

# Select commission suggests changes in immigration policy—a review essay

*Tougher enforcement, higher quotas, amnesty for most current illegal aliens, and a 'more reliable' means of checking the legal status of all workers are among the 67 recommendations of a 2-year Congressional panel*

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Many believe that immigration to the United States is out of control. Instead of the 450,000 immigrants anticipated in 1980, 808,000 legal immigrants, refugees, and special entrants were admitted, and an unknown number of illegal or undocumented workers, as many as 500,000, entered by various means. Immigration is at an alltime high, exceeding the previous high average of 880,000 per year between 1901 and 1910.<sup>1</sup> The Select Commission on Immigration and Refugee Policy was created by Congress in 1978 and given 2 years to develop an immigration remedy. Its March 1981 report contains 67 recommendations designed to reassert control over immigration.<sup>2</sup>

Apparently, despite our immigrant heritage, Americans are opposed to more large-scale immigration. The Roper poll of June 1980 found that 91 percent of Americans support an "all-out effort" to stop illegal immigration and 80 percent want to reduce the number of legal immigrants and refugees. However, the commission believes that more legal immigrants could be ad-

mitted if illegal immigration were stopped. Its major recommendation was that the United States "close the back door to undocumented and illegal migration [and open] the front door a little more to accommodate legal migration."

In a world of nation-states, all countries must make three immigration decisions: (1) how many immigrants to admit; (2) from where; and (3) in what status. All sovereign nations claim the right to control their borders, making immigration a privilege extended to a few individuals, not a basic human right available to all. Most countries severely limit the settler immigration characteristic of the American past. More than half of the 1 million or so "settler immigrants" admitted to the world's 164 nations each year come to the United States. Unlike most nations, the United States treats all countries equally when issuing visas under the 6-tier preference system that governs the admission of our 270,000 planned immigrants. Also unique is our reluctance to separate the right to work from the right to continued residence. The United States has only 30,000 legal temporary workers, persons expected to leave when their seasonal jobs end. In contrast, European nations have used temporary alien workers for 5 to 10 percent of their work forces.<sup>3</sup>

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The commission's 453-page report is a moderate response to restrictionist pressures. If its proposals were adopted, total immigration would decrease, but the legal share would rise. The report recommends more enforcement, amnesty for illegal aliens now in the United States, a 67-percent increase in quota (planned) immigrants for 5 years, no upper limit on total immigration (quota admissions, exempt relatives, and refugees), and a new international approach to vexing refugee problems.

The thrust of the report is the need for enforcement to reassert control over immigration. The commission voted 14-2 to recommend fining employers who knowingly hire illegal aliens and narrowly (8-7) recommended a "more reliable" mechanism to identify persons authorized to work (such as a counterfeit-proof social security card). By 14 to 1 it advocated increased enforcement of existing labor standards laws. Adoption of the enforcement recommendations would presumably help curb illegal immigration. But what about the 4 to 6 million persons currently living in the United States illegally? The commission recommends a onetime amnesty that would permit aliens in the United States before January 1, 1980, to become legal immigrants after the new enforcement mechanisms become active. Congress would decide the details of the amnesty program.

The commission recommended (14-2) against a large-scale, temporary worker program that might help curb future illegal immigration. By the same margin, it suggested that the small (but numerically unrestricted) H-2 program, which admits aliens for temporary jobs, be continued, but argued that employers should be weaned from dependence on such workers.

The commission's recommendations range from a call for "better understanding of international migration" to a "visa waiver for tourists and business travelers from selected countries." A quick review of immigration law and the commission's responsibilities will help put the proposals in context. The best way to outline the recommendations is to discuss their impacts on the three major groups of immigrants: legal, illegal or undocumented, and refugee.

## Background

The Select Commission on Immigration and Refugee Policy was established by Public Law 95-412 on October 5, 1978, "to study and evaluate . . . existing laws, policies, and procedures governing the admission of immigrants and refugees." It was asked specifically "to conduct a study and analysis of the effects of immigration on (1) social, economic, and political conditions in the United States; (2) demographic trends; and (3) present and projected [domestic] unemployment."

