

KING CANUTE AND THE TIPPING POINT

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Ever since 1965 the United States has experienced a rapidly accelerating growth in its population and a dramatic change in the ethnic composition of the American people. In the 1990's the nation's population increased by 32.7 million people, the largest 10-year numerical increase ever. The basic cause of this population growth is not the fertility rates of native-born non-Hispanic American women nor is it increasing longevity. Rather the basic cause is immigration, both legal and illegal, coupled with the further population increase produced almost exclusively by the children and grandchildren of immigrants. In the 1990's America's foreign-born population increased by 57 percent to more than 31 million, a record high, with New York City's foreign-born residents soaring from 28 percent to 40 percent.

If there should be a continuation of current immigration levels and high fertility rates among immigrant women, who today are primarily Mexicans and other Latinas, it is conservatively estimated that the population of the United States will increase from over 300 million today to 326 million by 2020 and to about 420 million by 2050. Ninety percent of such population growth will be produced by post-1965 immigrants and their descendants.

California will experience similar growth with its population increasing from approximately 39 million today to over 54 million by 2020 and to in excess of 78 million by 2050. The California population growth is exacerbated by the tendency of immigrants, both legal and illegal, to choose California as their destination with one-third of the country's

immigrant population living in our state. It is estimated that as of 2002, 2.4 million of these immigrants were illegal.

The foregoing population figures are primarily based upon projections prepared by the Bureau of the Census and the Demographic Research Unit of the California Department of Finance. As stated, they are conservative projections and are based upon assumptions that may well prove to be too optimistic. The assumptions are (i) first, that net immigration [those who enter, less those who leave], both legal and illegal, will amount to approximately one million a year [actually this estimate is already far too low with legal immigration alone being over one million a year and illegal immigration running from 350,000 per year [according to the Immigration and Naturalization Service {INS} which is now part of the Department of Homeland Security] to 500,000 per year [according to Jeffrey Passel of the Urban Institute], (ii) second, that fertility rates will decline from the current rates of approximately 3.91 for Hispanics, 2.55 for Blacks, and 2.42 for Asians to 2.5 for Hispanics and 2.0 for Blacks and Asians with the fertility rate for Anglos [non-Hispanic Whites] remaining at 1.8, and (iii) third, that life expectancy will gradually reach 80 years for females and 76 years for males [including Blacks who at present have a lower life expectancy than those in the other three groups].

3,000,000 in
2008 alone
Rev 12/28/04
NY Times
[majority
Mexican]

The fertility rate is the average number of children born to female members of a given group during their child bearing years. An overall fertility rate of 2.1 will in the long run produce a stable population in the absence of immigration. If, on the other hand, net immigration does not remain stable but rather increases by about 3% per year, which has been the pattern since 1965, and fertility rates do not decline from their present

levels, then it is estimated that the United States' population will be over half a billion in 2050.

Giving credence to this higher 2050 population figure, The Economist magazine estimates that illegal immigration to the United States currently actually amounts to 1-2 million a year. I believe this estimate to be somewhat exaggerated and have not used it in my discussion. However, it is to be noted that apprehensions by the U.S. Border Patrol rose to 14.7 million in the 1990s, averaging 1.47 million a year. If only half of those who illegally cross the border are apprehended, and taking into account the fact that many who are caught are making their second or third attempt to cross, The Economist estimate could well be correct, especially when we add to illegal border crossers those who enter the U.S. as tourists, students, etc. and then remain illegally in the country after their visas expire.

As of the year 2000 the ethnic breakdown of the American population was 69.4% Anglo, 12.6% Hispanic, 12.7% Black, 3.8% Asian, and 1.5% others. The U.S. Census Bureau estimates that if current trends continue by 2050 the breakdown will be 50.1% Anglo, 24.4% Hispanic, 14.6% Black, 8% Asian, and 2.9% others, and that sometime between 2055 and 2060 non-Hispanic whites will become a minority.

By 2000 Hispanics comprised over half of all yearly legal immigrants to the United States with Mexicans totaling substantially over 50% of such legal Hispanic immigrants. According to the U.S. Census Bureau, between April 2000 and July 2003 the Hispanic population in the U.S. increased by 13% and totaled approximately 40 million at the end of this period. In contrast, the overall increase in the American population during this period was 3 percent.

