

On Immigration, Liberalize to Crack Down

By Tamar Jacoby
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The first House "field hearings" on immigration legislation have at times seemed more like talk show free-for-alls than serious contributions to the legislative process. Certainly this was true at the session I attended in Laredo, Tex., where Republicans fanned voters' fears by portraying the border as a "war zone" overrun by terrorists while equally partisan Democrats gleefully bashed the GOP members for indulging in such political theater -- and the audience responded in kind with alternating bursts of cheers and boos. The Senate hearings, in contrast, have been relatively dignified.

Even so, no one would seriously claim that the central issues in the immigration debate -- the critical issues that divide the House and Senate -- are being addressed, at least not yet. Most obviously lost in the shuffle has been any real answer to the central question posed at the first two House hearings: How do we effectively secure our borders against terrorists and other criminals?

The House approach has been to stick to diagnosis -- mostly exaggerated diagnosis of cross-border drug wars, gang violence and al-Qaeda infiltration -- apparently in the hope that a remedy would suggest itself to voters: sealing the border. The Senate, meanwhile, tried to change the subject, focusing -- not wrongly but not quite aptly either -- on the contributions of immigrants to the economy and the U.S. military. If the public didn't know better, voters might think we faced a choice: border security or economic well-being -- with no possibility of both.

But in fact that's not the choice at all: We can -- we must -- have both. And the only way to get there -- the only way to gain control of the border -- is through reform of the kind championed by President Bush and the Senate that liberalizes our immigration law.

Liberalize to get control? No, it doesn't make sense at first blush. But this is the paradox at the heart of immigration reform. Yes, our existing law is inadequately enforced, both on the border and in the workplace. But one of the main reasons for this endemic failure is that the law itself is so unrealistically strict, so out of sync with our labor needs as to be -- like all unrealistic law -- practically unenforceable.

The best analogy is Prohibition: No matter what enforcement resources we threw at that unrealistic ban, we couldn't make it stick. But realistic regulation of alcohol use is another matter entirely -- easily achieved with modest means, such as liquor licenses and import duties.

So, too, with immigration. As the law stands now, we admit only about two-thirds of the labor we need to keep our economy growing, and the additional third -- some 400,000 to 500,000 workers a year -- must get here some other way, illegally. No wonder the Border Patrol is overwhelmed.

The logic behind reform is that if you create a legal way for these now-illegal workers to come into the country you'll take the pressure off the border. After all, once we've filled every available job -- every job for which an employer can't find an American

worker -- with an authorized immigrant, there should be little incentive for other foreigners to risk their lives making the trip. The bulk of those now coming illegally would enter lawfully and be processed on the way in, while the illegal traffic would slow to a trickle, far more easily turned back by the Border Patrol.

This isn't a new idea. The president rarely speaks about immigration without talking about "taking the pressure off the border." But nobody at those House hearings has seemed to remember the lesson -- or the security dividend.

The person who first explained that dividend to me was a veteran border agent in Arizona. "What if another 9/11 happens," he asked, "and it happens on my watch? What if the bastards come across here in Arizona and I don't catch them because I'm so busy chasing your next busboy or my next gardener that I don't have time to do my job -- my real job -- catching terrorists? I don't know how I'll live with myself."

The point is obvious enough: We need to take the busboys out of the equation (by means of a temporary worker program) so that Border Patrol can focus on the smugglers and terrorists who pose a genuine threat. And, just as urgent, we need to find a way to bring the 12 million illegal immigrants already in the country onto the right side of the law, creating incentives for them to come forward, then registering, screening and, as long as they stay here, keeping track of them.

The witnesses at the House hearings in Laredo weren't wrong: the criminal "infrastructure" that has grown up to facilitate illegal immigration is undermining our security, both on the border and throughout the country, wherever these unauthorized workers and the forgers who cater to them have settled. But the answer isn't just to crack down harder. It's to make the law more realistic and enforceable by combining new toughness with legalization and more visas for workers -- precisely as the Senate proposes to do.

If only this summer's hearings would point policymakers in that direction -- if only House Republicans would go beyond exaggerated diagnoses to solutions -- the political theater in Laredo and elsewhere might seem in retrospect to have been worthwhile.

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