

**Swiss Cheese and Failed Policy:
A Tale of United States Immigration Policy**



**Elaine DeIorio
Student Associate
Center for Security and Science
Liberty University**

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The “Current Immigration Problem” is a common term used to refer to the immigrants that have been crossing the United States’ (U.S.) border - with and without the necessary legal means. This term encompasses both the problems of unchecked legal immigration and of illegal immigration - persons arriving and continuing to live in this country as illegal aliens. Immigration is not a new phenomenon in the U.S.; immigration regulation measures date back to the late 1700s. However, the problem we face presently is different, larger, and requires different methods to solve it.



Immigration is not necessarily a bad thing; it only becomes a problem when it is excessive and uncontrollable, or when persons cross the border illegally. Historically, regulatory measures have been put into place to control immigration. The Immigration Act of 1891 established The Bureau of Immigration. In addition, the act expanded the “inadmissible classes,” which included polygamists and felons. It also mandated the deportation of any illegal alien. The Immigration Act of 1924 established the National Origins Quota System. This system basically set a maximum number of people that could come to the U.S. from each foreign country, based on the number already residing therein. Forty-one years later this act was amended by the Immigration and Nationality Act of 1965. This act eliminated the National Origins component, but retained the quota system. It established, instead, preferential criteria, which was a set of particular cases that received special consideration. These particular cases included persons possessing certain job skills needed by this country and those seeking family reunification and political asylum.

In 1986, the Immigration Reform and Control Act used an interesting tactic to encourage legalization of immigrants. The Act legalized the status of all illegal aliens who had arrived and lived in the U.S. since January 1, 1982. In the same Act, the government tried to discourage American businesses from hiring illegal aliens (USCIS, 2003). This encouraged immigrants to become legal and provided a deterrent for not complying. However, it also sent mixed messages; even though these persons were here illegally, the government overlooked that minor fact, forgave the breaking of the law, and gave them legal status as a permanent resident. The Immigration Act of 1990 expanded upon the previous two acts and raised the number of immigrants allowed into the country each year. These Acts had snowball effects on the number of persons legalized. Under the 1965 Immigration and Nationality Act, one of the preferential criteria was for those seeking the reunification of their family. Now that a multitude of illegal immigrants were legal residents of the U.S., their immediate families came to join their formerly illegal family member. “The

January 1995 backlog for the family "second preference" category -- the spouses and children of immigrants -- was 1.1 million, 80% of which was made up of spouses and children of legalized aliens" (Violet, 1997). Not only did these Acts legalize millions of illegal immigrants already in the country, it opened the door to yet more immigration from their previously ineligible family members through the preferential criteria system.

The current problem of immigration and our response to this problem has been slightly different than in past years. Although regulatory measures have been the norm for some time, gradually these regulations have relaxed, not only benefiting those who came to the U.S. legally, but even those who came illegally! Amnesties, allowing persons to become legal residents even if they were in the country illegally to begin with, have become more and more popular. Since 1986, seven Amnesties have been enacted, legalizing hundreds of thousands of illegal aliens at a time ("Amnesties"). However, these measures overlooking the unlawful behavior of the immigrants have not reduced the ever-growing problem of illegal immigration. In 1996 the Immigration and Naturalization Service (INS) estimated that the population of illegal immigrants living in the U.S. was 5.0 million. That number alone should have been enough to cause some concern, however the situation only worsened with time. In the next four years, the illegal population increased by 2.0 million. As of the latest statistics available, in January 2000 there were 7.0 million illegal immigrants living in the U.S (INS, 2003). These illegal immigrants have taken advantage of the relaxing of the immigration regulations. In fact, some persons have become downright professional about crossing the border illegally.

El Guia del Migrante Mexicano (A Guide for the Mexican Immigrant), was a helpful booklet found on the website of the Mexican Ministry of Foreign Affairs. It was listed under the innocent link title of "A Practical Guide for the Mexican Traveler." However, this was obviously not meant for a Mexican taking a vacation. Inside the online version of this "Guia" were tips and hints for safely crossing the border and living in the U.S. without being detected. To be fair, the authors several times reminded the reader that "there are always mechanisms so that you can legally enter the United States of America" (SRE). However, with this reminder and the caveat that crossing the border illegally could be dangerous, the guide continued with suggestions for crossing deserts and rivers, what to do if detained by Border Patrolmen, and how to live so as to reduce the chances of being caught once residing in the U.S. The very fact that a foreign government publishes a guide on its website for crossing the border illegally should be a dead giveaway that this "current immigration problem" has grown too large.

This immigration problem is one that can not be ignored. According to an Arizona newspaper article, the number of assaults on Border Patrol officers doubled last year, and smugglers have become increasingly sophisticated in their drug runs. Respect for the security at the borders has diminished considerably as hundreds of immigrants enter the U.S. illegally each day (Rockwell, 2006). Clearly, something must be done, however there has not been a clear answer as to what. Some American citizens have taken matters into their own hands and traveled to the Mexican/American border. These "Minutemen," have used the tactic of "spot and report" to assist the Border Patrol in securing our borders from the onslaught of illegal immigrants (Simcox). Other ways Americans have attempted to protect their homeland are by using political means. Contacting elected officials and demanding better immigration restrictions is one way. Using legislative processes such as preventing illegal immigrants from receiving government provided benefits is another.