The Public Policy Institute of California estimates that the present ethnic breakdown of the California population is approximately 45% Anglo, 35% Hispanic, 6% Black, 12% Asian, and 2% others. Demographer Leon Bouvier, in a paper prepared for the Center for Immigration Studies in Washington, estimates that once again, if current trends continue, the 2020 California figures will be 36% Anglo, 40% Hispanic, 6.7% Black, and 17.4% Asian. Bouvier estimates that by approximately 2013 Hispanics will become the largest minority in California and will be the new majority by 2050 or earlier. Already over half of the births in California are to Hispanic women with Hispanic children in 2002 constituting more than 70% of the children entering the Los Angeles public school system.

This paper will examine the causes of such immigration-produced population growth with its changed ethnic composition; its resulting economic, social, cultural and environmental consequences if such growth is not abated, and finally how it could be reduced and what obstacles stand in the way of curbing same.

It is important to observe at the outset that what is occurring in the United States is a unique historical event. No other First World country has such a long land frontier [nearly 2000 miles] with a Third World country with the income gap between the U.S. and Mexico being the largest between any two contiguous countries in the world. As author Peter Brimelow has observed in the book Alien Nation, "There is no precedent for a sovereign country undergoing such a rapid and radical transformation of its ethnic character in the entire history of the world."

First, something about the evolution of laws seeking to regulate immigration:

(1) Prior to 1924 there were very few restrictions on immigration other than those almost completely barring immigration from China and Japan. In the so-called Great Migration before the First World War, primarily through Ellis Island, a total of 17 million immigrants entered the United States, of which ten million entered during the peak years 1905-1914, with the bulk of same being from Southern and Eastern Europe. With the population of the United States only being 99 million in 1914, the influx of immigrants represented a much larger percentage of the population than today's estimate of at least 1.35 – 1.5 million in legal and illegal immigrants each year.

In 1924, for the first time, Congress imposed restrictions on the total number of immigrants through a quota system allowing the yearly entry from each country of no more than 2% of the number of persons living in the United States and listed in the 1890 census who had been born in such country. Use of the 1890 census, rather than the 1920 census, was intended to reduce the number of Southern and Eastern Europeans who could enter and who, in the eyes of Congress, might eventually overwhelm the existing population whose ancestors had predominantly come from the British Isles and Northern Europe. The 1924 quota system produced an annual quota of 180,000 immigrants from Europe and elsewhere with one major exception: no numerical limits were placed on immigration from independent countries in the Western Hemisphere, which was quite minor at this point. This exception was primarily designed to insure a supply of Mexican agricultural labor.

More important, in view of its long-term consequences, was the creation of family reunification preferences, applying to each country's

quota, for the parents of U.S. citizens and for certain family members of legal resident aliens including spouses and children under 21.

Primarily due to the Western Hemisphere exemption, immigration averaged about 300,000 per year between 1925 and the beginning of the Depression in 1929.

(2) During the Depression and World War II immigration almost dried up. However, the Mexican Bracero program, which also had substantial long-term consequences, was instituted in 1942 and continued until 1964 with more than 400,000 temporary farm workers being admitted annually during the peak period of 1955-1959. Most of the Bracero workers returned home but the long duration of the program caused farmers in the Southwest, and in California in particular, to become addicted to the advantages of cheap and docile field labor and, in addition, produced a population of former Braceros which had grown accustomed to the benefits of working across the border and which desired to return. During the six-year period after expiration of the program in 1964, the percentage of apprehended illegal aliens who were Mexican rose from 50% to 80%.

Also in the aftermath of World War II and during the period 1948-1952 Congress authorized the admission of about 400,000 displaced persons, over and above the country quotas for immigrants. As a result, refugees for the first time became a major factor in U.S. immigration policy. Other refugee legislation produced a total of nearly 750,000 refugees admitted between 1945 and 1965.

(3) The first major change in immigration policy took place in 1965 with the passage of the 1965 Immigration Act, which received little attention compared to that accorded the 1965 Voting Rights Act and other

civil rights legislation. The 1965 Immigration Act greatly liberalized immigration policy and increased legal immigration far beyond the expectations of most of its supporters. National origin quotas were eliminated and were replaced by hemispheric annual visa limits, 170,000 for the Eastern Hemisphere, with no country to receive more than 20,000 visas, and 120,000 for the Western Hemisphere. In 1976 a global ceiling of 290,000 replaced the hemispheric quotas with a 20,000 per country ceiling applying to all countries. On its face the 1965 law appeared to reduce legal immigration slightly below its existing level. However, the new law allowed the admission, over and above the hemispheric limits, of spouses, unmarried minor children, and parents of U.S. citizens.

