always discriminate against Americans.

The USDA Policy Statement on Civil Rights requires that “every employee must be

treated fairly and equitably, with dignity and respect. There are no exceptions.” The temporary employees of USDA are an exception. For example, I hired a noncitizen as a postdoctoral research associate in 1996. When this temporary position was converted to an almost identical permanent scientist position in 1997, the temporary employee was forced by law to leave so that an American citizen could take over his research project. By 1997, he had lived in the United States as a student, then a temporary resident, then a permanent resident for a total of 14 years and had paid income taxes for the past 10 years. He was rated more qualified than the American scientist that replaced him by all five USDA scientists on the hiring panel. The government did not treat him fairly or equitably, but fortunately he quickly found Equal Employment Opportunity, Civil Rights, and a higher paying job at a university.

USDA would be stronger if we did as you have stated: “By our words and actions, each of us should demonstrate a commitment to equal opportunity for all individuals.” We need equal opportunity, but we also need the greater opportunity that the private sector already enjoys. We can be the Civil Rights leader if the laws that limit employment are changed.

November 18, 1998

SUBJECT: Your Memo to Secretary Glickman on Greater Employment Opportunity

TO: Paul VanRaden

FROM: Phyllis E. Johnson

I am returning the subject memo to you; I will not forward it to Dr. Horn.

Chapter 9

As you point out, non-citizens in the United States have different rights than citizens. The fact that they are not free to compete for Federal jobs is because of statutory requirements set down by the U.S. Congress. It has nothing to do with the USDA Civil Rights program, and Secretary Glickman has no ability to change this. The laws which apply to businesses in the private sector and to university, that allow them to hire noncitizens, are different. If you are dissatisfied with this situation, I suggest that you communicate with your Congressional delegation.

Yes, I was dissatisfied. Why shouldn't a bureaucrat be able to suggest a change to the law as part of official duties? Just a week before the above letter arrived, Secretary of Agriculture Glickman bragged that he could change civil rights law. The following letter was sent to all USDA employees including Phyllis and me.

November 10, 1998

Dear USDA employee:

... We began civil rights training for all USDA employees. And, we made legal history by getting Congress to waive the statute of limitations so we could settle older civil rights cases. ...

Sincerely,
Dan Glickman

The U.S. Congress had the power to change the law and give equal opportunity to all individuals, as Secretary Glickman had already demanded of me, but Congress was busy impeaching the President. The President

also could ask for a change in the law, but he didn't really want equal opportunity. Politicians don't care about noncitizens because noncitizens don't vote. Noncitizens don't vote because politicians don't let them. Instead of waiting for local politicians to act, I wrote to the bureaucrat in charge of promoting equal opportunity for all individuals.

CLINTON

January 20, 1999

Dear Secretary-General Kofi Annan,

The trial of U.S. President Clinton by the Senate and Chief Justice shows that everyone must obey the law. "The foundation of the United Nations is the law", as you said July 4 1997 in Geneva. Both national and international laws must be obeyed by all of the world's residents. If crimes against national laws are carefully examined, crimes against international law deserve the same careful attention. The United Nations and World Court should examine crimes committed on international waters. The law and the evidence are clear: President Clinton should be tried for piracy.

Tens of thousands of travelers on the open ocean were deported from the open ocean back to Haiti, Cuba, and other places by U.S. forces since 1993. On June 22 1993, the U.N. Commissioner on Refugees strongly condemned Clinton's actions. On May 8 1994, the United States formally declared sovereignty over the high seas. Now, U.S. immigration officials on Navy and Coast Guard ships apply U.S. law to everyone that they catch on the high seas. The 1948 U.N. Universal Declaration of Human Rights, Article 13, Part 2, gives everyone in Haiti, Cuba, etc. the right to emigrate, but U.S. policies make emigration nearly impossible.

The Right to Migrate

President Clinton led the U.S. effort to nationalize international waters. In major speeches such as his 1995 State of the Union address, Clinton asked for new laws to control immigration and bragged of deporting large numbers of illegal aliens. On the high seas, no one is an alien. Those who travel the seas aren't illegal. However, the use of force by Clinton's sailors and immigration officials to intercept and deport people from the high seas is illegal. When Fidel Castro obeyed international law and let thousands of Cubans leave, Bill Clinton on August 19 1994 described Castro's new policy as "cold-blooded." On September 9 1994, Clinton and Castro agreed to end the Cubans' right to emigrate.

The U.N. Convention on the Law of the Seas, Part VII, Article 89, demands that "No state may subject any part of the high seas to its sovereignty." President Clinton rejects this law and claims sovereignty over the sea. National leaders are expected to enforce national policies within the borders of their nations and within their national waters. They may also use force beyond national borders in support of international treaties or U.N. resolutions, but the use of force against friendly ships on the high seas is a high crime.

No person or nation should be above the law. To gain respect for international law, you should do what the Americans have done. You should put Bill Clinton on trial.