This "current immigration problem" may never be completely solved. However, no progress will be made until the U.S. actively makes a serious attempt to do so, and does not give up. By ending the continuous list of Amnesties, the government would send the message that illegal immigration is wrong and will not be overlooked or rewarded. Perhaps the provisions of the Immigration Act of 1891 (deportation of illegal aliens) should be followed instead of providing these aliens with legal status. Tougher border protection is needed. Our borders have become Swiss cheese. While expensive, the protection of our borders from illegal immigrants is a justifiable reason for which the government should spend our money. Another action the American government should take is to stop catering to illegal immigrants. Giving them the same rights, privileges, and benefits as American citizens, such as driver's licenses and free health care, only serves to encourage them. Discouraging American business from knowingly hiring illegal immigrants would mean fewer jobs for them and less reason to come to the U.S. illegally.

Perhaps this immigration problem will never end. However, by looking back over its history, and the measures taken to stop it, it is obvious what has definitely not worked. Relaxing regulations, granting amnesty after amnesty, and providing increased benefits and rights, has only intensified the problem. Hopefully the American government will look to the past for examples for what does not work , and to the future with fresh resolve to stop this immigration problem.

“Those who do not know history are destined to repeat it.”
-Edmund Burke

After Word: A Popular Revolt Against a Failed Policy

History was made June 28, 2007. This is a history that has its roots in the 18th century colonies of the United States of America. The colonists of that time disagreed with the policies of its present government – Great Britain. They felt what the government was doing was unfair and needed to be stopped. When all else failed, the colonists eventually resorted to taking up arms against its government.

Sound familiar? It should. Think about the recent developments and final outcome of the Senate’s immigration bill. Whether you agreed or disagreed with the provisions in the bill matters not. The facts remain the same.

Certain senators tried to quickly pass a massive, yet mysterious bill that few senators had read. Yet this was a bill that could hugely impact the entire country. Again, it matters not if you supported or did not support the bill. A few aspects of the bill can be generally agreed upon.

1. More time was needed to research the economic and social impact the bill would have on the American people. Senators are the people’s voice in the government. How could the people have any say or valid opinion regarding a bill that not even their elected officials had read?
2. A main facet of the bill was de facto in contrast to the American tradition of the rule of law. No matter the pros and cons or the good and bad amendments, an inescapable fact was the rewarding of illegal acts. Crossing the border illegally and remaining in this country illegally are, in fact, against the law. Not only did this bill not punish the illegal immigrants, it gave them a “free pass.” No matter the rationalization, the bill is still contrary to the basic principle of law – punishment of illegal acts. As Senator Jeff Sessions (R-AL) said, “It [the bill] does not meet our highest ideals.”

Americans across the nation became aware of this bill. And they didn’t like it. In fact, most people were so convinced the bill was bad for this country that they decided to tell their senators exactly how they felt. Nevertheless, the Senate turned a deaf ear.

News of and dissatisfaction with the immigration bill swept the nation coast to coast. Talk radio, internet blogs, e-mail chains and other forms of grassroots efforts helped inform citizens, and in many cases, incite them to action. Still, the Senate moved forward with the legislation.

Like the patriot colonists in 1776, American citizens decided to take a stand. In that year the colonists struck back with arms. In 2007 the American people fought back through phone calls, e-mails, faxes, and personal visits to their senators.

"This immigration bill has become a war between the American people and their government. ... This vote today is really not about immigration, it's about whether we're going to listen to the American people," said Senator Jim Demint (R-SC).

This country was founded on the principles of representation. The senators were elected to represent the wishes of the people, and are therefore responsible to them.

And so the people spoke. The phone in every office of every senator on Capitol Hill was ringing with concerned citizens insisting that the bill be killed. And still the Senators pushed on.

Now enraged at being ignored by their elected officials, the American people redoubled their efforts. Voice and e-mail inboxes filled with messages faster than the staffers could empty them. "Vote no!" the American people insisted.

Some senators listened. Support for the bill diminished slowly as a few seemed to remember their duty of representing the wishes of their constituents. Others, surprisingly, read the bill to see what all the fuss was about. As Senator Sessions had said all along, "In terms of lawfulness, decency, morality and the national interest, the American people are head and shoulders above Members of Congress..."

Perhaps it was time the American people had their way.

Opposition to the bill steadily grew among the US citizenry. Letters to the editor proliferated like grass after a summer rainstorm. Even television and radio commercials played nationwide. The issue was ubiquitous. It was huge.

It began as a few secluded campfires dotting the landscape of the vast, dark nation. Then it became hundreds, and then thousands, and then an immense, unstoppable blaze that slowly, steadily, moved across the country toward

D.C. And finally, the US Senators felt the heat within their palatial confines of Capitol Hill.

And then there was a vote.

And 53-46 the bill failed.

A minority of senators lost that day, yet the American people won, along with the ideals of representation and self-government that originated in the era of the American Revolution.

The US Senators should have learned a valuable lesson. The American people have not lost the spirit of their forefathers – the spirit and the knowledge that they, as American citizens, are in charge of the country. As former State Representative Dennis Baxley (R-FL) often said,

“This seat in the House is not mine. It didn’t belong to the representative before me, and it doesn’t belong to whomever comes after me. It belongs to you, the people. I just come and sit here for a little while, to carry out the people’s wishes. But it will always belong to you.”

That is what our patriot forefathers intended for this country. When the people speak, the government should listen. This is what the American people never forgot, but what the US Senators needed to be reminded of. This is the spirit of the original colonists who fought against the government for what they thought was right. And this is the spirit that inspired the motto on the flag of those colonists, and what is still true today. The American people told the Senate very clearly, “Don’t tread on me.”

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Personal acquaintance of author