The commission was established after Congress, in the early 1970's, repeatedly failed to approve sanctions

on employers who knowingly hired illegal aliens; after both Presidents Ford and Carter organized interagency task forces to study immigration issues; and after President Carter's August 1977 enforcement and amnesty proposals to curb illegal immigration died in Congress. The commission's members knew that most immigration reform proposals do not survive the crossfire of opposition from special interest groups.

The commission faced the task of recommending reforms in current immigration law, which is humanitarian in spirit (favoring the admission of refugees and relatives of U.S. residents), but which is also increasingly utilitarian in practice, because illegal immigration delivers large numbers of alien workers to American employers. The 16 commissioners included four Cabinet secretaries (Justice, Health and Human Services, Labor, and State); eight members of Congress; and four representatives of the public at large. The commission's chairman was the Reverend Theodore Hesburgh of Notre Dame University.

Reforming immigration policy is never easy. Despite an immigrant heritage and the belief that the United States has always welcomed the world's tired and poor, past immigration policy actually discouraged the entry of aliens. Immigration law grew out of an ever lengthening list of excluded "undesirables" in the 1880's—first prostitutes and convicts, then Chinese, lunatics, and idiots, and in 1885, contract laborers. Current immigration law excludes more than 30 classes of "undesirable aliens," including homosexuals and security risks. The commission's predecessor, the 1907 Immigration Commission, headed by Senator William Dillingham,<sup>4</sup> demanded the first quantitative restrictions.<sup>5</sup> The 1921 Quota Act limited immigration from any country to 3 percent of the foreign-born persons from that country living in the United States in 1910. In 1924, the National Origins Law set an annual quota for each country, of 2 percent of a nationality's U.S. residents, and restricted total annual immigration to 150,000. Western hemisphere nations, including Mexico, were exempt from the quota.

In 1952, the current Immigration and Nationality Act (INA) was enacted over President Truman's veto. The INA reaffirmed national origins quotas. Amendments in 1965 eliminated the quotas and established a 7-tier system of family and skill preferences in order to rank would-be immigrants from each country. These amendments strengthened provisions that protect American workers from the competition of aliens. Needed immigrants had to show that American workers were not available to fill vacant jobs and that their employment would not adversely affect U.S. wages and working conditions.

The 1965 amendments replaced national origins quotas with a 20,000-per-country limit on quota immi-

grants from Eastern Hemisphere nations. Those nations, combined, could send 170,000 immigrants to the United States annually; Western Hemisphere nations were given 120,000 immigrant slots, but no country limits or preference system were imposed. In 1976, the INA was amended to extend the preference system and 20,000-per-country limit to the Western Hemisphere, and in 1978, hemisphere quotas were replaced by a single worldwide quota of 290,000. The 1980 Refugee Act put seventh preference refugees under a separate 50,000-person ceiling but left 270,000 slots for relatives and needed workers.

### The research issue

The commissioners were divided on whether to conduct more research or whether the first priority was to build a consensus based on past research and reform proposals. This failure to agree resulted in simultaneous research, public hearings, and public relations strategies. Research included 22 studies of the economic and social progress of recently arrived immigrants and refugees, and a series of 24 consultations with experts, concerning topics ranging from illegal immigration to refugee issues. Public hearings were held in 12 cities across the country and attracted 700 witnesses. As a matter of public relations the commission attempted to confer with a variety of special interest groups.

Many felt that the commission should not make unpopular control and enforcement recommendations until it could quantify the benefits and costs of current migration patterns. A few commissioners wanted to begin a multiyear, longitudinal study of legal immigrants, because research on illegal aliens did not promise precise results.<sup>6</sup> However, the majority stressed that research must focus on the impacts of illegal aliens and seek answers to relevant questions, even if it were difficult.<sup>7</sup> The result was a standoff and no new substantive research. The commission's research and public hearings thus yielded a 916-page staff report and nine appendix volumes which do not expand the information base significantly. Instead, the report presents a general review of the evolution of immigration law, an overview of current problems, and analyses of the experiences of particular immigrant groups.

