

**Faustian Bargains:
The Origins and Development of America's Illegal Immigration
Dilemma**

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Introduction

The United States is hardly alone among advanced industrial democracies in confronting the broad array of practical and ethical challenges posed by illegal immigration.¹ The origins and development of America's recurring illegal immigration dilemma, however, *are* distinctive. Not only do few nations have as long a history of mass immigration in general or of unauthorized flows in particular, but the social, economic, and political foundations of illegal immigration to the U.S. reflect a unique history that inform the prospects and character of reform efforts today. The chief aim of this essay is to illuminate important historical patterns and legacies of how national policymakers since the early 20th century responded to porous borders and the presence of large numbers of unauthorized migrants on U.S. soil. As we shall see, America's contemporary struggle with illegal immigration has been profoundly shaped by a series of Faustian bargains among odd political bedfellows over time, a tradition of beleaguered enforcement, and the irresistible power of immigrant labor and votes.

This paper examines the importance of bargains among odd bedfellows, weak enforcement capacities, and the economic and political allure of newcomers in turn, explaining how each has influenced the politics and policies concerning illegal immigration since the early twentieth-century. These sections will trace key patterns across several historical periods, from World War I through the 1990s. Because it is difficult in one essay to adequately capture the origins and development of the nettlesome illegal immigration problem or the federal government's responses (and *nonresponses*) to it, what follows is meant to be an illustrative rather than comprehensive treatment of the subject. A more thorough accounting of these arguments and historical events will be available in a forthcoming book.²

Four Ideological Traditions and Faustian Bargains

The long-standing linkage between the achievement of immigration reform and compromises among unlikely political allies should hardly surprise us. We are

accustomed to viewing our political world in binaries – liberals and conservatives, Republicans and Democrats, Red States and Blue States. Yet immigration routinely cuts across familiar partisan and philosophical lines. Indeed, immigration has inspired vigorous debate since the founding of our nation, and we can identify four distinctive and durable ideological traditions that have found expression over the course of American history on the heated subject. To better appreciate and conceptualize these ideological traditions, it is useful to map rival goals toward alien admissions and rights along two dimensions. One dimension focuses on immigration numbers, and divides those who support expansive immigration opportunities and robust numbers from those who favor substantial restrictions on alien admissions. The second dimension focuses on the rights of noncitizens residing in the United States, and distinguishes those who endorse the provision of a broad set of civil, political, and social rights (as defined by T.H. Marshall) to newcomers from those who advocate strict limitations on the rights accorded to aliens (especially membership goods such as access to certain public benefits programs, legal due process claims, and so forth).³ At Table 1 captures, we can identify four categories from these two dimensions that in fact comport well with the distinctive ideological traditions that have emerged in America’s enduring debate over immigrant and immigration policies: cosmopolitans, free-market expansionists, national egalitarians, and national protections.

For all of the acrimony engendered by immigration policy-making during our history, it is important to note that heroes and rogues can be identified in each ideological tradition. Each tradition has featured champions who have advanced specific policy goals on behalf of what they perceived as the greater good, and those who have done so for their own self-interested motives. Moreover, all of these ideological traditions found expression during the earliest days of the American republic and they continue to describe well the rival camps in national immigration politics that transcend the standard liberal and conservative labels.

Table 1. Immigration and Four Ideological Traditions

Immigrant admissions and Rights (A Two-Dimensional Model)

	<i>Immigrant Admissions Should Be Expansive (Robust Numbers)</i>	<i>Immigrant Admissions Should Be Restricted (Reduced Numbers)</i>
<p><i>The Rights of Aliens Should Be Expansive</i></p> <p>(Broader Civil, Political, and Social Rights for Noncitizens)</p>	<p><u>Cosmopolitans</u></p> <p>T. Paine, <i>Common Sense</i></p> <p>Ralph Waldo Emerson Jane Addams Rep. Emanuel Celler Sen. Edward Kennedy Rep. Linda Sanchez</p> <p>German American Alliance, MALDEF, American Jewish Committee, NNIR, AFL-CIO (1990s-present)</p>	<p><u>Egalitarian Nationalists</u></p> <p>T. Jefferson, <i>Notes on the State of Virginia</i></p> <p>Frederick Douglass Samuel Gompers John Rawls IRC Chair Barbara Jordan</p> <p>Knights of Labor, Wisconsin progressive economists, AFL (1900-1956), Zero Population Growth and the Sierra Club (1970s-1980s)</p>
	<p><i>The Rights of Aliens Should Be Restricted</i></p> <p>(Narrower Civil, Political, and Social Rights for Noncitizens)</p>	<p><u>Free Market Expansionists</u></p> <p>A. Hamilton, <i>Report on Manufactures</i></p> <p>Andrew Carnegie William Howard Taft President Ronald Reagan Sen. Spencer Abraham Sen. John McCain</p> <p>Nat. Assn of Manufacturers, Steamship companies, Amer. Farm Bureau Fedn, Microsoft, U.S. Chamber of Commerce</p>

Cosmopolitans

Cosmopolitans believe that large-scale immigration is socially, economically, and politically beneficial to the United States, and that the country’s assimilative capacities

are vast. As postwar immigration reformer Hyman Bookbinder put it in 1960, “Perhaps even more appropriate than the mosaic, the true image of America is the kaleidoscope. It is a mosaic of human beings that is always changing but encased in a basic framework of freedom, of brotherhood, of tolerance, of creativity.”⁴ Today cosmopolitan legislators like Senator Edward Kennedy (D-MA) and Representative Linda Sanchez (D-CA) embrace expansions in family-based and employment-based legal immigration as well as legalization of the roughly 12-18 million unauthorized aliens living in the U.S. Likewise, this ideological tradition has favored a broad set of legal protections and entitlements for aliens. As the National Network for Immigrant and Refugee Rights (NNIRR) declared recently, its member organizations seek “the enfranchisement of all immigrant and refugee communities...advocating for their full labor, environmental, civil and human rights.”⁵ To cosmopolitans, expansive immigrant admissions and rights are basic ingredients of universalist democracy.

