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1993  
Executive Research Project  
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# U.S. Immigration... A Pragmatic Look

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94-11851



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94 4 19 05 9

REPORT DOCUMENTATION PAGE

1a. REPORT SECURITY CLASSIFICATION Unclassified			1b. RESTRICTIVE MARKINGS	
2a. SECURITY CLASSIFICATION AUTHORITY N/A			3. DISTRIBUTION/AVAILABILITY OF REPORT Distribution Statement A: Approved for public release; distribution is unlimited.	
2b. DECLASSIFICATION/DOWNGRADING SCHEDULE N/A				
4. PERFORMING ORGANIZATION REPORT NUMBER(S) NDU-ICAF-93- <i>A19</i>			5. MONITORING ORGANIZATION REPORT NUMBER(S) Same	
6a. NAME OF PERFORMING ORGANIZATION Industrial College of the Armed Forces		6b. OFFICE SYMBOL (If applicable) ICAF-FAP	7a. NAME OF MONITORING ORGANIZATION National Defense University	
6c. ADDRESS (City, State, and ZIP Code) Fort Lesley J. McNair Washington, D.C. 20319-6000			7b. ADDRESS (City, State, and ZIP Code) Fort Lesley J. McNair Washington, D.C. 20319-6000	
8a. NAME OF FUNDING/SPONSORING ORGANIZATION		8b. OFFICE SYMBOL (If applicable)	9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER	
8c. ADDRESS (City, State, and ZIP Code)			10. SOURCE OF FUNDING NUMBERS	
			PROGRAM ELEMENT NO.	PROJECT NO.
11. TITLE (Include Security Classification) <i>US Immigration: A Pragmatic Look</i>				
12. PERSONAL AUTHOR(S) <i>Kenneth R. Zimmerman</i>				
13a. TYPE OF REPORT Research		13b. TIME COVERED FROM <i>Aug 92</i> TO <i>Apr 93</i>		14. DATE OF REPORT (Year, Month, Day) April 1993
15. PAGE COUNT <i>31</i>				
16. SUPPLEMENTARY NOTATION				
17. COSATI CODES			18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)	
FIELD	GROUP	SUB-GROUP		
19. ABSTRACT (Continue on reverse if necessary and identify by block number)  SEE ATTACHED				
20. DISTRIBUTION/AVAILABILITY OF ABSTRACT <input checked="" type="checkbox"/> UNCLASSIFIED/UNLIMITED <input checked="" type="checkbox"/> SAME AS RPT. <input type="checkbox"/> DTIC USERS			21. ABSTRACT SECURITY CLASSIFICATION Unclassified	
22a. NAME OF RESPONSIBLE INDIVIDUAL Judy Clark			22b. TELEPHONE (Include Area Code) (202) 475-1889	22c. OFFICE SYMBOL ICAF-FAP

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## A Pragmatic Look

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## INTRODUCTION

In recent years a wave of immigration has been sweeping over many parts of the globe. In Europe, immigrants from the Balkans and other regions of Eastern Europe have poured into Germany in search of employment and a higher standard of living. The collapse of the former Soviet Union has brought far-reaching changes, including removal of restrictions on immigration for Soviet Jews, who have been coming to Israel and the United States in vastly increasing numbers. In addition to legal immigration, vast numbers of others (some estimate as many as 15 million world wide) now seek asylum as refugees.<sup>1</sup> Many wish to be admitted to the United States, a situation that poses acute problems for the government's Immigration and Naturalization Service (INS).

Whatever legislation is enacted or revised to determine who shall be admitted, it is realistic to conclude that only a fraction of those desiring to settle here can be legally accommodated. This perhaps accounts for the persistence and scale of illegal immigration into this country.

Questions most often posed are: Can the immigrants be assimilated by American society as effectively as the immigrants who came here at the turn of the century? Do immigrants fill a void in our work force? Can we absorb these new immigrants into the great melting pot or will the "new pluralism" and "multiculturalism" serve to divide our country instead of unite

it? Are the societal burdens that accompany the influx of legal and especially illegal immigrants into the U.S. more than a rebounding economy can handle?

Solutions to these and other complex issues are difficult and only point out the complexity of the problem and society's confused attitude toward immigration. So debate over immigration continues and the policies implemented and legislation enacted can restructure the social and cultural underpinnings that have defined this nation's character.