What kind of research on illegal aliens would have been most useful? Three basic research strategies are available. First, legal immigrants can be studied and the results extrapolated to the illegal population. For example, the economic progress of Mexican immigrants can be studied, under the assumption that illegal entrants of the same educational attainment and age, and in the same location, are making similar progress despite their undocumented status. This extrapolation strategy promises estimates of unknown accuracy. Second, illegal aliens who worked in the United States can be

interviewed after they return to their home countries, where they can talk freely about their experiences. These "sending country" samples have an acknowledged bias—they include only aliens who returned. Another problem is that such studies say far more about individuals than about the impact of aliens on U.S. labor markets. A third research strategy would be to study both apprehended and unapprehended illegal aliens within selected localities, so that data from different localities may be compared. Several commissioners endorsed the idea of local area studies to determine socioeconomic impacts in cities known to contain large numbers of aliens, such as Houston, Los Angeles, and New York. These studies could examine the structure and growth of local industries, changes in local work forces, and labor market indicators such as wage levels and dispersion, hiring and turnover patterns, and unionization.

In addition to local area studies, many academicians urged a replication of the 1975 David North and Marion Houston study of apprehended aliens.<sup>8</sup> Those urging such a study believed that a large sample of aliens would show the "maturation" of illegal aliens—more women, more from urban areas, and more non-farm workers. A stratified sample would permit researchers to isolate aliens caught before finding jobs, those apprehended after working at least 2 weeks, and those in the United States for at least 2 years.

Apprehension identifies persons here illegally. However, the problem with studies based on apprehension statistics is that persons caught and deported may not be representative of the entire illegal alien population. If that population is considered to be a room of unknown size and shape, then the apprehended alien sample is a window of known dimensions that permits a look into the room. However, it is not possible to determine whether a particular window (or sample) is a peephole or picture window. If a series of apprehended alien studies leads to uniform conclusions on characteristics and impacts, it may be assumed that the underlying phenomenon is similar among urban areas.

Immigration research will always be controversial. Scientific inquiry requires theory, data, and hypothesis testing, but there is no theory that tells us how fast the population should increase. Immigration data are scanty and unreliable. More research cannot answer specific questions precisely, such as how much will gross national product, unemployment, and average hourly earnings change if 1 million additional immigrants were admitted. But it can document trends and permit qualitative answers to questions of interest—what impacts will current migration patterns have and how do the effects of immigration vary with local conditions? Immigration reform decisions will require value judgments, but these can be informed by research.

## Legal immigration

The Immigration and Nationality Act anticipates the arrival of 270,000 quota immigrants each year. Each aspiring immigrant must clear three hurdles. First, the immigrant must qualify under one of the six preferences. Second, there must be a preference quota slot available, such as the 54,000 openings for unmarried adult sons and daughters of U.S. citizens, or the 27,000 slots available to immigrants of exceptional ability and their dependents. Finally, one of the sending country's 20,000 quota slots must be available to the applicant.<sup>9</sup>

The commission recommends that the system of nation and preference quotas be retained but that the worldwide quota be raised to 350,000. This increase "can advance U.S. interests without harming U.S. workers." The 350,000 quota would separate immigrants into two distinct channels. One group would continue the tradition of family unification, and some unspecified percentage of the 350,000 quota would be assigned to each family unification category. The second channel would admit independent immigrants—aliens with no qualifying family ties but with exceptional ability or money to invest in the United States. The commission could not agree whether these "new seed" immigrants should be admitted only if they have job offers from American employers and will not affect U.S. workers adversely (7 votes), or if they should be admitted without an individual test unless the Secretary of Labor has declared that their admission adversely affects U.S. workers (7 votes). It also failed to agree if the 54,000 slots now available to "needed permanent workers" should be increased in number, or decreased.

Current law exempts parents, spouses, and minor children of adult U.S. citizens from all quotas. In most years, 100,000 to 150,000 quota-exempt immigrants are admitted. The commission recommended quota exemptions for unmarried adult sons and daughters of adult U.S. citizens (14-2), grandparents of adult U.S. citizens (13-3), and brothers and sisters of adult U.S. citizens (9-7). These additional exemptions and the naturalization of recent immigrants and refugees could increase the annual exempt flow of immigrants to 200,000 or more.

