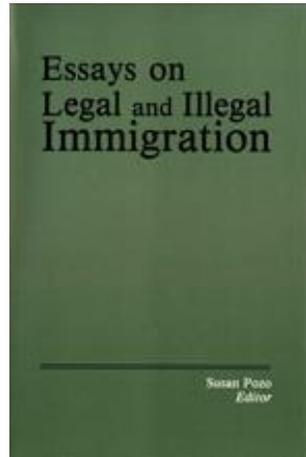

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U.S. Immigration Policy What Next?

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United States immigration policy stands at the crossroads.

We have had a remarkable and passionate debate. The Select Commission on Immigration and Refugee Policy under Father Hesburgh's chairmanship was established in October 1978 in response to growing concerns that had already entered the public policy domain. It led, in turn, to the introduction of the Simpson-Mazzoli bill into the House. After nearly three years of tortuous legislative efforts to enact it into law, Simpson-Mazzoli died in conference at the end of the 98th Congress. By that time, the bill was already weighed under by numerous compromises from its original version, reflecting the exigencies of the legislative process that prompted the witticism that there are two things you did not want to see made: laws and sausage.

If we keep in view the facts that prominent intellectuals and editorial writers threw their support behind Simpson-Mazzoli, that the bill came very close to passage, that passions have been aroused and lobbies activated, it is not surprising that the Congress has witnessed renewed efforts at immigration legislation. In fact, fears that Simpson-Mazzoli would rise again from its ashes led to early efforts by its opponents in the 99th Congress at heading off this threat. Thus, Congressman Roybal had introduced a pre-emptive Bill HR 30 and Congressman Garcia held fresh hearings on

immigration policy before his Subcommittee on Census and Population, reflecting Hispanic concerns. Meanwhile, Messrs. Simpson and Mazzoli have parted company and each has sponsored new legislation aimed at immigration control, with Senator Simpson teaming up now with Congressman Rodino this time around.

We need therefore to address, as clearly as we can, the question: where do we turn at this juncture? You might be tempted to dismiss this question on the cynical ground that the intense arguments of the last few years and the strangeness of the coalitions that formed around Simpson-Mazzoli suggest that matters have gone beyond enlightened analysis. Or you may fear that by now nothing worthwhile could have been left unsaid. I hope to convince you, however, that a fresh approach can indeed be proposed. And I trust that you will share my optimism that rational discourse has its role to play in every public policy debate, no matter how contentious the issue in question.

To devise an appropriate policy, we must define desirable *objectives* and suitable *policy instruments* to achieve those objectives. As I shall argue presently, both the Select Commission and the Simpson-Mazzoli proponents shared essentially two popular objectives (i.e., reducing the flow of illegal immigrants and rescuing these and the earlier stock of illegals from an underclass status) and had two less popular policy instruments (i.e., the employer sanctions and the amnesty program) to achieve them. I shall also argue that, ironically, these two policy instruments may be expected to produce the opposite results from those desired, reminding me of Max Weber's celebrated remark about the "paradox of unanticipated consequences." And I shall propose that we now think of a wholly different approach to achieving the Simpson-Mazzoli objectives.¹

But, before I do that, I do wish to consider at the outset why immigration has come to be regarded as a major public policy question. A delineation, and then a dispassionate examination, of the concerns that have elevated immigration reform to our attention will serve to provide me with an assessment of the worthwhileness of the Simpson-Mazzoli objectives and hence to place my changed policy approach to them into proper context.

A Litany of Concerns

The most compelling aspect of the immigration situation today is that we have a significant amount of illegal immigration. The concerns of reasonable commentators, even if the conjectures on which they proceed are often unreasonable, proceed from this central fact. And indeed, the illegality of the immigration inflow, *not* the total legal numbers admitted by us annually, occupies the center of the stage. Why?

First, it raises the specter of vast inflows from a seething mass of humanity. Imagine becoming part of Greater Mexico, or worse still, part of Greater Caribbean and Central America as well! The large numbers being bandied about on the “undocumented” aliens, the euphemism for illegal immigrants, have helped this alarmist perception. Unless we “regain control of our borders,” we will be swamped. The faintly ridiculous zero population growth (ZPG) movement, which seeks to freeze population levels, has derived particular solace, and much mileage, from this cataclysmic scenario which I shall presently argue to be exaggerated.

Second, the illegality raises fear that it will breed more illegality in turn. This perception, while patently false, has been accentuated by the accounts of the Mariel Cuban immigrants’ problems in Florida.