Classic Restrictionists

At the other end of the continuum, classic restrictionists advocate substantial reductions in immigrant admissions and strict limits on alien rights. Historically, immigration activists of this ideological tradition have worried about significant shifts in the ethnic, racial, or religious composition of immigration. As Harvard President A. Lawrence Lowell, a supporter of the Immigration Restriction League (IRL), argued during the Progressive Era, “the need for homogeneity in a democracy” justifies policies “resisting the influx of great numbers of a greatly different race.”⁶ One can hear echoes of this argument on behalf of cultural homogeneity in the work of a contemporary Harvard scholar, political scientist Samuel Huntington, and conservative commentator Peter Brimelow.⁷ However, many of today’s classic restrictionists favor tough limits on immigrant admissions and rights not on racial or cultural grounds, but because stringent controls are necessary to uphold American national sovereignty and to protect the U.S. from newcomers who would threaten our security, overburden public benefits programs, or disregard the rule of law. These reformers oppose temporary worker programs, “chain migration” produced by our current legal preference system, amnesty or legalization for unauthorized immigrants, birthright citizenship for their children, and immigrant access to social welfare programs.

Egalitarian Nationalists

Egalitarian nationalists are principally concerned with protecting the common interests of U.S. citizens, seeking reductions in overall immigration to enhance the economic well-being of the nation's least advantaged members before welcoming new arrivals. More than a century ago, Frederick Douglass championed immigration limits, lamenting that "every hour sees the black man elbowed out of employment by some newly arrived immigrant."⁸ A later generation of labor leaders like Terence Powderly of the Knights of Labor and Samuel Gompers of American Federation of Labor (AFL) championed sweeping immigration restrictions because they believed immigrants undercut the wages, working conditions, and job security of American workers.⁹ In both cases, mass immigration was viewed as a potent threat to advancing social, economic, and political justice among citizens. More recently, environmentalists like former Governor Richard Lamm contend that lowered immigration is necessary for curbing population growth and preserving U.S. natural resources for existing citizens. Nevertheless, egalitarian nationalists have tended to share with cosmopolitans a discomfort with inequalities between citizens and newcomers already here. Douglass, for instance, decried mistreatment of Chinese on the Pacific Coast during the Gilded Age. During the 1990s, Barbara Jordan, Chair of the U.S. Commission on Immigration Reform, urged Congress "to retain for legal immigrants eligibility for our safety net programs" lest "individuals whom we have invited to enter become vulnerable..."¹⁰

Free Market Expansionists

Finally, free market expansionists support large-scale immigration to meet the labor needs of business interests and to promote national prosperity. In his *Report on Manufactures*, Alexander Hamilton praised robust immigration as "an important resource, not only for extending the population, and with the useful and productive labor of the country, but likewise for the prosecution of manufactures."¹¹ Andrew Carnegie later celebrated mass immigration as "a golden stream which flows into the country each year." He added crassly, "These adults are surely worth \$1500 each – for in former days an efficient slave sold for that sum."¹² Today, free market expansionists favor increased

provisions for employment-based inflows and temporary worker programs, while opposing employer sanctions in the name of regulatory relief. At the same time, they idealize newcomers who are entrepreneurial and economically self-sufficient, and thereby support denial of social welfare and other public benefits to noncitizens. In contrast to cosmopolitans and national egalitarians, free market expansionists evidence little concern about providing U.S. businesses access to low-wage workers with limited rights.

These distinctive ideological traditions remind us that American political debate about immigration reflects a depth and texture that defies standard philosophical labels such as our liberal-conservative divide. But the significance of these four ideological traditions also lies in the long-standing necessity of building incongruous coalitions to obtain major immigration reform. Odd bedfellows not only abound in U.S. immigration politics, but they also make non-incremental policy innovation possible. None of our four camps of immigration activists (free market expansionists, cosmopolitans, classic restrictionists, or egalitarian nationalists) has secured immigration reform independently. Over time, immigration reform almost invariably has required compromise between two or more of these groupings of political actors. Consequently, Faustian bargains over porous borders and access to cheap and exploitable labor have been a recurring feature of national immigration policy-making. Let us consider a handful of these political compromises and their implications for unauthorized inflows.

Mexican Labor and the First World War

Ironically, the origins of America's illegal immigration dilemma can be traced to one of the most restrictionist periods in our nation's history, namely, the early twentieth-century. This was a time when the federal government enacted a literacy test requirement for immigrants, a so-called Asiatic Barred Zone, a draconian national origins quota system, and an overall ceiling on annual overseas immigration that slowed European arrivals to a trickle. It was also a time when Mexican laborers were being recruited in steady numbers to develop a budding Southwestern economy. But new impediments to this labor stream emerged with enactment of the Immigration Act of 1917. The new law made all alien admissions contingent upon payment of an \$8.00 head tax and passage of a literacy test. The new requirements slowed the flow of Mexican workers across the southern border, although many simply crossed without inspection. When the First

World War began, the supply of Mexican laborers was more dramatically dampened when rumors that they would be drafted into the U.S. armed forces spurred a mass exodus.¹³

Against this backdrop, Southwestern growers, ranchers, miners, railroad companies, and supportive lawmakers pressured the Labor Department – then responsible for the Immigration Bureau and domestic enforcement – to facilitate the importation of thousands of Mexican workers. Bowing to this intense lobbying on the grounds that the war had produced labor shortages, Labor Secretary William Wilson invoked a special clause of the 1917 law (the ninth proviso of section 3) that enabled him to “issue rules and prescribe conditions...to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission.”¹⁴ Wilson ordered that the literacy test, head taxes, and contract labor restrictions be waived for Mexicans; he also led publicity efforts to assure potential guestworkers that they would not be conscripted into the armed forces. Although Mexican contract labor was justified as an emergency wartime measure, an array of Southwestern employers of low-wage labor joined with their congressional representatives in demanding extensions of the program after wartime hostilities ceased in 1918. The Labor Department again acceded to this lobbying pressure, as it did in subsequent years. Between 1917 and 1921, roughly 75,000 Mexicans worked as contract laborers in the United States under Wilson’s waiver plan, along with an indeterminate number of undocumented workers.¹⁵

“Restrictions...with a bribe”: Closing the Ports and Opening the Borders

The issue of Mexican migratory labor threatened the immigration restriction movement in the 1920s. The diverse nativist coalition that emerged from the Progressive Era was united in its hostility toward Asian and southern and eastern European immigration, as well as in its devotion to eugenicist principles of racial order and Anglo-Saxon superiority. But Mexican labor flows were another matter. The northern Immigration Restriction League, the AFL, patriotic societies, and a number of northern lawmakers favored stringent limits on Latin and South American immigration. By contrast, southern and western lawmakers and groups favoring national origins quotas for overseas immigration also extolled the virtues of a cheap and flexible Mexican labor force. Representative John Nance Garner (D-TX), Roosevelt’s future vice president,

explained that “the prices that [Mexicans] charge are much less than the same labor would be from either the negro or the white man.”¹⁶ He assured his House colleagues that Mexican laborers were by definition temporary, powerless, and easily expelled. The Grange and the American Farm Bureau Federation adamantly opposed a change in Mexico’s nonquota status. “We do not want to see the condition arise again when white men who are reared and educated in our schools have got to bend their backs and skin their fingers,” business interests like the Great Western Sugar Company explained to Congress. “You have got to give us a class of labor that will do...back-breaking work, and we have the brains and ability to supervise and handle the business part of it.”¹⁷