Sincerely,
Paul VanRaden

All of us should obey the law. Everyone. I began to hope that some day American presidents and Communist dictators would all have to respect international law and respect

human rights. So I wrote to the Cuban head of state asking him to get started.

[letter never sent]

Dear Fidel Castro

Please help me to obtain human rights in the United States. My people do not have religious freedom. The U.S. government forces us to carry coins and paper money that say "In God We Trust" even if we firmly believe that there is no God. But that is a small problem compared to the abuses of human rights of the Cuban people and others like you. The only right guaranteed to Cubans is the right to remain forever on the island of Cuba. Most Cubans are not allowed to leave the island unless they can play baseball extremely well.

Enclosed is a copy of my unpublished book *The Right To Migrate*. I'm trying to find foreign publishers because almost no one in the United States wants this book. Please translate *The Right To Migrate* into Spanish and give or sell a copy to each person in Cuba. You can even provide English copies to the people living on Guantanamo Bay. I'm sorry that you can't pay me for this book because it is against U.S. law for a U.S. citizen to sell a human rights book to Cubans. If you agree to work for instead of against human rights, we might end the trade embargo and then I could sell your Spanish translation into other Spanish-speaking countries and we could make some money. Think about it.

After you retire, maybe you could visit the United States again and help U.S. citizens obtain the right to trust or not to trust in God. We have free speech here, which means that people can't be put in jail just for saying things that other people don't want to hear. Life could be a lot easier and sweeter than it is now. But only if we can change the laws of

Chapter 9

Cuba and the United States to let the Cuban people and the Cuban sugar flow freely to anywhere in the world. Please help me.

Sincerely,
Paul VanRaden

ALIENS

Twice during my career in USDA, I used taxpayer dollars to hire an illegal alien, Eric. First, Eric was illegal, then legal, then illegal, then legal again. Then, he went back to The Netherlands where the law says he belongs. He was paid by the University of Maryland as a part-time student and part-time researcher although he didn't work there or study there. He worked directly for the government (me) in a government office building. Funds from the government were sent to him thru the university because obtaining a student visa was much easier than obtaining a job directly with the government. That was the legal part.

Eric's visa papers were delayed and didn't reach him before the day he was scheduled to leave Holland for Washington. He arrived at my office on schedule the next day as a tourist and I put him right to work. But he couldn't be paid until he changed visa status. And his visa status couldn't be changed while he was in the United States because U.S. immigration laws are sometimes very stupid. Even if you are in the United States and have permission to work here, you must leave the United States so that you can reenter.

The INS rules were too difficult for me to understand, but Eric did his best to get thru them. We both tried to get thru the answering machine at INS many times before giving up. Eric wrote this short note to me on November 26, 1991, while I was away from the office. As a foreign student, he learned a lot about the U.S. immigration service:

Hello Paul,

Today I went to the INS in Washington. But they told me I should send those forms to the INS in Baltimore. So now I can start again. There are several ways to go now. One fact is that, when I leave in Dec., I need that I-94/departure record in my passport and they don't allow a copy, neither in Baltimore-INS, nor at the airport.

One possibility is to complete that IAP-66 form in Amsterdam in those 2 weeks. Regardless of if this succeeds I sure can reenter the States because a stay of 3 months without visa is allowed.

Greetings.. Eric.

Eric decided to work without pay for 3 months, and his father agreed to send some more money to help him survive here. He went home for Christmas in Holland and returned from The Netherlands with a student visa. During the first 3 months of 1992 he was payed at twice the normal salary to make up for the previous 3 months of working for free. That was the possibly illegal part.

The next year he asked to come back for 6 more months of research. We agreed and filled out the forms, and he arrived as a tourist again. This time the university rather than INS was responsible for the visa papers being late. Again he worked for free for 3 months and at twice the agreed pay for the next 3. I learned that illegal aliens can do very good work, even for the federal government.

Life in America as an illegal alien at least gave Eric the freedom that he could not get in The Netherlands. He was drafted into the national army as soon as he returned to The Netherlands in July 1993.

The U.S. government could hire a few aliens for some of its temporary jobs, but the laws made no sense. Employers had to check

The Right to Migrate

the national origins of every noncitizen that applied for work even tho national origin is a factor for which discrimination was against the law. Congress kept a complete list of national origins that job applicants must not have if they wanted a federal job. The list of national origins that were okay as of 1996 are given next.

Citizens of Argentina, Australia, Bahamas, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, France, Germany, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, South Korea, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Samoa, countries of the former Soviet Union, Spain, Thailand, Tobago, Trinidad, Turkey, United Kingdom, United States, Uruguay, and Venezuela could apply for some jobs. Refugees from Vietnam, Cambodia, and Laotia who entered the United States after January 1, 1975 and students from China who were in the United States before April 11, 1990 were two other categories considered okay by Congress.

Africans could not be hired. Immigrants from southern Asia were out of luck. Citizens of Russia and Cuba could apply but those from Hungary and Sweden could not. Citizens of many neutral nations could not apply, but those from nations whose armies fought for or against the United States could. The only real pattern to the list of nations was that the best friends and worst enemies of the United States could apply for jobs.