This paper will examine many of the immigration issues facing our legislators and community leaders. To form a framework for analysis we will take a brief historical look at U.S. immigration policy and attitudes; then pragmatically examine our relationship with Mexico, from where between 80-90% of all legal and illegal immigrants flow into the U.S.; then assess the impact of Asian and Haitian immigration; and last we will analyze and explore solutions to these complicated issues driven by strong economic, political, and social forces.<sup>2</sup>

#### U.S. IMMIGRATION - HISTORICAL BACKGROUND

In the 1880's Congress first began an active role in the administration and control of immigration by passing the Chinese Exclusion Act of 1882. Shortly after, in 1885, Congress enacted

the Foran Act, which prohibited unskilled labor recruitment and in 1888 ordered deportation of all alien contract laborers within one year of entry.

Between 1890 and 1921 Congress attempted to impose literacy requirements to restrict immigration but each piece of legislation received a presidential veto. Finally in 1907 an Immigration Commission was appointed under President Theodore Roosevelt. The commission published a 41 volume report in 1911. The report, which was the "most ambitious social science research projects in the nations history", recommended a more restrictionist policy towards immigration quotas.<sup>3</sup>

Restrictionism became the pervasive policy throughout the 1920's and continued up to 1965. Legislation enacted between 1917 and 1965 either established literacy requirements or set a numerical cap - based on foreign born census figures - as a way to limit the annual number of immigrants. But in 1965 an awakening of America's social consciousness made it clear that the national-origins system was no longer acceptable.

This new awareness resulted in the Hart-Cellar Act of 1965 which eliminated national origins as the basis for selection of immigrants to the U.S. It allowed for a total admission of 290,000 of which 120,000 could be from the Western Hemisphere and 170,000 elsewhere (a per country quota of 20,000). A seven point

preference list was established along with three categories of exclusion:

- (1) people with mental diseases or drug or alcohol addiction.
- (2) criminals, prostitutes, and those with contagious diseases.
- (3) subversives and some twenty categories of aliens.

As a result of this new system, by 1984 Asian and Mexican immigrants to the United States led all others, with Mexican immigrations in first place. The immigration reforms of 1965 had not foreseen these developments. The intentions of the reformers had been to remove discrimination from earlier legislation against countries of Southern and Eastern Europe. But, the new immigration reforms actually benefitted others because Europe's postwar prosperity generally discouraged large scale immigration.

In the 1970's, special interest group concerns over various immigration issues led to mounting criticisms and demands for reform. Illegal immigration was the paramount concern, but other related issues (status of temporary workers, refugee accommodations, socioeconomic consequences) continued to be controversial. In 1978, Congress established a Select Commission on Immigration and Refugee Policy. What was generally accepted as a controversial report became the basis for immigration reform legislation pending in Congress. The result was passage in 1986



of the Immigration Reform and Control Act (IRCA), a milestone in the history of American immigration policy.<sup>4</sup>

However, since its enactment, IRCA has had an uncertain success. The amnesty provisions for registration of undocumented aliens have not worked well, enforcement of the act has proven increasingly difficult, congressional funding has been below anticipated levels, and critics continue to propose major changes. No significant progress has been made on bills like Kennedy-Simpson and "Complex factors" continue to be cited as reasons for not enacting needed changes to current U.S. immigration policy.

#### MEXICAN IMMIGRATION - THE BIGGEST PROBLEM

The flow of immigrants from Mexico into the United States has skyrocketed. In the 1940's approximately 6,000 Mexican born immigrants migrated to the U.S. each year. The 1980's saw that number increase to something over half a million annually.<sup>5</sup>

The rise in immigration combined with higher birth rates among Mexican-origin women than among non-Hispanic women, will have pushed the Mexican-origin population to over 14 million by the end of 1992. Today it is the 5th largest ancestral population residing in the U. S. behind German, English, Irish, and Italian.<sup>6</sup> The Population Reference Bureau projects that the

number of Hispanics will surpass that of Blacks in two to three decades.<sup>7</sup>

As a result of the recent increases in Mexican immigration (mostly undocumented) and the accelerating growth in the Mexican community, federal, state, and local governments face complex political, social, and economic issues. Congress and the media are once again debating what should be done but there seems to be no clear agreement on a policy. Perhaps the Clinton Administration will address this issue and make it a priority on their domestic agenda.