The uneasy 1920s coalition of northern nativists, organized labor, and Southern and Western restrictionists were deeply divided over Mexican labor. The controversy seemed to place the national origins quota system begun in 1921 in jeopardy. Immigration defenders attempted to exploit these fractures within the nativist coalition during legislative debates of 1924, the year when the 1921 quotas were due to expire. Representatives Fiorello La Guardia (D-NY) and Adolph Sabath (D-IL) offered an amendment that placed strict quotas on Western Hemisphere countries. Their hope was to kill the 1924 quota legislation by sundering the disparate restrictionist camp. Faced with stalemate or defeat, restrictionists called for a compromise on the divisive Mexican labor question. As one closed-border advocate declared, “I want the Mexicans kept out, but I do not want this bill killed by men who want these and all others admitted in unrestricted numbers.”¹⁸

The Immigration Act of 1924 ultimately erected formidable barriers to southern and eastern Europeans and reinforced Asian exclusion, but was decidedly permissive on Canadian and Mexican admissions. Aliens with ten years continuous residence in a Western Hemisphere country could enter the U.S. as nonquota immigrants. “Restrictions of immigration and setting up of un-American racial tests has been enacted through a fusion of northern Republicans from urban districts with southern Democrats, with a bribe tossed to the latter by keeping Mexico open,” observed one pro-immigration lobbyist.¹⁹ As nativist reformers prepared new quota legislation in 1928, they agreed to treat Mexican inflows as a distinctive issue. “These two kinds of restriction are quite separate and independent,” New York restrictionist Demarest Lloyd declared in reference

to overseas versus Western Hemisphere migration. “We all agree that unity of restrictionists is desirable.”²⁰ Recalling the potential split in 1924, the IRL also urged coalitional comity on “the National Origins-Mexican Quota situation.”²¹ It even expressed sympathy for the dilemma faced by Southwestern nativists. “Although the West has become racially conscious and wants to be a white civilization, it also wants to develop and to develop rapidly. For this it needs unskilled labor of a mobile type, like the Mexicans, for it cannot get white labor to do its unskilled work.”²² The 1928 law codified this compromise, reaffirming a bifurcated system imposed draconian restrictions on European and Asian immigration while remaining open and flexible toward labor inflows from Mexico and other Western Hemisphere countries.

Mexican Braceros and Undocumented Aliens

During the first New Deal, AFL leaders campaigned for legislation that would place national origins quotas on Mexico and other Western Hemisphere countries. In 1924, the AFL’s Washington office vigorously pursued legislation that would establish a 1,500 annual quota for Mexican immigrants. But the AFL failed to build a broad coalition of support, and they faced insurmountable opposition from the House and Senate Immigration Committees that were dominated by Southern and Western legislators who favored European and Asian restrictions but welcomed Mexican labor migration.²³ By 1938, the Immigration and Naturalization Service (INS) reported that illegal immigration from Mexico was soaring due to the construction of new highways and “automobile travel.”²⁴ At the start of the Second World War, Southwestern growers and other business interests, joined by their legislative champions, complained to executive branch officials that war-induced labor shortages necessitated a new Mexican temporary worker program. In response, an interagency committee was formed to facilitate the importation of Mexican guestworkers. In 1942, the State Department negotiated a special agreement with Mexico establishing the Bracero Program that Congress swiftly approved. Under the bilateral agreement, the U.S. pledged that wages, living conditions, workplace safety, and medical services would be comparable to those of native workers. In turn, the Mexican government was to supervise the recruitment and contracting of braceros.²⁵ One the Bracero Program began, neither employers nor federal administrators saw that the negotiated protections of Mexican laborers were honored.

Mexican braceros routinely received much lower wages than native workers and endured substandard living and working conditions. Contrary to the bilateral agreement, the INS permitted growers and other employers to directly recruit braceros at the border. If they resisted direct employer recruitment, one INS official recalled, “a good many members of Congress would be on the Service’s neck.”²⁶ Tellingly, the Bracero Program endured for almost two decades after the war ended. Guarded by a “cozy triangle” of agribusinesses, Southern and Western congressional “committee barons,” and a lax immigration bureaucracy, roughly 4.2 million Mexican workers were imported under the Bracero Program. Unauthorized flows across the southern border also continued apace.

During the early 1950s, influential restrictionist legislators such as Senators Pat McCarran (R-NV) and James Eastland (D-MS) and Representative Francis Walter (D-PA) fervently guarded stringent limits on Asian, African, and southern and eastern European immigration. The McCarran-Walter bill promised to maintain the national origins quota system. As in the past, the AFL pledged support for the national origins quotas, but it joined other labor organizations in expressing alarm that Mexican braceros and unauthorized migrants had “depressed wages and destroyed working conditions.” In 1951, the AFL proclaimed that the presence of hundreds of thousands of braceros coupled with an estimated 1.5 million undocumented aliens compromised the “security” of American workers. Their appeal had no impact on the policy process. McCarran and Eastland shepherded passage of Public Law 78 reauthorizing the Bracero Program in 1951, claiming that termination would be “unfair to the farmer and the Mexican involved.”²⁷

During floor action on the McCarran-Walter bill one year later, liberal Senator Paul Douglas (D-IL) proposed legal sanctions against those who illegally smuggled aliens into the country and on employers who intentionally hired illegal aliens. But McCarran and Eastland successfully defeated the amendment; the final legislation contained language that made it unlawful to transport or harbor illegal aliens, but stipulated that “harboring” did not include employment of unauthorized migrants.²⁸ This “Texas proviso,” as it later became known, highlighted the lengths to which many key congressional defenders of national origins quotas were willing to go to preserve Mexican labor flows, both legal and illegal.