Furthermore, the 1965 law had a heavy emphasis on family reunification in determining preferences under the hemispheric quotas with preference being given to unmarried adult children of U.S. citizens [1st Preference], spouses and unmarried adult children of permanent resident aliens [2nd Preference], married children of U.S. citizens [4th Preference], and brothers and sisters of U.S. citizens over age 21 [5th Preference].

The 1965 law had a theoretical 17,400 preferential visas for refugees but this proved illusory with President Johnson, almost at the same time as he signed the legislation, inviting an unlimited number of Cubans to enter the United States.

At the time the 1965 law was enacted, President Johnson, the Secretary of Labor, and the Secretary of State all promised that the new law merely undid the national origins discrimination of the past and would leave the number of legal immigrants unchanged. The bill's chief sponsor in the House of Representatives, Emmanuel Celler, made the same

promise while Senator Robert Kennedy, also a sponsor, claimed that the legislation would only increase annual admissions by about 5,000 for a few years after which admissions would return to their pre-1965 level. All these promises and predictions proved false.

After 1965 European immigration continued to drop with the post-war recovery of Europe while legal immigration of Latin Americans and Asians grew sharply. Total legal immigration went from less than 300,000 in 1965 to an average of 600,000 per year in the mid-1980s and to more than 970,000 per year in the 1990s. Between 1990 and 2000 more legal immigrants entered the United States than during any other ten-year period in our history.

How we
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The principal factor in the increase was the ability of Latin Americans and Asians who had achieved permanent resident status to bring in relatives under the 2nd Preference and when they became citizens after the five-year waiting period to bring in large numbers of relatives under the other family preferences. The result was a "chain" migration with those so admitted turning around and repeating the process, first as permanent residents and then as U.S. citizens.

By the 1980s more than 80% of all legal immigrants came from Latin America or Asia and if illegal immigrants are included the figure would probably exceed 90%. The 1965 Act, intended to redress the grievances of ethnic groups from Southern and Eastern Europe, had turned upside down the traditional immigration patterns to the United States.

(4) Refugees [persons admitted while residing elsewhere] and asylees [persons claiming refugee status after arrival in the U.S.] are the wild card in immigration with over one million being admitted in both the 1980s and 1990s. The largest groups of refugees have been Cubans,

approximately 900,000, and Southeast Asians [Vietnamese, Cambodians, and Laotians], totaling nearly 900,000. The United States census estimated that in the year 2000 there were more than 1.6 million persons residing in the U.S. whose presence was a direct or indirect result of the Vietnam War.

The 1980 Refugee Act provided for the annual admission of 50,000 refugees and a partially offsetting reduction of the annual ceiling for regular immigrants from 290,000 to 270,000. However, as with past refugee limits this has usually been honored in the breach since the president was given the power, after annual consultation with Congress, to ignore the ceiling. Only a little over a month after enactment of the 1980 law, 147,000 Cubans were accepted in the United States in the Muriel boat exodus.

The 1980 Act defined a refugee as someone who is unable or unwilling to return to his or her country of nationality because of a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." There clearly are a large number of persons claiming refugee or asylee status who actually are fleeing poor economic conditions in their homeland. Securing admission to the U.S. as a refugee or asylee has a number of advantages: the claimant does not have to have relatives in the U.S. nor have to qualify for an employment-based visa and is entitled to a large number of social services not available to other immigrants and sometimes not available to natives. Refugees are very likely to be enrolled in welfare programs: even after ten years in the United States 16% of the Vietnamese refugees, 24% of the Cambodian refugees, and 34% of the Laotian refugees were still receiving public assistance.

In recent years the great bulk of refugee claimants have consisted of persons who asserted refugee status after arrival in the U.S., usually at airports. While technically "asylees," they are included within the refugee category in my subsequent comments.

By 1993 the annual number of refugee applications had soared to 150,000, the backlog of pending applications had risen to 393,000, and there were only 150 INS officials to process same. Applicants for refugee status were automatically obtaining ~~green cards~~ ^{work permits} allowing them to work while their applications were pending, a process that could take two years or more. Large numbers of refugees, having secured ~~green cards~~ ^{work permits}, melted into the U.S. population and faced little risk of deportation even if their refugee claim was ultimately denied. In 1994 Congress eliminated the automatic ~~green card~~ ^{work permit} arrangement and granted the Attorney General the authority to issue regulations allowing issuance of ~~green cards~~ ^{work permits} under certain circumstances and provided funds to increase the number of INS officials reviewing claims. Unfortunately, the refugee situation has not substantially improved with a large application backlog still existing and refugee claimants, after denial of their applications, still extremely difficult to locate and deport.