Would-be immigrants from some countries face waiting lists of 5 years or more, which encourages illegal entry. To reduce these waiting lists, the commission recommended (12-4) that for 5 years, an additional 100,000 slots be added to the new 350,000 worldwide quota, increasing quota immigration 67 percent. If all these recommendations were adopted, permanent or "settler" immigration could average 650,000 annually for the first 5 years and 550,000 each year thereafter, but this total would not be a firm ceiling. Despite strong pleas from environmental protection and popula-

tion control groups, only one commissioner voted to impose an absolute ceiling on immigrant admissions.

## Refugees

Refugee policy was changed by the Refugee Act of 1980, which permits admission of 50,000 refugees annually. However, the actual refugee quota is determined each year by the President, in consultation with Congress. In fiscal year 1981, the refugee quota was 217,000, and in 1982, it is 173,000.

The act brought the American definition of "refugee" into conformity with the United Nations standard. Until 1980, the United States defined refugees as persons fleeing communist countries, communist-dominated areas, or any country in the Middle East. A refugee is any person outside his or her country of nationality or normal residence who is unable or unwilling to return "because of a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

The commission recommended, by a vote of 11 to 3, that the President, in consultation with Congress, continue to set an annual refugee quota that considers both geographic and individual factors. The dissenting commissioners argued that 1980 presidential consultations with Congress were only *pro forma*. Because three "emergency admissions" occurred for every "planned" refugee, they believe that in actuality the President controls refugee admissions virtually unchallenged.

The Refugee Act of 1980 was in force when Cuban "boat people" arrived in southern Florida during the summer of 1980. By the end of the year, 125,000 Cubans and 15,000 Haitians had come to the United States illegally and had sought political asylum.

Most of the Cubans were resettled with friends or relatives in the United States. However, the private boats transporting the refugees were forced to accommodate an estimated 24,000 expelled "criminals." Many of these persons had committed only political offenses, but at least 3,500 were common criminals who are now in jail or at a detention center in Fort Chaffee, Arkansas.

The United States had never before received waves of persons seeking mass asylum. The Administration did not permit the Cubans and Haitians to claim refugee status immediately, lest it appear that the United States would "reward" illegal entry or accept "pushouts" of criminal elements by foreign governments in the future, and because officially defined refugees are entitled to Federally-paid welfare, health, and training assistance for up to 3 years. Instead of being given refugee status, the Cubans and Haitians were made "special entrants" with indefinite parole status, and are eligible for half of normal refugee benefits.

Pushouts and mass asylum requests figured prominently in the commission's deliberations. The commis-

sioners recommended 12-3 to "deter the illegal migration of those who are not likely to meet the criteria for acceptance." They urged that requests for asylum be individually and expeditiously processed and that the United States "not hesitate to deport those persons who come to U.S. shores—even when they come in large numbers—who do not meet the established criteria." To expedite these deportation reviews, the commission recommended, 13-1, the development of "group profiles" to determine probable eligibility for asylum, even though each individual would still be required to prove his or her own eligibility. To ensure fair treatment of all who claim refugee status in the future, it was proposed that an interagency body be established, to make contingency plans that deal more systematically with future pushouts and mass asylum requests.

Once in the United States, refugees must be resettled and integrated into society. Since 1975, nearly 1 million refugees have been accepted, half from Indochina. Traditionally, the Federal Government admits refugees, and voluntary associations (especially church groups) resettle them in conjunction with State and local governments. The expansion of social welfare programs, the large number of refugees, and the tendency of refugees to cluster in a few areas have encouraged the Federal Government to step up its refugee assistance efforts. The Refugee Act of 1980 allows the Federal Government to reimburse voluntary agencies for the costs of resettling refugees, \$525 for each Indochinese refugee and \$365 for each European, African, and Middle Eastern refugee.

The commission recommended (11-3) that State and local governments help plan for refugee resettlement and that Federal "impact aid" be considered for communities with concentrations of refugees. Federal policies now attempt (unsuccessfully) to disperse refugees. But the commission suggested that refugees be encouraged to cluster in particular areas because (1) they will anyway; (2) more experienced refugees can ease the inte-

gration of newcomers; and (3) it is less expensive to provide special education and training assistance to concentrations of refugees. It also recommended that refugee resettlement be geared to the achievement of self-sufficiency, and that cash assistance be terminated for refugees "who refuse appropriate job offers."<sup>10</sup>

Clustering refugees concentrates their economic benefits and costs. If refugees help revive declining neighborhoods and keep mobile industries from leaving an area, local economies benefit. If, on the other hand, unskilled refugees compete with disadvantaged residents for jobs and require costly education and social services, local economies suffer. No conclusive evidence is available to demonstrate that communities are generally either helped or hurt by an infusion of refugees.