After the 1960 election, the AFL-CIO lobbied hard for the Bracero Program's termination. The Kennedy administration and Democratic leadership in Congress lent their support to the effort. Yet growers and other business interests exerted considerable pressure of their own on members of Congress. The American Farm Bureau Federation, the National Cotton Council, the United Fresh Fruit and Vegetable Association, the National Beet Growers, ranchers, and other business interests rallied to save the Bracero Program. In 1961, these pressure groups won a two-year extension of the Program but failed to win reauthorization in 1963 despite vigorous lobbying. Sweeping immigration reform in 1965 dismantled national origins quota in favor of a new preference system that emphasized family-based immigration, but it also placed a 120,000 annual ceiling on Western Hemisphere visas.²⁹ Reformers did not anticipate that this new ceiling and the end of the Bracero Program would swell unauthorized Mexican inflows.

Illegal Immigration and Employer Sanctions: the 1970s Logjam

The issue of illegal immigration inspired more media attention, public concern, and remedial proposals by policymakers than did any other migratory issue of the 1970s. The dramatic rise in apprehensions and deportations of unauthorized migrants was unmistakable and troubling to decision-makers (see Table 2).

Liberal Democrats led the assault on illegal immigration. At Senate hearings on the problem in 1969, Senator Walter Mondale (D-MN) warned that if the federal government did not “stop that hemorrhaging...along the Texas border and along the California border,” labor protections and antipoverty programs would be compromised.³⁰ A year earlier, Cesar Chavez and his Farm Workers Association (FWA) desperately urged Senator Robert Kennedy (D-NY) to pressure INS officials “to remove Wetbacks...who are being recruited to break our strike.”³¹ In 1971, Representative Peter Rodino (D-NJ), chair of the House Judiciary Committee's Subcommittee on Immigration, led pro-labor liberals in the pursuit of employer sanctions legislation to resolve the perceived illegal immigration crisis.³² Rodino's employer sanctions legislation initially passed the House in 1972 but languished in the Senate where Eastland refused to allow the Judiciary Committee he chaired to take action.³³ When Rodino reintroduced his bill a year later, new resistance emerged in the House from fellow Democrats who warned that

the measure would lead to job discrimination against Latinos, Asians, and anyone who looked or sounded foreign.³⁴

Table 2: Unauthorized Migrants Apprehended and Deported, 1961-1980

YEAR	NUMBER	YEAR	NUMBER
1961	88,823	1971	420,126
1962	95,758	1972	505,949
1963	88,712	1973	655,968
1964	86,597	1974	788,145
1965	110,371	1975	766,600
1966	138,520	1976	875,915
1967	161,608	1977	1,046,215
1968	212,057	1978	1,057,977
1969	283,557	1979	1,076,418
1970	345,353	1980	910,361
1961-1970	1,608,356	1971-1980	11,883,328

Source: Immigration and Naturalization Service, *Statistical Yearbook* (Washington, D.C.: Government Printing Office, 1990).

Amidst the legislative impasse, President Gerald Ford established a Domestic Council Committee on Illegal Immigration that urged in 1976 that the administration “aggressively pursue legislation [imposing] penalties for employers who knowingly hire aliens not authorized to work.”³⁵ Its report observed that little reliable, “quantified” evidence existed regarding the size of the unauthorized population or its impact on American society. But in explaining why illegal immigration must be discouraged, it appealed to values beyond traditional economic and cultural anxieties. Indeed, it placed special emphasis on the rule of law and equal rights: “People who are underground

...cannot be protected from abuse on the job or from landlords, discrimination, disease, or crime; they may avoid education for children, and they are unable or reluctant to assert political or legal rights.”³⁶ This was not the familiar assault on illegal aliens who take American jobs, consume public benefits, and promote crime and disease. Illegal immigration’s dangers lay not only with its disregard for the rule of law, its fiscal burdens, or its economic impact on poor citizens, but also with its propensity to create “a substantial underclass” anathema to post-1960s notions of nondiscrimination and equal rights. The report also cautioned against a vigorous internal enforcement campaigns that targeted the unauthorized population for removal. “Mass deportation is both inhumane and impractical,” the Domestic Council concluded. Ford’s INS Director, Leonard Chapman, reiterated this view when he warned Congress that mass deportation campaigns might require “police state” tactics “abhorrent to the American conscience.”³⁷ It remained silent, however, on how policymakers should deal with the large number of undocumented aliens residing in the country.

In 1977, the Carter White House wasted little time in proposing a comprehensive plan for addressing illegal immigration. The reform package included stiff civil and criminal penalties who engaged in a “pattern or practice” of hiring undocumented aliens; use of the Social Security card as an identification document for verifying employee eligibility; enhanced Border Patrol forces at the Mexican border; and an amnesty program that would confer legal resident alien status on all aliens living in the country before 1970.³⁸ The White House proposal galvanized opposition from growers and other free market expansionists as unfair to employers, from the National Council of La Raza, Mexican-American Legal Defense and Education Fund (MALDEF) and various cosmopolitans as detrimental to civil rights, and from law and order conservatives and classic restrictionists as rewarding law-breakers with amnesty.³⁹ With immigration reform mired in conflict, a bipartisan Select Commission on Immigration and Refugee Policy (SCIRP) was formed for the purpose of studying the controversial illegal immigration problem and all other facets of U.S. immigration and refugee policy and issuing recommendations for future reform.

SCIRP and the Immigration Reform and Control Act of 1986

The SCIRP completed a sweeping final report in 1981 that portrayed “lawful immigration” as “a positive force in American life,” serving the national interest in terms of economic growth and productivity, reuniting families, and advancing key foreign policy imperatives.⁴⁰ But it also concluded that illegal immigration was an urgent problem that needed to be controlled before legal immigration could be expanded. In language similar to Ford’s Domestic Council, the SCIRP noted that unauthorized entries created a vulnerable shadow population that had few incentives to report crimes, health problems, or exploitation by employers. The presence of large numbers of undocumented aliens “undercut the principle that all who live and work in the U.S., regardless of ethnicity, should have fundamental rights.”⁴¹ The SCIRP members also asserted that unrestrained illegal immigration encouraged a perilous disregard for the rule of law: “illegality erodes confidence in the law generally, and immigration law specifically.”⁴² To address the problem, the SCIRP endorsed the familiar scheme of enhanced Border Patrol resources and employer sanctions. But it also underscored the notion that the efficacy of sanctions hinged upon faithful enforcement and the development of a tamper-resistant national identification card as the linchpin of a security and universal system of employee eligibility. All sixteen commissioners also agreed on a generous legalization program for undocumented aliens already residing in the country.⁴³