As a way to understand the complex political, social and economic issues we will examine the issue of legal and illegal Mexican immigration into the U.S. by analyzing the:

- o Historical events that form the foundation for contemporary Mexican-American relationship.
- o Evolution of U. S. immigration policy.
- o Effects on education, welfare programs, health care, and jobs, including the North American Free Trade Agreement (NAFTA).
- o Rising multiculturalism...perhaps the most complex

and emotional of all the issues.

### Focusing on U.S. - Mexican Immigration History

Mexican President Adololfo Lopez Mateos (1958-1964) recently stated that "the United States was Mexico's biggest problem".<sup>8</sup> Granted, the U.S. has always taken a keen interest in Mexican internal affairs, an interest dating back almost two centuries. So a look at key historical events in the evolution of the U.S. - Mexican relationship will help us understand the ex-presidents perhaps insightful comment.

Prior to 1820 there was no official contact between Mexico and the U.S., since no border realistically existed. But, in 1823, the Monroe Doctrine sent a signal to Mexico that the U.S. had awakened and had an eye on expanding and empire building in the Western Hemisphere. In hopes of delaying U.S. expansion, Mexico allowed Stephen Austin to colonize Texas with Americans. Unfortunately, the attempt at stabilization failed and eventually led to Santa Ana's march to the Alamo in 1836 and his subsequent defeat by Sam Houston at San Jacinto. Even today, some Americans believe the Alamo is a symbol of Mexican "aggression" and "brutality" and in the mid to late 1800's served to fuel continuing conflict along the border.

In 1845 Congress voted to annex Texas and sent General

Zachary Taylor south to occupy territory north of the Rio Grande. Mexico's reaction led to one of our few declared wars. General Winfield Scott's landing at Veracruz, defeat of Santa Ana, and march to Mexico City was the most famous campaign of the war and stirred the most lasting nationalistic feelings on both sides. The Treaty of Gadalupe Hildalgo brought the U.S. the territories of Texas, Arizona, California, New Mexico, Nevada, Utah, and part of Colorado - over half the land mass of Mexico. In 1853 the Gadsden Purchase finalized our borders with the acquisition of southern Arizona.

Outbreaks of violence continued along the newly formed borders and, with the formation of the Diaz regime in 1876, war again almost broke out between the two countries. But in 1878 the U.S. finally extended diplomatic recognition to the Diaz government. During the 34 year period from 1876 to 1910, Diaz converted the presidency into a dictatorship and United States military and political involvement in Mexico gave way to commercial involvement.

After Diaz's downfall, power shifted between revolutionaries and elected dictators. In 1915 a bizarre plan was formulated in Mexico that planned for open rebellion along the entire U.S.-Mexican border.<sup>9</sup> The plan was designed to incite racial uprisings along the border with promises of lands being returned to Indians, Orientals, Blacks and Latinos. The animosity created

during this year and the raid conducted by Pancho Villa on Columbus, New Mexico in 1916 established an ethnic antipathy that endures and influences attitudes toward immigration today.

The end of the revolution and a new Mexican Constitution in 1917 brought about disagreements over natural resources - mainly oil. This period of economic and social conflict has continued until today. We have yet to become comfortable with our relationship with Mexico; they, in turn, do not trust the Gringos. Immigration and abuse of cheap Mexican labor during this period has not served to stabilize our relationship. If NAFTA is signed into law, this may be the first agreement entered into by the U.S. and Mexican governments that could put to rest distrust and hatred of the past - perhaps we could even become equal partners.

#### IMMIGRATION POLICY: PART OF THE PROBLEM?

Prior to 1956 no limits were imposed on immigration to the U.S. from the Western Hemisphere. Mexican immigration was not a contentious issue. We saw only small numbers enter around the turn of the century, a slight increase with the good times experienced in the 1920's, and a decline during the Depression. We used cheap Mexican labor freely. American workers weren't threatened, we were still expanding, in fact from 1940 to 1964 we instituted the Bracero Program.<sup>10</sup> It allowed temporary workers

(mostly agricultural) unlimited access to jobs in the U.S. By 1964 more than 4.5 million workers had entered this country.