(5) Congress subsequently enacted what was euphemistically called the 1986 Immigration Reform and Control Act, which neither reformed legal immigration nor controlled illegal immigration. Despite the recommendations of the 1979-1981 Select Committee on Immigration and Refugee Policy chaired by Father Theodore Hesburgh, former president of Notre Dame, which advocated substantially reducing the number of immigrants and providing a more "balanced" mix of those coming to the U.S., the 1986 law did nothing of the kind but rather

rewarded illegal immigrants by an amnesty program under which approximately 3.1 million were allowed to apply for permanent resident status and then eventually become U.S. citizens. Some 2.68 million of these obtained permanent resident status by 1998. The amnesty program embraced 1.7 million who had been in the United States since January 1, 1982 and 1.8 million seasonal agricultural workers who had worked in agriculture for at least 90 days between May, 1985 and May, 1986. There were many reports of abuse, especially on the part of employers in agriculture, who eager to secure workers falsified employment records for same.

note figure
6.1 million
2.68 million

Even after the amnesty application period expired on May 4, 1988, Congress allowed members of the legalized immigrant's family to stay in the U.S. and work or go to school until such time as they too could receive permanent resident status. Of course, as soon as permanent resident status was achieved under the amnesty program the former illegal alien could in turn sponsor the entry of relatives under the 1965 law.

A lesser feature of the 1986 law was the creation of what was known as the "diversity transition" program under which eventually 55,000 visas a year were issued to aliens born in countries from which immigration was adversely affected by the 1965 law with a lottery system being used. Thanks to the efforts of Senator Ted Kennedy a large percentage of the visas ended up being given to citizens of Ireland.

The quid pro quo for the amnesty was supposed to be twofold: First, increased border enforcement. However, this was wishful thinking due to the length of the border with Mexico and inadequate funds and personnel provided the Border Patrol even under the Immigration and Naturalization Service's increased budget. Second, employer sanctions

were enacted prohibiting “knowingly hiring, recruiting, or referring for a fee” aliens not authorized to work in the United States. “Knowingly” provided an enormous enforcement loophole especially since employers were not required to retain copies of the documents they allegedly relied upon in determining that someone they hired was, in fact, authorized to work. In addition, at the behest of southwestern and western legislators, Congress deliberately impeded effective enforcement of the employer sanctions by the law prohibiting the Immigration Service from entering outdoor agricultural premises, without the consent of the owner or a search warrant, for the purpose of interrogating persons believed to be aliens without a right to be in the United States. The result is that once illegal agricultural workers get away from the vicinity of the border, risk of arrest is minimal.

(6) In the 1990 Immigration Act Congress capped legal immigration at 675,000 a year and established category limits of 480,000 family-sponsored and related immigrants, 140,000 immigrants with employment-related skills, and 55,000 under the diversity-lottery provisions. Once again there was no limitation on the entry of spouses and unmarried minor children of U.S. citizens. The ceiling on refugees was kept at 50,000 a year and the ceiling for asylum seekers was raised to 10,000 a year; however, both caps were exceeded in most years. As earlier indicated, the 675,000 per year cap was substantially exceeded during the 1990s when legal immigration averaged more than 970,000 a year, partly due to the exemption from the cap of family members of U.S. citizens.

The big expansion in admission to the United States resulting from the 1990 law was in the employment-related category which had been relatively minor before. Over and above the 140,000 regular visa slots, the

law provided for the granting of work permits for a large annual number of “temporary” workers with employment-related skills. In the year 2000 alone 365,000 people were admitted under this program. The principal category, H1-B visas for “specialty workers,” was particularly used by high tech companies and had an annual quota of 65,000 which rose to 195,000 in 2000 and then dropped back to 65,000 this year because of the number of unemployed American software engineers. In 2002, 42% of the H1-B workers were in computer or computer-related employment with 37% of those being from India. In addition to temporary workers entering the country under the H1-B program, dependents of such workers were also admitted: totaling 129,000 in 2000. The INS admits that it does not know how many H1-B visa holders have remained illegally in the U.S. after the six-year maximum stay has expired. If the American experience with “temporary” workers replicates that which has occurred abroad in such countries as Germany, a large number have and will remain and eventually receive permanent residence status.