### Illegal immigration

The study of illegal immigration was the commission's principal purpose and the issue that defied resolution. The commission's sounding of public opinion found that most U.S. citizens want to close the half-open door of undocumented and illegal migration.

The number of illegal aliens in the United States is unknown. Partial evidence for the belief that an "uncontrolled hemorrhage of people" is flooding into the country comes from statistics on apprehended aliens. Since 1970, the Immigration and Naturalization Service (INS) has apprehended more than 8 million persons illegally in the United States (table 1). Today, most aliens are caught away from the worksite, and the decline in the percentage of workers among apprehended aliens in data for the 1970's reflects INS de-emphasis of worksite inspections, rather than a true increase in the proportion of jobless aliens. INS worksite inspections were halted on March 31, 1980 to encourage illegal aliens to participate in the decennial census. According to table 1, industrial worker apprehensions outnumbered farmworker apprehensions in 10 of the last 11 years.

**Table 1. Illegal aliens apprehended in the United States, by type of employment, fiscal years 1970-80**

Fiscal year	Agricultural			Industrial and other			Totals		
	Border patrol	Internal investigation	Total	Border patrol	Internal investigation	Total	Total workers	Total apprehensions	Workers as percent of apprehendees
1970	51,655	4,254	55,909	12,928	60,844	73,772	129,681	324,444	40.0
1971	73,399	5,314	78,713	13,924	62,145	76,069	154,782	397,517	38.9
1972	80,922	4,873	85,795	18,339	79,869	98,208	184,003	478,708	38.4
1973	99,384	6,342	105,726	23,547	102,370	125,917	231,643	647,512	35.8
1974	112,107	4,964	117,071	24,472	99,833	124,305	241,376	780,991	30.9
1975	110,184	4,742	114,926	26,797	108,665	135,462	250,383	756,819	33.1
1976	116,735	6,085	122,820	25,531	110,734	136,265	259,085	866,433	29.9
1977	94,665	14,381	109,046	24,763	114,528	139,291	248,337	1,033,427	24.0
1978	95,021	12,551	107,572	38,812	87,019	125,831	233,403	1,047,687	22.3
1979	102,482	11,013	113,495	31,177	89,074	120,251	233,746	1,069,400	21.9
1980	51,291	6,914	58,205	17,641	66,185	83,826	142,031	910,361	15.6

SOURCE: INS form C-23.18 for the years cited, obtained from publication noted in text footnote 11.

The commission reviewed the research on numbers and characteristics of illegal aliens and discovered five "common findings":

- A review of "other studies" led the Census Bureau to estimate that in 1978, 3.5 million to 5 million aliens may have been in the country illegally. Less than half were Mexican.
- Young single males are most likely to attempt to cross borders without inspection. Characteristics of persons using false documents or violating terms of their legal entry are more diverse.
- Almost all illegals are attracted by U.S. jobs that pay relatively high wages, often 5 to 10 times the earnings the alien could expect at home.
- Most illegal aliens earn at least the minimum wage. Many earn up to \$6 or \$7 per hour.
- There is no meaningful "average length of stay" in the United States. Some illegals do seasonal agricultural and construction work and leave the United States for 2 or 3 months each year. However, a growing proportion are expected to settle permanently, a trend anticipated by experience with migrant labor in other countries.

The commission also reviewed the impacts of illegal aliens on wages and unemployment, social service costs, and the "overall effect on U.S. society," finding almost "no consensus" among researchers. For example, the commissioners noted that opinions on job displacement range from zero (no displacement) to one (every illegal alien displaces one American). Similarly, the commission reported that some economists believe the presence of unskilled illegals increases the wages of skilled workers but depresses the wages offered to young and unskilled Americans. The commission's report adopted a middle position on both issues, arguing that illegals depress wages and increase unemployment to an unknown extent.