Two young lawmakers – Senator Alan Simpson (R-WY), who served on the SCIRP, and Representative Romano Mazzoli, a moderate Kentucky Democrat with ties to the SCIRP chair Father Theodore Hesburgh – took the lead in pressing for immigration reform. Early in 1982, the pair introduced omnibus legislation on illegal and legal immigration. The measure met fierce resistance from a broad coalition of business interests (the U.S. Chamber of Commerce, National Association of Manufacturers, agribusinesses, the Business Roundtable), ethnic and civil rights groups such as NCLR and MALDEF, the ACLU, religious lobbies, and a new immigrant rights organization, the National Immigration Forum. Left-Right opposition to the Simpson-Mazzoli initiative was reflected in the resistance of both the Reagan administration, which saw employer sanctions and national identification cards working at cross-purposes with its regulatory relief agenda, and House Democrats led by the Hispanic and Black Caucuses,

which raised familiar concerns about discriminatory impacts of sanctions and other provisions. Gridlock was overcome only after three more years of wrangling, and the resulting Immigration Reform and Control Act of 1986 (IRCA) depended upon a compromise package watered-down employer sanctions provisions, legalization for undocumented aliens living in the country since 1982, and a new Seasonal Agricultural Worker program to appease grower interests. The measure proved highly successful in granting legal status to nearly three million undocumented aliens, but employer sanctions proved to be a “toothless tiger.” This was largely by design: In the absence of a reliable identification system for verifying employee eligibility that the SCIRP described as a linchpin for effective enforcement, the employer sanctions provisions lacked teeth. By the late 1980s, it was clear to national policymakers that the IRCA had done virtually nothing to discourage illegal immigration. But legislators were eager to shift their attention to the politically painless task of expanding legal immigration. The Immigration Act of 1990 unified cosmopolitans and free market expansionists behind a 40% increase in annual visa allocations that benefited both family-based and employment-based immigration.⁴⁴ The Faustian bargains of the 1980s, like their forbears, left the nettlesome problems posed by massive illegal immigration for a future generation to resolve.

Bedeveled Enforcement

During the first century of the U.S. republic, the federal government was mostly a reluctant regulator of immigration. Indeed, it was content to devolve responsibility for inspecting newcomers to the major receiving states and port cities. The development of national governmental capacities to enforce immigration law was initiated only after the federal courts invalidated the constitutionality of state-level controls. From the time the national government began directly regulating immigration in the late nineteenth-century, enforcement efforts focused almost exclusively on European and Asian inflows. Whereas federal inspection stations could be found at nearly every major American port of entry by the turn of the century, efforts to control the country’s land borders were negligible. This contrast was not lost on the nation’s first Commissioner General of Immigration. In the Immigration Bureau’s 1903 annual report, he warned that the Canadian and Mexican borders were largely unmonitored.⁴⁵ Only a handful of inspection

stations with skeletal staffs were scattered along national land borders. By 1906, Bureau managers lamented that the 75 inspectors patrolling the 1900-mile Mexican border on horseback were unable to curtail illegal immigration, which it described as “constantly on the increase.”⁴⁶ They regularly complained in the early twentieth-century about a “lack of funds, men, and facilities” at the border.⁴⁷

Even as nativist political actors were building a strong legal foundation for restricting Asian and new European immigration during the First World War and the 1920s, they had nagging fears that their policy aims would be compromised in the administrative realm. In particular, the IRL and other advocacy groups worried that lax enforcement by the Immigration Bureau may provide openings for European arrivals at immigration stations like Ellis Island. For these reasons, restrictionist groups pressed for innovations in bureaucratic structure and practices that were equal to their legislative breakthroughs in 1917, 1921, 1924 and 1928. What ultimately emerged in the years that followed was a two-tiered system of immigration law enforcement. One layer of immigration control was administered by new State Department agencies and consular officials who zealously employed broad exclusionary powers overseas to all but shut down European and Asian immigration. A second layer of administered by the Immigration Bureau (later INS) focused on Western Hemisphere immigration and was ultimately dominated by powerful Southern and Western business interests and congressional committee barons who promoted legal and illegal entry of low-wage Mexican workers. This bifurcated regulatory system governing immigration was at once draconian toward overseas immigrants (with fateful implications for Jewish refugees seeking to escape the Holocaust) and strikingly tolerant toward the flow of temporary workers across the nation’s southern border.⁴⁸

When Congress consolidated consular inspection procedures and visa requirements in 1924 to insure stringent enforcement of national origins quotas overseas, the Immigration Bureau continued to struggle for adequate resources to guard the Canadian and Mexican borders. “It must be conceded that the present law was enacted primarily for the purpose of providing for the closer inspection of aliens coming to the seaports of the United States,” U.S. Immigration Commissioner John Clark stated plainly. “When we come to consider the dangers of unlawful invasion along the land boundaries,

however, we find our law conspicuously weak, and almost totally inadequate to protect the interests of our Government.”⁴⁹ Congress later established the Border Patrol, but largely in response to Labor Department warnings that inadmissible Asians and Europeans were flocking to Mexico and Canada “to gain admission by stealth.”⁵⁰ The Border Patrol was significantly understaffed from the start, and by 1928 Immigration Bureau officials warned lawmakers that “we have simply got to have the men or else we cannot enforce the law.”⁵¹ The plea for resources from overwhelmed Border Patrol and Immigration Bureau officers would be a familiar refrain over time.

During the decades that the Bracero Program was in full swing, INS officials were not encouraged to confront employers who recruited temporary workers at the border. Moreover, the INS also felt considerable congressional and interest-group pressure to accommodate illegal Mexican immigration during the 1940s and 1950s. The INS avoided search and deportation procedures against illegal aliens during harvest seasons because “it could likely result in a loss of crops.” One Texas farm group explained enforcement arrangements to Senator Thomas Connally (D-TX) this way:

For a number of years, citizens of Mexico entered the United States both legally and illegally, engaging in agricultural work....While from time to time they have been picked up by the Border Patrol, there has been a tendency on the part of the Border Patrol to concentrate their efforts on deporting only those who were bad...This arrangement, although it didn't have the stamp of legislative approval, has worked out very nicely for our farmers down here.⁵²

Strict enforcement was reserved principally for those Mexican workers who attempted to organize fellow laborers in pursuit of better wages, housing, or working conditions. The alliance of agricultural growers, Southern and Western committee barons, and INS officials permitted the easy flow of Mexican labor immigration for most of the postwar era.