With respect to the ethnic composition of the current more than one million legal immigrants per year, over half are Hispanics and of these well over one-half are from Mexico. In addition, it is estimated that Mexicans comprise at least 70% of the illegal immigrant population, which is believed to total between 8 and 14 million today, even after taking the 1986 amnesty into account, and is increasing, as previously indicated, by at least anywhere from 350,000 to 500,000 per year. Mexicans probably comprise even more than 70% of the illegals since 90% of the illegal immigrants who received “green cards” under the 1986 law were Mexican. In the year 2000 it is estimated that the illegal Mexicans in the U.S. were 25 times more numerous than the next largest group: that from El Salvador.

Excluding Puerto Ricans [who are not regarded as immigrants] and Cubans, ~~few of whom currently are able to enter the U.S.~~ Hispanic immigrants, most of whom have rural backgrounds, are poorly educated with 70% lacking a high school degree, possess fewer skills than previous immigrants, speak little if any English, and in disproportionate numbers end up in various welfare programs. Their impact upon the United States will be discussed in three somewhat overlapping categories: economic, social and cultural, and environmental.

(a) Economic: The leading immigration economist is George Borjas, Professor of Public Policy at the John F. Kennedy School of Government at Harvard. In Heaven's Door: Immigration Policy and the American Economy published in 1999, Borjas concludes that the principal economic impact of immigration is a redistribution of wealth with low wage native [i.e. American-born] workers suffering from the competition of large numbers of immigrants happy to work for low wages and employers who use unskilled, low-paid immigrant workers in the agricultural, construction, service, and other industries profiting as do the buyers of their products and services and as do individuals who employ legal and illegal immigrants for gardening, domestic services, etc. It is estimated that in Southern California real wages for less-educated native-born workers have declined by twelve percent over what they might have been without immigration.

Not only does the competition of immigrants for low-paying unskilled jobs reduce the earnings of native-born workers in such jobs, but it also substantially decreases the jobs available to the native-born workforce. A study issued in July by the Center for Labor Studies at Northeastern University found that recently arrived immigrants accounted

for all of the employment growth in the United States since 2001. The study's author, economist Andrew Sum, concluded that the employment of new immigrants, mostly from Mexico and Latin America, appears to be displacing both established immigrants and native-born workers, especially black men in central cities. This could be one important reason why the U.S. unemployment rate has declined so little in the present economic recovery.

Borjas states that the economic benefits of immigration have been greatly exaggerated and that if we allow immigration to continue at its present levels we are supporting an enormous transfer of wealth from the poorest people in the U.S., who are disproportionately Blacks and other minorities, to the richest. He calculates that the net annual overall economic gain from immigration is only about \$8 billion a year while in dragging down wages immigration currently shifts about \$200 billion per year from native low-wage workers to employers and users of immigrants' services.

Included in the economic negatives are the substantial cost of educating the children of immigrants, providing immigrants with medical care, and furnishing many immigrant families with various types of welfare benefits: the percentage on welfare being much larger than that of native-born Americans. In this regard the Center for Immigration Studies in Washington reports that 31% of Mexican immigrant households receive some sort of public assistance [Medicaid, food stamps, Temporary Assistance to Needy Family payments, etc.] as compared with 17% of non-Mexican immigrant households and 14% of native households. Part of the costs imposed by immigration are offset by withholding and other taxes paid by employed immigrants, at least those who are not paid in cash

“under the table,” but even factoring in such offsets it is estimated by the National Research Council that in the case of California the education, medical, welfare and other costs resulting from immigration into the state amount to approximately \$1,200 a year per native-born household.

There is, however, a possible long-term economic benefit in that the Hispanic immigrants for the most part are relatively young and if they successfully secure employment their contribution to Social Security and Medicare will assist in easing the funding burden for such programs as the native born Americans retire in increasing numbers. This, of course, will also produce “a dog chasing its tail” spiral as the immigrants themselves eventually retire and new cohorts of immigrants must be brought in to finance their Social Security and Medicare benefits. And relying upon poorer Hispanics to pay for entitlement benefits owing relatively well-off Anglos may lead to serious social strife.

It is, of course claimed that production of many agricultural crops, the restaurant, hotel and other service industries, construction projects requiring unskilled laborers, and similar types of work could not survive without immigrant labor since American workers are unwilling to work in such occupations. For the most part such assertions are incorrect. The unwillingness of American workers to take such jobs is because the wages are so low compared to what they can earn in other kinds of unskilled employment and the wages are low because of the availability of immigrants who will work at very low rates of pay.

According to Christopher Jencks, Professor of Social Policy at Harvard, in a November, 2001 article in the New York Review of Books, almost every job that is performed by immigrants in New York or Los Angeles is carried out by native Americans in Detroit and Philadelphia.