As the U. S. economy and the job market leveled off in the 1960's, pressure from American labor unions brought about an end to the Bracero Program. Other efforts to control the flow of immigrants, primarily from Mexico, included passage of the Immigration Reform Act (IRA) of 1965. Simultaneously, American industry was encouraged by our government to build manufacturing plants along the border. General Electric, Litton, Motorola, Fairchild, and Hughes moved operations south as the number of authorized plants grew from 72 in 1967 to over 1000 by the late 1980's.<sup>11</sup> Most experts agree IRA, it's amendment of 1976, and border industry failed. In reality, the flow of illegal aliens increased to fill the void in the same job market.

Undocumented Mexican immigration rapidly accelerated from 1964 to the mid 1980's and border states, especially Texas and California, began to feel the pressures. States sought help from Congress and from the late 1970's to the mid 1980's Congress debated over how to gain control of our southern border. Legislation was introduced (the Simpson-Mizoli Bill being the most famous) and Congress vigorously debated the issue.<sup>12</sup> Finally, in 1986 President Reagan signed into law the Immigration Reform and Control Act (IRCA). The intent was to substantially reduce and control the flow of undocumented aliens into this

country by:

- o Imposing fines on employers who knowingly hired illegal aliens.
- o Making it unlawful to discriminate against a citizen or intended citizen on the basis of national origin or citizenship status.
- o Providing for legal citizenship for all undocumented aliens who could prove they had continuous residence in the U. S. since before Jan. 1, 1982.
- o Funding \$4.0 billion to reimburse states for providing health, public assistance, and educational services to newly legalized aliens.<sup>13</sup>

Recent studies strongly indicate IRCA has not had the desired impact on reducing illegal immigration. The Immigration and Naturalization Service (INS) has no way to know exactly how many illegal aliens actually make it through, but the most accurate estimates come from border apprehensions. The number of apprehensions since 1986 are:<sup>14</sup>

1986	1.60 MIL
1987	1.21 MIL
1988	.95 MIL
1989	.85 MIL
1990	1.05 MIL
1991	1.10 MIL

The INS estimates that 40-60% of the apprehensions get through (other agencies support a 2 to 1 ratio) and the greatest percentage (4/5's or greater) are from Mexico.<sup>15</sup> The trend is expected to continue and the INS predicts more than 1 million apprehensions in 1992.

#### ASIAN IMMIGRATION ON THE RISE

The influx of Asian immigrants illegally entering the U.S. is on the rise, some estimating over 100,000 per year. While the number of illegal Asian immigrants pales in comparison to the over one-million Mexicans who sneak into the U.S. each year, the violence and connection to organized crime demands that the INS focus a portion of it's limited resources in this area.<sup>16</sup>

Officials say that the majority of immigrants come from mainland China, Taiwan, and Vietnam. They come to the U.S. to work as indentured servants in Asian communities or labor in sweat shops or restaurants to pay off their debts. Clearly the



impact of this influx has increased pressure on the INS and local law enforcement agencies. The extortion, gang land style slayings of immigrants who cannot repay their fares, and the increased influx of Asian gangs are supported with manpower and funds from the smuggling rings.

The increased flux of Asians is perhaps politically motivated. Critics contend that the Bush Administration relaxed restrictions on Chinese to protect those fleeing the 1989 Beijing crackdown on the pro-democracy movement. The Bush Administration interest in fighting abortion also influenced enforcement, allowing Chinese men and women to remain in the U.S. by saying they feared abortions or sterilization under China's one-child population control policies.

A Senate subcommittee report issued in December 1992 indicated the INS has not taken the lead in handling Asian smuggling. "No sustained or coordinated effort has yet been undertaken by the INS to enforce current immigration laws against Asian organized crime leaders,"<sup>17</sup> the report said. Law enforcement officials have also voiced their complaints that the INS is not doing enough to combat the flow.

Leaders in the INS admit the agency is not doing enough. They cite lack of funding, reduction in manpower, concerns over human rights, and toothless legislation as contributors to lack

of direction in the field. The complaints are similar to those voiced throughout the country concerning the immigration issue and the sense that there is a lack of clear vision on how to confront this dilemma.