A more contemporary illustration of this tradition of lax enforcement can be seen in the implementation of the IRCA's employer sanctions provisions. As stated above, the absence of a reliable identification system for verifying employee eligibility made it relatively easy for undocumented aliens to evade detection at the workplace. Soon after passage of the IRCA, an underground industry of fraudulent documents flourished in both Mexico and the U.S., enabling unauthorized migrants to obtain work with ease. But

if the legislative design of employer sanctions discouraged their efficacy, the Reagan administration was less than zealous in their enforcement. The INS tended to enforce employer sanctions with considerable forbearance toward offenders. Alan Nelson, the INS Commissioner under Reagan, was urged to pursue a policy of “least employer resistance” by stressing business education over penalties.⁵³ The IRCA authorized a 70 percent increase in the INS budget, with an annual \$100 million targeted for employer sanctions enforcement. Tellingly, \$34 million was spent on enforcing sanctions fiscal year 1987, \$59 million in fiscal year 1988, and below \$30 million annually in ensuing years.⁵⁴

From his perch on the Senate immigration subcommittee, Senator Simpson pressed the Reagan and Bush administrations to take a harder line on employer sanctions. Yet despite his clout as Republican minority whip, Simpson made little headway during either Republican presidency. “Even when we direct the Administration to do such things as ‘study’ the employer sanctions verification system and develop a more secure system, if necessary, we get no action,” he lamented.⁵⁵ Few of Simpson’s congressional colleagues shared his disquietude over the inefficacy or uneven enforcement of employer sanctions. In fact, the most vigorous oversight of sanctions focused on whether they should be repealed because they unfavorably burdened small businesses (led by Orrin Hatch) or because they engendered increased job discrimination against legal aliens or citizens who look or sound foreign (led by Edward Kennedy). Few conservative politicians of the 1980s, most of whom embraced “regulatory relief” and free markets, or their liberal counterparts, dedicated to universal rights and inclusion, worried about the efficacy of employer sanctions.

For most of the twentieth-century, enforcement at both the national borders and the workplace was hindered by powerful economic and political interests and by a poorly funded, overburdened, and often compromised immigration bureaucracy. Students of U.S. immigration policy often focus their attention on the formulation and achievement of major reform legislation. To adequately explain the development of America’s illegal immigration dilemma, however, we would do well to remember that the devil’s has often been in the details of enforcement.

Two Pillars of Expansive Immigrant Admissions and Rights

To the chagrin of nativist groups like the Know-Nothings and the American Protective Association, the federal government for most of the nineteenth-century alternated between maintaining a *laissez-faire* approach toward the record numbers of European immigrants streaming into the country or actively recruiting them. Along with welcoming robust European admissions, white male arrivals quickly gained access to most of the same civil and political rights as citizens. These expansive *de facto* policies rested upon two pillars: the allure of immigrant labor and the perceived clout of new immigrant voters and kindred ethnics. The United States was built upon immigrant labor, and its enduring appeal can be traced back to the nation's founding when Madison ended constitutional debate over foreign-born rights by noting that those states that encouraged European immigration with easy admission and swift acquisition of membership were the most advanced in wealth, territory, and the arts.⁵⁶

Decades later, Lincoln's Republican administration saw mass European immigration as critical to national economic development. The Homestead Act of 1862 offered 160 acres of land free to citizens *and aliens* who worked it for at least five years. The stated purpose of the legislation was not to encourage European immigration, but Secretary of the Treasury Salmon Chase and Secretary of State William Seward saw it as a means of doing just that. With Lincoln's blessing, Seward instructed U.S. consular officials in Europe to distribute government-published pamphlets hyping the opportunities promised newcomers under the Homestead Act. The U.S. consuls also hired full-time agents to recruit "industrious" European men. The federal government was hardly alone in this venture. While Western states and territories continued to employ their own immigration agents and publicity campaigns to induce European inflows, railroad companies sent agents to Germany to recruit farmers to develop vast railroad lands.⁵⁷ In 1864, Lincoln urged Congress to adopt other measures for attracting immigration to redress "a great deficiency of laborers," and lawmakers obliged with legislation that authorized immigrant labor contracts enabling prospective European arrivals to contract their labor for one year in exchange for free transportation to the U.S. As a congressional committee concluded one year after the law was put into effect, "the

advantages which have accrued heretofore from immigration can scarcely be computed.”⁵⁸

The nation’s insatiable appetite for low-wage labor obviously lies at the heart of its Faustian bargains over illegal immigration during the past century. When Asian migration to the Pacific Coast and Mountain states slowed in the early twentieth-century, employers in these regions increasingly turned to Mexican workers to help with farming, mining, construction, and clearing land. They arrived at a time when the Southwestern economy was undergoing significant development, as new irrigation technology and refrigerated train cars enabled growers to shift from grain crops to far more profitable fruit and vegetable harvests. Mexican migrant labor also played a key role in building an infrastructure of railroads across the Southwest that further spurred the regional economic boom. Growers and other employers reveled over the cheap wages and high productivity of Mexican workers, who in turn were drawn to the region by the magnet of jobs.⁵⁹ The die was cast. Low-wage migrant labor remains for American political and business leaders an irresistible benefit of porous borders and expansive immigrant admissions. Little wonder that temporary worker programs are a prominent component of most immigration reform proposals today.

If cheap and flexible immigrant labor has always stood as a pillar supporting expansive policies, the political mobilization of newcomers had negligible impact on immigration policymaking for most of the twentieth-century. Of course, from the Jeffersonian Revolution of 1800 through the Gilded Age, broad immigration opportunities and easy acquisition of citizenship made white male newcomers an electoral force that political leaders had a compelling interest in winning over. From its inception, the Democratic party pledged to protect generous terms of European immigrant admission and foreign-born rights. The mass-based party organizations that first emerged during the Jacksonian era worked hard to enfranchise and earn the loyalties of European arrivals; many states and territories even established voting rights for white male aliens. An 1845 congressional investigation found that urban Democratic party machines were well practiced at naturalizing thousands of immigrants on the eve of elections.