In 1996, three U.S. citizens and four citizens of other nations applied for a postdoctoral research position that I supervised. This job was temporary with

funding for only two years and only those from the national origin groups above were welcome. In fact, the law said that many of those from other nations should be preferred over the U.S. citizens of equal merit. Members of minority racial or ethnic groups were supposed to get affirmative action. The applicants from Mexico and Uruguay probably were Hispanic. Three other applicants from China probably were Oriental. The laws of the U.S. gave such foreigners either extra credit or exclusion; never equality.

Because this job was located in Maryland, state laws regarding equal opportunity and affirmative action also were enforced. The Maryland state government said that foreigners must be paid salaries similar to those that citizens received. When highly skilled noncitizens received job offers, the state often forced the federal government to pay them \$5,000 to \$10,000 per year more than the salary advertised. When both citizens and noncitizens applied, the bureaucrat might be tempted to hire a citizen just to save money and avoid trouble.

Being fair wasn't easy for me as a bureaucrat and a supervisor. One of the Chinese applicants had worked in Canada and by law had to be rejected. The remaining six applications were ranked on merit alone (without affirmative action) by five scientists and the highest ranked applicant, a Chinese citizen, was hired.

The next year, this temporary position was made permanent due to an increase in funding. But my temporary employee, Yang, was not given a chance to continue his own research project. Instead, an American citizen was hired permanently even tho all five scientists agreed that Yang was more skilled. Yang appealed to our Congressman but she agreed that he couldn't keep his own job. At

Chapter 9

this time, Yang had lived in the United States for 14 years and paid federal taxes for 10 years.

VISITORS

The goal of the U.S. Department of Justice and the INS was to separate people into several classes: those who could work in the United States, those who could visit, and a lower form of people who couldn't get near America. I met one of those lower forms at a meeting in Canada in 1997. Victor worked at the University of Edinburgh in the United Kingdom and did genetic research very similar to my own. Often my boss and I asked him to check our research for accuracy before we published it. In 1996, he wanted to visit my office to discuss his Ph.D. research and sent me the following letter.

September 25, 1996

Dear Dr. VanRaden

I am sure of the dates that I can be with you now. I plan to arrive in Washington on the 3rd of December and proceed straight on to your institute. I can stay the rest of the week after which I hope to go on to Canada.

I have been to the American embassy but they will not give me a visa unless I get a letter of invitation from you stating my mission to the US and possible financial support. I will be grateful if you could formally invite me and send the letter by post.

With regards

Victor

By this time, Victor had gone from Edinburgh to London once to fill out the U.S. forms and pay the U.S. application fee. He had to go again and repeat this process after I sent a formal letter asking him to visit. I sent the letter, but not very quickly, because I hate

doing paperwork for the INS. The news that came back from Victor surprised me.

November 4, 1996

Dear Dr. VanRaden

I eventually got your letter and re-applied for a US visa.

I am sorry to inform you that despite your letter and the support from Prof. Hill and my department here, I was refused a visitor visa to the USA. This means that I will not be able to visit in December as planned unless there is anything you or any one at your end can do to make the visa officers change their mind.

Thank you very much for your assistance. I will remain in touch by e-mail as much as possible.

Yours sincerely,
Victor

Victor was from Nigeria, and that was his only "problem." He was friendly, skilled, and highly educated. The INS, by comparison, seemed rude, stupid, and backward. I was happy that Victor got past the British border guards to attend his university and past the Canadian border guards to attend a meeting. Visiting shouldn't be illegal whether people are rude or friendly, stupid or skilled, backward or highly educated. For hundreds of years, people have moved from Europe to the United States. Now, Nigerians should have a right to migrate.

Another scientist from Nigeria, Sanya, also asked to visit my office in 1997 for a sabbatical of up to one year. I explained the rules and the trouble that Victor had and warned that the United States could be less civilized than Nigeria. This was the response.

October 10, 1997

The Right to Migrate

Hi Paul,

I read your mail after my arrival from a trip to the northern part of the country. It was very stimulating reading your comments on the attitude of official Washington. Yes, might is always right with respect to human beings. That is why the weak were forced to come to America against their wish at one time and at this modern era forced to stay away from America... This is really a cruel world!

With very warm regards.

Yours sincerely

Sanya

CITIZENS

The march toward free migration took a long step backward in 1986. The government of the land of the free began to punish its citizens for hiring citizens of other nations. A memorandum from the University of Wisconsin, where I began work in 1987, explained the rules of this new law to me. Even in a memo announcing that opportunity would be taken away from many people, the university still claimed to be an equal opportunity employer.

U.S. citizens cannot just go to work anymore. First they must fill out permission forms from the federal government. If you don't believe in permission to work, you should mark "Filed under protest" and "Ashamed that we discriminate against other people" when signing the citizenship form. I filed under protest twice when beginning work: for the University of Wisconsin in 1987 and for USDA in 1988. Individual protests for the rights of noncitizens are easy. You'll feel good, and your boss will still give you the job.