### HAITIAN EXODUS

The Haitian exodus accelerated shortly after the September 1991 coup that ousted President Jean-Bertrand Aristide. Wisely, the Bush Administration considered most of the fleeing people as economic vice political refugees. This determination possibly came from the lesson learned during the Carter Administration when we accepted over 400,000 Cuban refugees during the Mariel boat lift, the negative social and economic impacts are still being felt in south Florida. The specter of a similar catastrophe (some estimates are that 200,000 - 500,000 might attempt to leave Haiti) has prompted the Clinton Administration to reverse it's campaign promises and erect a Coast Guard blockade of Haiti. The Coast Guard had already intercepted more than 31,000 Haitians trying to reach Florida in 1992. The Border Patrol has also requested more officers to stop the increasing numbers of Haitians getting past patrols.<sup>18</sup>

The lack of international support for the Haitian refugees is not surprising. The U.S. is the only country that has both generous legal quotas and lax enforcement for illegal entry.

Britain, France, and the Caribbean region countries have all refused to accept Haitian refugees. A mass exodus is no doubt one of the political dangers the new Clinton Administration is well aware of. One reason cited for Clinton's failure to win reelection in the 1980 Arkansas governor's race was the uprising by Cuban detainees at the military facility at Fort Chaffee, Arkansas.<sup>19</sup>

### IMMIGRATION'S ECONOMIC IMPACT

The effects of uncontrolled immigration on our economy is perhaps the most contentious immigration issue. Gathering accurate data on illegal immigration is impossible because there is no way to track individuals who get through, where they come from, or where they settle. So opinions vary widely, depending on the left or right social/political leanings and the geographic location of the experts, but the facts are:

- o The Federal Government funded \$4.0 billion dollars in 1986 to help states take care of the increased social demands by illegal immigrants.
- o For every job an illegal immigrant takes, that's one less job for an American citizen regardless of whether it's a low wage job or not.

- o Children of aliens have the right to attend our public schools and 80-90% do not speak english.
- o Illegal Mexican immigrant and legalized Mexican-American birth rates are four and three times, greater, respectively, than the birth rates of non-Hispanic American women.
- o Economic stability and especially good economic times draw immigrants to fill low pay jobs no one else wants.
- o Every time one immigrant is added to a work force that is underemployed, however, there is a negative effect. The average wage goes down and the burden of his family on society goes up - and we have, theoretically, created another unemployed American.
- o American workers on the bottom of the wage scale face job competition from immigrants. Unions agree.
- o Frequently the issue of economic impact of excessive immigration is used to disguise race, ethnic, religious or origin prejudices.
- o Businessmen who hire low wage undocumented workers

produce goods at lower costs and consumers pay less.

- o Immigrants who come to America generally enjoy a better standard of living.
- o Mexican and Asian immigrants working in the U.S. send approximately \$6.0 billion and \$3.0 billion, respectively, home to relatives each year.
- o Leaders of the Mexican American Community oppose increased Mexican immigration on the grounds that it will displace Mexican workers already here.

Congressman Burton (R-IND) stated "part of the unemployment problem is not everyone employed in this nation is an American" and a Newsweek poll showed that greater than 60% of our population believes undocumented workers contribute to unemployment.<sup>20</sup> If the consequences of over migration are so harmful to this country why hasn't the U.S. done more to fix the problem?

### ANALYSIS

It's become too good a deal to pass up. With our current laws, level of enforcement, lure of a better life across the border, and pressure from liberal organizations to curtail human

rights violations there is universal agreement we can do little to stop or even slow the flow of illegal immigrants across our borders. One need only to consider the recent nominee for Attorney General - Zoe' Baird. Not only do we not have the political will to enforce immigration laws but we have a thriving underground economy that condones and even encourages the hiring of illegal aliens. Like so many other tough social and political issues - education, health care, national debt, urban decay, crime - we're stuck in a bureaucratic quagmire, making no progress.

A Tijuana based research firm describes the new surge of immigrants from Mexico as a "border phenomena"- created by a demand for low paid, unskilled workers in the U.S., with a ready supply of these workers world wide.<sup>21</sup> This same "phenomena" can be compared to prohibition in the 1930's and more recently the flow of illegal drugs coming into our country.

Deterrence is almost impossible because the financial rewards are too great. When a young illegal alien can make \$16/hour in San Diego working construction (more than he might make in his country in a week even if he finds work) the lure is just too strong.<sup>22</sup> This combined with the social safety net created with the 1986 passage of IRCA - which substantially increased education, health, and social support - has made life in the U.S. even more attractive.