Anti-Catholic nativists like Samuel Morse bitterly criticized the nation's founding generation for establishing easy naturalization and broad political rights for white male newcomers on a nonsectarian basis. "How is it possible," he demanded, "that so vital a point as the ballot box was not constitutionally surrounded with double, ay, with treble guards?" Early restrictionists understood clearly that the enfranchisement of immigrants made them a political force, facilitating alliances with party politicians who supported mass European immigration and the federal government's *laissez-faire* response to it. Even the Democrats' fiercest competitors wavered between conciliating nativist or immigrant voters. Like Hamiltonian Federalists before them, many Whigs came to the conclusion that it was not in their interest to antagonize significant immigrant voting blocs by embracing xenophobic causes. Mindful of the political clout of European newcomers, Whig President John Tyler publicly extended "to the peoples of other countries an invitation to come and settle among us as members of our rapidly growing family." The fact that Whigs lost presidential elections in which they openly courted anti-immigrant votes, as was the case with Henry Clay's 1844 defeat, was not lost on national party leaders who tended to distance themselves from nativist goals. Republican leaders, already enamored by the economic benefits of European immigration, also came to avoid nativist positions that cost them votes (vividly illustrated by the purge of APA activists from the GOP in 1896). In short, immigrant enfranchisement and mass-based party competition fortified national policies that solidified robust European immigrant admissions and rights.

During the first decades of the twentieth-century, the linkage between immigrant votes and national immigration policy was trumped by national security imperatives, faith in scientific government, and the ascendance of new racial hierarchies. During the mid-1990s, several reforms designed to scale back alien rights reinvigorated immigrant electoral clout that had been dormant in American political life since the Progressive Era. In California, local restrictionists advanced Proposition 187 to deny unauthorized migrants and their children welfare benefits, health care, and public education. Republican Governor Pete Wilson and the state GOP threw their support behind the measure during the 1994 campaign, transforming it into a partisan issue. Proposition 187 carried the state with 59 percent of the vote. For the first time since 1952, Republicans

gained control of both houses of Congress in 1995 and new immigration subcommittee leadership and a special task force on immigration reform chaired by California Republican Elton Gallegly called for restrictive policy challenges. Their agenda included new crackdowns on criminal aliens and illegal immigration, denial of welfare benefits to immigrants, and imposition of new limits on legal admissions. The first two of these goals were secured in 1996 with passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IRRIRA) and the Personal Responsibility and Work Opportunity Act (PRWOA). Efforts to reduce legal immigration were defeated in the Senate by a cross-party alliance of cosmopolitans and free market expansionists.

In 1995, several prominent Republican congressional leaders expressed optimism behind closed doors that the immigration issue would cost Democrats some important blue-collar votes. At the start of the 1996 election, Pete Wilson made immigration control the defining issue of his short-lived presidential campaign; Pat Buchanan assailed Third World immigration as a source of economic and cultural insecurity at home; and Bob Dole, the eventual Republican standard-bearer, associated himself with the stringent immigrant measures then working their way through Congress. The 1996 Republican platform pledged support for national legislation barring children of undocumented aliens from public schools. In the later stages of the campaign, however, Dole and other Republican candidates took heed of new reports that immigrants and kindred ethnic groups had become energized by political restrictionism. But it was too late for backpedaling.

The results of the 1996 election left little doubt about two crucial developments: immigrants comprised the nation's fastest growing voting bloc and Democrats were the immediate beneficiaries of their unanticipated electoral clout. Naturalization rates soared after 1995, as record numbers of aliens became citizens. More than one million people naturalized in 1996 alone. At the same time as unprecedented numbers of aliens petitioned for naturalization in the mid-1990s, President Clinton instructed the INS to implement the so-called Citizenship USA initiative. In the words of the agency, the initiative "was designed to streamline the naturalization process and greatly increase naturalizations during 1996." Voter registrations among Latinos grew by 1.3 million, or 28.7 percent, between 1992 and 1996; the percentage of Latinos on the voter rolls rose

from 59 percent of those eligible in 1992 to 65 percent in 1996. The Latino Democratic vote increased from 60 percent in the 1992 presidential election to 72 percent in 1996. Asian voters, a smaller yet important swing bloc, increased their support for the Democratic ticket in the same years from 29 to 43 percent. Dole became the first Republican presidential candidate to lose Florida since Gerald Ford in 1980.

By the 2000 election, Republican national and state organizations drew up plans to attract new Asian and Latino voters. They were emboldened by party strategists who warned that “if we’re only getting 25 percent of the Hispanic vote, you wait three, four presidential elections, and we’ll be out of business.” Then Texas Governor George W. Bush was hailed by party leaders as the ideal candidate to court new immigrant voters in 2000, and he reminded Latinos throughout the campaign that early on he had “rejected the spirit of Prop 187,” opposed “English-only” proposals, and refused “to bash immigrants” when it was popular. For his part, Vice-President Al Gore assured immigrant voters of Democratic plans to restore access to welfare protections stripped away by a Republican Congress in 1996 and vowed to defend expansive legal immigration.

The grassroots restrictionist movement that galvanized policymakers in the early 1990s reawakened an expansionist politics rooted in immigrant enfranchisement and competitive democratic elections. Ironically, several important anti-immigrant measures fueled this revival. The McCarran-Walter Act of 1952 introduced changes in the nation’s naturalization laws that, more than 150 years after the first naturalization rules were adopted, made nonwhite newcomers eligible for full membership in the American polity. Four decades later, Proposition 187, IIRIRA, and welfare reform motivated record numbers of new immigrants and kindred ethnics to make the most of their naturalization opportunities and voting rights. The unintended consequences of these restrictive laws is a new generation of foreign-born voters, who, like European newcomers more than a century before, have created fresh electoral incentives for national politicians to guard expansive immigration policies.

Conclusion

America’s illegal immigration dilemma did not appear overnight. Its origins and development have played out over the past century, yielding patterns and legacies that

inform official efforts to address the problem today. Our contemporary struggles with both porous borders and the presence of millions of unauthorized migrants unmistakably reflect the distinctive ideological camps that have taken shape in U.S. immigration reform politics over time, the odd alliances and Faustian bargains they have struck, a checkered history of lax enforcement, and the irresistible power of immigrant labor and votes. As Mark Twain once quipped, “history never repeats itself, but it often rhymes.” We might add that the past regularly structures present choices.

ENDNOTES

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² Daniel J. Tichenor, *Faustian Bargains: The Origins and Development of America's Illegal Immigration Dilemma* (Ann Arbor, MI: University of Michigan Press, forthcoming).

³ T.H. Marshall, *Citizenship and Social Class and Other Essays* (Cambridge: Cambridge University Press, 1950).