The reason native Americans turn down such jobs in New York or Los Angeles is that by local standards the wages are abysmal. In Vermont, where we spend the summers, there is no shortage of native Americans for work in restaurants, hotels, and other service jobs and as construction laborers because the wages paid are adequate by Vermont standards. And in Vermont, people are willing to mow their own lawns and clean their own houses and do not regard such work as demeaning.

There is more of a case to be made for the necessity of securing unskilled immigrants for labor-intensive agricultural work such as fruits and vegetables that are picked by hand. But one problem of relying upon low-cost labor for such work is that it removes the incentive for growers to make the capital expenditures necessary to mechanize their picking operations. At long last this is beginning to change as growers of such crops as Florida oranges and California raisins find that even with cheap immigrant labor they have to mechanize their harvesting operations to be able to compete with fruits and vegetables imported from abroad.

Not only do native unskilled workers suffer from the competition of immigrants willing to work for low wages but highly skilled American workers are beginning to be severely affected by foreign "specialty workers" brought in under the "temporary" workers program. The claims by high tech companies and other employers that they cannot find U.S. citizens to perform needed work are often specious: the real motive being to secure foreign technicians and others who will work for less. As stated by Michael Lind, a senior editor of *New Republic*: "When many college graduates cannot find good jobs, why are we issuing so many work permits for foreign workers? Why should a company be allowed to

replace American computer programmers with Indian guest workers in the United States?"

(b) Social and Cultural: The experience among earlier immigrant groups is that by the second and third generations they have assimilated to a considerable degree into the American culture, have a working knowledge of English, and have improved their educational and economic status. The concern is whether this will be true of the new waves of Hispanic immigrants.

Hispanic immigrants, and to some degree Asian immigrants as well, have for the most part concentrated in areas where there are already large numbers of immigrants from their country and as a consequence large Hispanic enclaves have arisen, enclaves in which not only do the immigrants feel at home but where they have little incentive to learn or use English. Partly as a consequence, 40% of Hispanic students do not graduate from California high schools and less than 10% graduate from college. Overwhelmingly Hispanic immigrants speak only Spanish at home and even the second generation feels far more comfortable using Spanish. Increasingly, advertisers and the media communicate to them in their own language, and once they become U.S. citizens, despite the English language requirement for naturalization, they can obtain a ballot in Spanish if their numbers exceed 5% of the citizens of voting age in their state or in their political subdivision.

Another factor working against assimilation is the policy of Mexico to maintain close ties to Mexican immigrants by allowing them to hold dual citizenship and issuing consular identity cards to illegal Mexican immigrants to assist them in opening bank accounts and obtaining drivers licenses.

A prime example of such a cultural and linguistic Hispanic enclave is El Paso, Texas, one of the poorest urban centers in the United States where three out of four households speak Spanish, almost a third of the population cannot speak English at all, and one-quarter of the workforce has not completed the ninth grade.

Miami is another example of an enclave where a native American can feel that he or she is almost a foreigner and where political control rests in the Cuban population. The melting pot is being replaced by the salad bowl!

The jury is out on the long-term effects of such cultural enclaves. It may be that the Hispanics will gradually leave, as did the Irish and Italians in Boston and San Francisco, and assimilate into the larger American community or it may be that most will remain in such enclaves with their numbers constantly increased and/or replenished by new Hispanic arrivals. If the result is some sort of benign multiculturalism, we shall be enriched but if it is an Hispanic society that is inward looking and fiercely clings to using almost exclusively its native language, we may face the prospect of another Quebec in the American Southwest and Southern California. In this regard, and while at present it is only the view of an extremist minority, we would do well to pay attention to the words of Mario Obledo, founder of the Mexican American Legal Defense and Education Fund, that "California is going to be a Mexican state, we are going to control all the political institutions. If people don't like it, they should leave."

Be that as it may, one factor ameliorating the social and cultural aspects of immigration is the large number of children and grandchildren of Hispanic and Asian immigrants who marry outside their race. It is

estimated that 26% of the Hispanic and 29% of the Asian children and 33% of the Hispanic and 41% of the Asian grandchildren do so.

(c) Environmental: In my opinion, the most serious consequence of continuing large scale immigration is the negative impact on our environment that will be produced by the resulting huge increase in the population of the United States. In the absence of a very substantial decline in immigration and in the overall American birthrate, the population projections discussed earlier will have very serious effects on the American environment. The United States already accounts for almost 25% of the world's carbon dioxide emissions; a near doubling of our population by 2050 could very possibly double such contribution to global warming. And what impact would a population doubling have on our available natural resources?