The commission took a firmer stance on the social service impacts of illegals, agreeing with persons who maintain that "illegal aliens do not place a substantial burden on social services." It sided with those who argue that illegals have payroll taxes deducted from their paychecks, but that for fear of being apprehended, illegals avoid the social service agencies that provide corresponding benefits. David North's tabulation of tax-based benefits received data from 10 studies supports the commission's position. However, his own 1981 study of 580 aliens found that half of the 147 illegals who qualified for unemployment insurance in California sought benefits, and 35 percent collected.<sup>11</sup>

The commission believes that illegal immigration must be curbed because "illegality breeds illegality." Mexican and American "coyotes" smuggle aliens across

the border in a business so profitable "it rivals the smuggling of narcotics," but carries a much lower probability of apprehension and punishment.<sup>12</sup> A smuggling ring can transport 500 aliens weekly and charge each person \$500, generating \$12 million annually. In 1979, the INS arrested 18,500 such smugglers. But only a third of the 6,000 prosecuted were convicted.

Aliens illegally present are returned if apprehended. However, in 38 States it is not a crime to knowingly hire an illegal alien.<sup>13</sup> They, like other workers, are protected by labor standards laws. Aliens, whether aware of their rights or victims of systems they do not understand, generally do not complain when employers break wage and working condition laws. This is true regardless of the educational level of aliens, as most know that employers can easily report them to the INS. The alien who knows he should be paid \$3.35 hourly instead of only \$3 knows that the extra 35 cents over 1,000 work hours is \$350. However, if a complaint leads to apprehension, the alien worker loses wages, may pay \$300 to \$400 in smuggling fees to get back into the United States, and must then find another job. Because of the border patrol's partial enforcement (which encourages the smuggling business) and because employers suffer no penalties for hiring illegal aliens, a system that delivers docile aliens to U.S. employers is maintained. The commission believes that this cycle of lawbreaking is illegal immigration's most pernicious impact, breeding disregard for all U.S. law.

Would a "guestworker program" curb pressures to enter the U.S. illegally? The commission "carefully weighed" the arguments for and against guestworkers, and recommended (14-2) against the introduction of a large-scale temporary worker program. Moreover, the commission recommended (14-2) to "streamline" the current H-2 program that admits temporary alien workers for temporary U.S. jobs. It suggested that the Department of Labor speed the certification process and that employers of H-2's be required to forward to the U.S. Treasury the payroll taxes they now withhold. Although the commission wants to end the dependence of any industry on a constant supply of H-2 workers, it is aware of the benefits of a slight expansion of the program.

Instead of guestworkers, the commission recommends enforcement to keep out illegal entrants, but amnesty for persons illegally in the United States before January 1, 1980. The enforcement package would include "better border and interior controls" and "economic deterrents in the workplace," such as more and better-trained border patrol officers and equipment, crack-downs on alien smugglers and visa abusers, civil and possibly criminal penalties for employers who knowingly hire illegal aliens (14-2), the development of a "more

reliable” mechanism to separate legal workers from illegal aliens (8–7), and increased enforcement of wage and working conditions laws. After these enforcement measures are in place, the commission recommends a one-time amnesty program that would permit illegal aliens to request immigrant status. The details of the amnesty program are the preserve of Congress, but the commission estimates that 2.7 million persons may qualify if all undocumented aliens in the United States for at least 2 years have their status legalized.

Will border enforcement, employer sanctions, and identification cards stop illegal immigration? No one can give an unequivocal answer. Most immigration specialists believe that this three-pronged enforcement strategy will sharply reduce illegal immigration. Only 350 officers patrol the 2,000-mile Mexican border, one for every six miles. But most of the Mexican border is “self-policing” desert—60 percent of all apprehensions are made along 60 miles of border—the lower Rio Grande Valley, and around El Paso, Texas and Chula Vista, California. Similarly, fines and identification may not stop the hiring of illegal aliens, but penalties of \$500 to \$1,000 per illegal hire would reduce economic incentives that now make some employers prefer aliens. Immigration enforcement will never be completely successful. The policy question is what level of failure the United States is willing to tolerate.