⁴ Hyman Bookbinder, “The World’s Refugees – A Challenge to America,” March 30, 1960, copy in the Papers of the AFL, AFL-CIO Department of Legislation, Box 27, Folder 28.

⁵ National Network for Immigrant and Refugee Rights, Mission Statement, www.nnirr.org/about/about_miision.html.

⁶ Lowell is quoted in Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002), p.38.

⁷ Samuel Huntington, *Who Are We: The Challenges to America's National Identity* (New York: Simon and Schuster, 2004).

⁸ Douglass is quoted in Adrian Cook, *The Armies of the Streets* (Lexington: University Press of Kentucky, 1974), p.205.

⁹ The views of both of these labor leaders are discussed extensively in Tichenor, *Dividing Lines*, chapter 5.

¹⁰ Barbara Jordan, “Testimony Before U.S. House of Representatives Committee on Appropriations, Subcommittee on Appropriations for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies,” March 29, 1995.

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- ¹¹ Alexander Hamilton, *Papers on Public Credit, Commerce and Finance*, ed. by Samuel McKee (Indianapolis: Bobbs-Merrill, 1957), pp.194-195.
- ¹² Andrew Carnegie, *Triumphant Democracy* (New York, 1887), pp.34-35.
- ¹³ Mark Reisler, *By the Sweat of Their Brow* (Westport, CT: Greenwood Press, 1976), pp.24-32.
- ¹⁴ Ibid, p.27.
- ¹⁵ Tichenor, *Dividing Lines*, pp.168-170.
- ¹⁶ Reisler, *By the Sweat of Their Brow*, p.40.
- ¹⁷ Ibid, p.175.
- ¹⁸ Ibid, p.201.
- ¹⁹ Max Kohler, Undated Notes, Max Kohler Papers, American Jewish Historical Society, Brandeis University, Waltham, MA, Box 5, Immigration Notes Folder.
- ²⁰ Demarest Lloyd to Joseph Lee, May 17, 1928, Joseph Lee Papers, Massachusetts Historical Society, Boston, Massachusetts.
- ²¹ Robert Ward to Joseph Lee, May 17, 1928, Lee Papers.
- ²² Immigration Restriction League, Executive Committee Bulletin no. 12, June 1, 1928, Immigration Restriction League Papers, Houghton Library, Harvard University, Cambridge, Massachusetts.
- ²³ American Federation of Labor, *Proceedings of the Annual Convention*, 1934 bound volume, p.550, George Meany Archives, Silver Spring, Maryland.
- ²⁴ U.S. Department of Labor, *26th Annual Report of the Secretary of Labor, 1938* (Washington, D.C.: Government Printing Office, 1939), pp.95-96.
- ²⁵ Arthur Altmeyer, executive director of the War Manpower Commission, to Claude Wickard, Secretary of Agriculture, Memo on Proposed Agreement for the Importation of Mexican Workers, July 29, 1942, Box 35, Folder 26 on Mexican Labor, AFL-CIO Department of Legislation Papers, George Meany Archives.
- ²⁶ Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the INS* (New York: Routledge, 1992), pp.32-35.

²⁷ David Reimers, *Still the Golden Door* (New York: Columbia University Press, 1992), p.54.

²⁸ Ibid.

²⁹ Author's interview with Rep. Henry B. Gonzalez, March, 1996; Calavita, *Inside the State*, pp.163-169.

³⁰ Reimers, *Still the Golden Door*, p.202.

³¹ Cesar Chavez to Robert F. Kennedy, Western Union Telegram, August 11, 1968, Robert F. Kennedy Papers, Container #71, Senate Legislative Subject Files, John F. Kennedy Presidential Library.

³² Andrew Biemiller to Peter Rodino, September 8, 1972; Biemiller to Rodino, March 23, 1973; Rodino to Biemiller, May 15, 1973, Papers of the Legislation Department of the AFL-CIO, Box 71, Folder #28, George Meany Archives.

³³ See, for example, *The New York Times*, December 31, 1974.

³⁴ *Congressional Record*, September 12, 1972, pp.30164, 30182-83; National Council of La Raza documents made available to the author by the national office of the NCLR.

³⁵ Preliminary Report of the Domestic Council Committee on Illegal Immigration, December, 1976, p.241.

³⁶ Ibid,pp.212-214.

³⁷ "Illegal Aliens," Hearings before the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary, February 4, 26, 1975, House of Representatives, 94th Congress, 1st Session, p.34-35.

³⁸ White House Statement, August 4, 1977, Patricia Roberts Harris Papers.

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⁴⁰ Transcript of SCIRP meeting, May 7, 1980, p.34, Record Group 240, Box 26, National Archives.

⁴¹ Lawrence Fuchs, *American Kaleidoscope* (Hanover, NH: University Press of New England, 1990), p.252.

⁴² Transcript of SCIRP meeting, p.34.

⁴³ *The New York Times*, August 24, 1981.

⁴⁴ The arduous path to the Simpson-Mazzoli legislation in 1986 is discussed in depth in Tichenor, *Dividing Lines*, chapter 9.

⁴⁵ U.S. Bureau of Immigration, *Annual Report of the Commissioner General Of Immigration to the Secretary of Commerce and Labor* (Washington, D.C.: GPO, 1904), p.105.

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⁵¹ U.S. Department of Labor, Bureau of Immigration, *Annual Report of the Commissioner-General of Immigration to the Secretary of Labor* (Washington, GPO, 1928), p.3.

⁵² Calavita, *Inside the State*, p.35.

⁵³ Author’s anonymous interviews with Reagan administration officials, 1996; see also U.S. Commission on Immigration Reform, *U.S. Immigration Policy: Restoring Credibility* (Washington, DC: GPO, 1994), p.95.

⁵⁴ *Ibid*.

⁵⁵ Alan Simpson to Lawrence Fuchs, January 24, 1991, Correspondence Files of Lawrence Fuchs, made available to the author by Fuchs.

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⁵⁷ C. Erickson, *American Industry and the European Immigrant, 1860-1885* (Cambridge: Harvard University Press, 1957), p.8; Ella Lonn, *Foreigners in the Union Army and Navy* (Baton Rouge: Louisiana State University Press, 1952), p.420.

⁵⁸ *Congressional Globe*, 38th Congress, 1st Session, app., pp.1-2; Maurice Davie, *World Immigration* (New York: Macmillan, 1936), p.82.

⁵⁹ See Reisler, *By the Sweat of Their Brow*, chapters 1-3.