Californians already have to endure more and more traffic congestion and urban sprawl and face increasing limits on the availability of water. Land adjacent to urban areas is steadily being devoted to shopping malls and subdivisions. What will a near doubling of the state's population by 2050 do to our quality of life? Is this the kind of environment we want to leave to our children and grandchildren?

Later in this paper I will mention what I consider the "head-in-the-sand" position of the Sierra Club on this issue.

Despite the negative consequences of continued large-scale immigration discussed above, there are many who assert that it is far too late in the day to remedy the problem especially as far as illegal immigration is concerned. It is maintained that the United States is in the position of King Canute and nothing can be done to substantially hold back and reduce the waves of immigrants impacting our borders and our

way of life. Peter Andreas, author of the book "Border Games: Policing the U.S. – Mexico Divide" has called the border control efforts a "politically successful policy failure" – successful at conveying an image of aggressive action, but a failure at deterring either smugglers or migrants. According to the June 13th issue of the New York Times, one high-level official in the Department of Homeland Security has stated that "We are basically swatting flies. Essentially, we are completely overwhelmed by the numbers. They're just running over us."

I disagree and believe that there are a number of steps that could be taken that would significantly reduce the numbers of immigrants, both legal and illegal, if, and this admittedly is a big if, the public awakes and the political will is generated. They are as follows:

A. Dealing first with the admittedly easier matter of legal immigration:

First: Reducing legal immigration to the level which existed before 1965, approximately 300,000 per year, this ceiling to apply to all special categories such as refugees. Ideally there should be an immigration moratorium of 3-5 years to buy the country some time to rethink our current immigration policy and the long-term implications of same but this is probably politically impossible.

Second: Reducing substantially the overly broad and much abused family reunification category and, instead, favor immigrants with skills and other attributes we need. One approach to achieve this would be to adopt the point system used by such countries as Canada, Australia and New Zealand where points are accorded visa applicants for amount of education, English proficiency, not being over a certain age, workers in "urgently needed" occupations, etc. If the U.S. had a point system based

solely on having a high school diploma, proficiency in English, and being under age 40, 41% of the legal immigrants who entered the U.S. in the late 1980s would have been barred, including 75% of the Mexicans, 62% of the Vietnamese, and 43% of the Chinese.

B. With respect to illegal immigration:

First: Stricter regulation of employers hiring immigrant workers coupled with forgery-proof green cards, which is technically feasible. Better yet would be a forgery-proof national identification card, which again is technically feasible.

Second: Providing the INS with computer and software systems that allow tracing of tourists, students, temporary workers, and other non-immigrant holders of visas. It has been estimated that close to half of those illegally in the U.S. consist of persons who stayed on after their visas expired, including several of the 9/11 hijackers.

Third: Substantial increases in the manpower and technical equipment such as sensors provided the Border Patrol coupled with attempting to reach an agreement with Mexico to allow deportation of apprehended illegal Mexican immigrants to the areas they came from rather than merely sending illegals back over the border where they are free to attempt to enter the U.S. a second or third time. In this regard, some smugglers, or coyotes, now offer illegals three trips across the border for a flat rate in case they are caught in their first two trips. While expensive and probably requiring additional detention facilities, imposing short jail sentences on illegals before their deportation would be a helpful deterrent to attempted return.

Fourth: Expanded utilization of the authority granted to the INS under the Illegal Immigration and Reform Responsibility Act of 1996 to

deport certain groups of illegal immigrants after screening by INS agents but without immigration court hearings, reducing the strain on detention facilities and on the immigration courts. Originally the utilization of such authority was confined to illegals apprehended at seaports and airports but now a pilot program is in effect in the Tucson and Laredo border patrol areas for all illegal immigrants, other than Mexicans and Canadians, caught within 100 miles of the Mexican and Canadian borders who have been in the United States for up to 14 days. Mexican illegals are exempted because most of them choose to voluntarily return to Mexico after being apprehended. The policy has raised concerns by immigration advocacy groups that illegals who claim to be legitimate refugees but do not survive the screening procedure will lose their right to a court hearing, but these concerns are without merit.

An illegal alien who claims to be entitled to refugee status certainly has no right to select his or her country of refuge and choose the United States or any other country in the world that he or she fancies because it is prosperous and extends generous welfare and other benefits to refugees. Rather a person can legitimately claim refugee status only in the first country reached in which the claimed persecution does not exist. Therefore illegals from other parts of Latin America or elsewhere should not be able to retain their alleged refugee status once they reach Mexico or Canada where they no longer can claim a "well founded fear of persecution."