## Conclusions

Immigrants are responsible for about half of today’s net population growth. If the commission’s immigration and enforcement recommendations were accepted and

net illegal immigration were reduced to 100,000 annually, the population would increase from 227 million today to a peak of 281 million in the year 2025. By 2030, more than 12 percent of the American population will be immigrants themselves, or descended from immigrants who arrived after 1980. If legal immigration is increased but enforcement efforts fail, permitting net annual illegal immigration of 500,000, the population would be 306 million by 2035. Post-1980 immigrants and their descendants would be 20 percent of the expanded population.

Immigration is an important component of population growth, and proposals to control it are subjected to a benefit-cost analysis. Many items, such as employer sanctions and identification cards, run counter to American tradition, and debate shifts from a particular immigration item to discussions of the unknown effects of current arrangements. The result is policy stagnation. There is widespread feeling that “something must be done” but no consensus on what to do. The employers benefiting from large-scale immigration fight to keep their cheap labor. Americans who lose are unable to quantify the impact of immigrants on their own economic well-being or organize to present their complaints.

Immigration reform is a social issue that generates tension but defies an easy solution. Tension is reflected in the psychological feeling that the United States should curb immigration in an era of limits. The reality is that immigration is at an alltime high. If the United States cannot grope its way toward a consensus, it risks extreme, probably restrictionist action.<sup>14</sup> □

## FOOTNOTES

<sup>1</sup> Leon Bouvier, *The Impact of Immigration on U.S. Population Size* (Washington, Population Reference Bureau, 1981), p. 1.

<sup>2</sup> *U.S. Immigration Policy and the National Interest* (Washington, Select Commission on Immigration and Refugee Policy, 1981).

<sup>3</sup> Philip Martin, *Guestworker Programs: Lessons from Europe* (Washington, U.S. Department of Labor, Bureau of International Labor Affairs, 1980).

<sup>4</sup> The report of the Dillingham Commission, issued in 1911, blamed immigrants for depressed wages, industrial accidents, unemployment, and economic recession. Isaac Hourwich, in *Immigrants and Labor* (New York, P. P. Putnam & Sons, 1912) reviewed possible errors and biases in the Dillingham report.

<sup>5</sup> A third element of immigration law, facilitating entry for such persons as relatives and refugees, appeared after quantitative restrictions took effect. Congress exempted political offenders from the 1875 exclusion of criminals and agreed that refugees from religious persecution did not have to pass the 1917 literacy test.

<sup>6</sup> These commissioners blocked research on illegal immigration, a sentiment reflected in page xiii of the staff report: “Early in its deliberations the commission decided not to spend money on what would be a fruitless effort to count the number of illegal aliens.” However, most commissioners wanted research on impacts, not numbers.

<sup>7</sup> A \$1 million study of illegal aliens, begun in 1978, was supposed

to interview 100,000 illegal aliens, but produced no useful data. Christopher Dickey, “\$1 Million U.S. Study Yields Dubious Results,” *Washington Post*, Dec. 10, 1978, p. 1.

<sup>8</sup> David North and Marion Houston, *The Characteristics and Role of Illegal Aliens in the U.S. Labor Market* (Washington, Linton & Co., 1975).

<sup>9</sup> The would-be immigrant must not belong to one of the 33 classes of excludable aliens, such as homosexuals, convicted felons, or Nazi war criminals.

<sup>10</sup> California has almost two-thirds of the Indochinese refugees. The deputy director of California’s health agency, Joe Diaz, believes that many of the refugees will be dependent on welfare assistance indefinitely. See Robert Lindsay, “Refugees,” *The New York Times*, June 7, 1981, p. 1.

<sup>11</sup> David North, *Government Records: What They Tell Us About the Role of Illegal Immigrants in the Labor Market and in Income Transfer Programs* (Washington, New TransCentury Foundation, 1981).

<sup>12</sup> John Credson, “Aliens are Contraband of Choice at Mexican Border,” *The New York Times*, July 10, 1980, p. A10.

<sup>13</sup> The Farm Labor Contractors Act requires a farmer or crew leader to determine the status of workers before hiring them.

<sup>14</sup> Reprints of this article will be available from the Giannini Foundation, University of California at Davis, No. 636.