Many small business men have come to rely on unskilled laborers to do menial jobs - wash dishes and mop floors. Most of them hire illegal aliens to fill these jobs. They contend that no U.S. workers will want a job that pays \$6.50 per hour. And the rare U.S. applicant is almost always on drugs, an alcoholic, or just out of jail looking to go back in. Small business men strongly disagree with the average American that believes all we need to do is hire the homeless off the street and this will fill all the unskilled positions. Honest, reliable, hard-working employees are hard to find so businesses are willing to risk INS fines to overcome the shortage of qualified workers.<sup>23</sup>

The character of the illegal immigrants has also changed. They now bring their families and the trend is for them to stay, not come for temporary work.<sup>24</sup> This exacerbates the demand on our support structure. In addition, one study suggests that use of educational and support services can be expected to more than double in the next decade.<sup>25</sup>

#### SO WHAT'S THE CURRENT THINKING?

Experts, legislators, media, can't agree. Nothing has worked thus far - legislation, legislative reform, amnesty, increasing border security, employer sanctions, vigorous enforcement by border guards, and substantive funding increases.

Senator Alan Simpson (R-WYO) advocates a permanent identification card impervious to fraud, using them as the principal vehicle to gain employment and receive social benefits. But civil-liberties groups and others argue that would be the first step to establishing a national ID card - Big Brother is watching implications.<sup>26</sup>

The Federation for American Immigration Reform has called for "replacing or reinforcing" fences along Texas and California, where 90% of the illegal entries occur. But critics, who consider it the equivalent of what the Berlin Wall represented, stiffly oppose such construction.

Senator Orrin Hatch (R-Utah) has proposed legislation to beef up the border patrol by nearly 100%, to stiffen penalties on employers who knowingly hire illegals, and to "vigorously" enforce these laws. But the media has already begun a campaign pressuring Border Patrol officials into taking action against reported violence by it's agents. Their reports accuse agents of using excessive force when apprehending illegals. Employers also feel threatened and are crying foul.<sup>27</sup>

#### **RECOMMENDATIONS**

The existing quotas and administration of immigration policy is not the problem. The inability or social will to stop the



illegal flow of immigrants is the real issue. Tougher legislation, higher walls, token employer fines won't do it; prisons and jails won't hold all the violators; and we're not going to put land mines along the borders.

My sense is that controlling immigration will become even more difficult as multiculturalism grows and gains political favor. We already see signs of a growing influence in cities like Los Angeles, San Diego, and New York City where over 80% of Latinos are registered to vote compared to less than 70% of all U.S. citizens.<sup>28</sup> Instead of assimilating into our society - the "great melting pot" - like turn-of-the-century immigrants did to make the country stronger, we instead see signs of minority groups demanding special recognition and rights to make up for previous perceived injustices.

Many progressive experts argue we are strong only through diversity. No one can disagree, multiculturalism or cultural pluralism gives ethnic groups the opportunity to develop and preserve its culture. But, I contend that the U.S. will never reach it's full potential if multiculturalism deflects participation in the mainstream of American society. Everyone must have a commitment to the program. The easy solution...close the gates. But society is confused. We don't want the economic or social burdens but we don't want to appear uncaring, after all, we're the great democracy. So, a more realistic approach

would be to:

- o Enforce the provisions of IRCA. Increase penalties on employers who knowingly hire illegal aliens.
- o Discourage bilingual education - our forefathers benefitted from the incentive to learn and use the English language.
- o Place non-English speaking school age immigrants into a minimum competency program and when they're ready move them into the mainstream.
- o Vigorously institute an adult education program that promotes English as a first language.
- o Focus on the largest concentrations of illegal immigrants. Concentrate government funding in areas like Los Angeles, San Diego, New York, etc. Encourage assimilation into American society and focus on benefits, not on the political power of ethnic leaders who hold their positions in an effort to keep minorities separated from the mainstream.
- o Expand NAFTA to include provisions that increase Mexican support for immigration control.

- o Institute NAFTA as quickly as possible to level the social and economic playing field in Mexico.

- o Grant citizenship to children born in this country only if one parent is a U.S. citizen.

The great "melting pot" is running over. The problems associated with both legal and illegal immigration are so complex and emotional that effective solutions are almost unattainable. But, if these contentious issues are not dealt with, the overflow and the magnitude of the problems associated with this "phenomena" will drive yet another wedge into the foundation of our democratic society.

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