Fifth: Although it raises racial profiling and other civil liberties issues, making it easier for the INS to conduct warrantless searches for illegals employed in agriculture or crowding street corners looking for casual work.

Sixth: Increasing the efforts, begun in the Clinton Administration, to train foreign government officials and airline personnel to better screen passengers before they board planes to reduce the number of persons, with no documents or fraudulent documents, who claim refugee status upon arrival in the U.S. This should be coupled with stricter scrutiny of refugee claims and speedier resolution of same. A firm ceiling on the annual number of refugees to be accepted would be highly desirable but would be difficult to implement as to persons who claim such status when they are already in the United States, particularly in view of the large backlog of refugee applications.

Seventh: Substantially raising the minimum wage to make work in the service industries and agriculture more attractive to U.S. citizens.

Any serious efforts to limit immigration by the means mentioned will have to overcome a number of factors and the strong opposition of a number of powerful groups:

(1) Despite polls showing very substantial public support for lowering the amount of immigration, including a majority of those of Mexican and Hispanic descent, there is a relative lack of public concern on a day-to-day basis with the opposition lacking the organizational strength of the pro-immigration lobbying groups. Congress feels free to continue to support large-scale immigration despite public opinion polls in the absence of sufficient political pressure to reverse its course. In fact, Congress to some degree now views creation of various preferential immigration categories as a new form of “pork barrel” program to curry favor with various pro-immigration constituencies.

(2) The increasing political strength and influence of well organized “immigrant rights” groups such as the National Council of La Raza as more Latinos become citizens and secure the right to vote. This is coupled with the tendency of such groups to label their opponents as “racists” and “xenophobic.” The controversy within the Sierra Club over whether the club should seek to limit immigration on environmental grounds saw such charges leveled against the proponents of such a policy.

Part of the success of such groups as La Raza in securing immigrant support is that maintaining ethnic identity enables Hispanics to obtain preferential treatment under various government and non-governmental programs such as affirmative action.

(3) The political strength of immigrants, both actual and perceived, as reflected in the catering to the Hispanic vote in American politics, originally in Florida and now reflected at the national level with President Bush’s January, 2004, proposal to grant what would be in effect a new amnesty to most of the estimated 8-14 million illegal immigrants now in the U.S. The Bush Administration’s proposal was a blatant attempt to gather Hispanic political support in the 2004 presidential election while ignoring the disastrous results of the 1986 amnesty which only encouraged the flow of new illegal immigrants in the hope that they too would eventually receive an amnesty and be rewarded for breaking U.S. immigration law.

(4) The lobbying efforts of those employer groups who have become heavily dependent upon low wage immigrant labor and who now have an ally in the labor unions that seek agricultural and service industry workers as members, the AFL-CIO having changed its policy in 2000 to support, rather than oppose, immigration.

(5) Those Americans, acting from idealism, who oppose restriction of immigration as being inconsistent with “American values” and voice such irrelevant statements as “we are a nation of immigrants.”

Also those Americans who see the solution, at least for illegal immigration, in increasing the prosperity of Mexico, and other countries who are the source of illegals, to the point that the inhabitants will have no economic incentive to come to the United States. Such a solution is completely unrealistic in terms of solving the current immigration flow and will, if achievable at all, require the passage of many, many decades.

And lastly those, like a Stanford University professor who formerly belonged to Chit Chat, who maintain that it is the duty of the United States and the Western World to help solve Third World overpopulation by accepting large numbers of immigrants.

(6) All in all and in view of this formidable array of opponents, it can be argued that our nation has passed the “tipping point” and that there is not the will to adopt the immigration control measures earlier suggested and restrain the waves that King Canute vainly sought to halt. I think otherwise but am not optimistic that such change will occur in the near future.

As eloquently stated by Prof. Borjas in Heaven’s Door in speaking of the “powerful interest groups that gain substantially from current immigration policy” : “These groups seem unable – or are unwilling – to see the cost that immigration imposes on other segments of society, and have considerable financial incentives and resources to influence the course of the debate and to ensure that the present policy remains in place.”

“In the short run, these interest groups will likely succeed in delaying the day of reckoning. In the long run, their impact is more perilous. For the longer the delay, the greater the chances that when immigration policy finally changes – as it surely must – it will undergo a seismic shift [which] as in 1924 may give those who advocate a closing of the border the victory that has long eluded them.”