Third, closely tied to illegality is the question of ethnicity. Many of the illegal immigrants are, naturally, Hispanics who can and do simply walk across the Rio Grande. Unlike in the immigration debates which attended the first enactment of our national immigration legislation in 1921, racist arguments simply will not be tolerated today. However, the heavy bias of the illegal influx in favor of Hispanics has raised more fear of encroachment by a second language more than by a different culture. Today, the iron fist of a dominant Anglo-Saxon culture that tended to produce a homogeneous, assimilated mass of second-generation children who embraced the English language unquestioningly is no longer in evidence. The growing emphasis on ethnic diversity, and indeed pride therein, militates against the homogenization process. In this new cultural context, the Hispanic domination of the illegal influx, with threat of many more to come, creates serious concerns.²

Fourth, illegality of the influx has created the apprehension that a finely tuned policy of immigration, delicately balancing costs and benefits to us through careful selection of numbers and composition, is being undermined by an uncontrolled inflow that must therefore, *prima facie*, be harmful to us. This concern was especially acute during the pre-recovery slump when it was feared that a tough unemployment situation was being worsened by the “peso refugees”: Hispanics moving north in search of jobs as the developing countries of Latin America, especially Mexico, got mired in the slump and drowned in their debt.³ But the concern was also acute among some that illegals would prove to be a net burden on the fiscal system, though studies commissioned by the Hesburgh Commission found little support for this presupposition.

Fifth, and finally, illegal immigration has created a humanitarian issue. The illegal aliens represent an

underclass, often subsisting better than where they came from, but evidently in conditions and with civil rights that, because of fear of seizure and deportation, are simply not asserted enough to be a practical reality. You may have heard the story of the Jewish couple who, on complimenting the illegal-immigrant Chinese waiter in a Brooklyn Szechwan restaurant for speaking tolerable Yiddish, found the manager rushing up to them and remonstrating: "Hush, he thinks he is learning English!" It is widely believed that concern with this altruistic aspect of the immigration situation, rather than the more narrowly self-serving arguments I have detailed, led former Secretary of Labor, Ray Marshall, to persuade President Carter to adopt immigration reform as an important goal of his administration. Out of these concerns came the two principal objectives of the Select Commission and Simpson-Mazzoli. One was simply to restrict immigration, or rather the illegal component. The other was to ameliorate the deplorable conditions in which the underclass of illegal immigrants found itself.

Facts and Realities

I should emphasize immediately that the perception that we are being flooded by unusually large numbers of immigrants is not based on facts. For instance, legal immigration during 1950-1970, according to U.S. Bureau of Census data, has averaged *less than half* of the peak level during 1900-1909! If adjustment is made for the rise in population, the *reduction* in legal immigration flows is even more striking. Immigrant inflows as a percent of resident U.S. population has in fact fluctuated between less than 0.1 percent during the war years to roughly 0.2 percent during 1950-1980, with a peak of 0.35 percent during 1980 when the absolute immigration inflow was just under 800,000. If adjustment is made further for emigration—a phenomenon that partly reflects a life-cycle return of the immigrants, and which has

been there since the 19th century—the figures of net immigration fall somewhat further below the absolute levels of roughly 400,000 on average through the 1970s.

Yet another striking fact, brought to our attention by Kingsley Davis, is that the proportion of foreign-born to total population in the U.S. has been *falling* steadily since 1910 until it was less than 5 percent in 1970, whereas it has risen in recent history in many countries including Australia, Switzerland, France and Sweden and, in fact, exceeds handsomely our 1970 proportion in these countries plus others such as Canada and New Zealand. For a country built on immigration, these facts suggest that our legal immigration policy has *not* been lax or overly generous in any persuasive sense.

The illegal inflow does impact on this argument, since our susceptibility to it is considered generally to be greater than in many of these countries, with the exception of France. But *not* by any means as much as the early claims in the range of 8 to 12 million suggested by Immigration and Naturalization Service (INS). These estimates, unfounded as they were, profited from a law I have formulated: that *any statistics will win against no statistics*. And these numbers came to be widely circulated. Studies prompted by the Select Commission have now dispelled the myths they created.⁴ It appears that, in the late 1970s, the *stock* of illegal residents is likely to have been between 3.5 and 6 million—not more. That means that the *flow* is likely to have been substantially less, for the border has been a porous sieve for quite some time.

My own judgment, given these numbers, is that immigration reform arguments based on immigration being “too large” are implausible. Any economist familiar with the theories of the consequences of immigration must admit to a complex of positive and negative effects. With the immigration flows being such small proportions of the population

and the workforce, the net economic gains or losses (if any) from these levels of immigration must shrink into relative insignificance.

I would be tempted to conclude therefore, that, at least as far as the *economic* effects of the present immigration *levels* are concerned, there should not be cause for alarm. That immigration, therefore, may be treated as a phenomenon rather than a problem. In fact, if one looks not merely at the *short-term* effects of the current recovery but also at demographic *trends* that project a labor shortage by the early decades of the next century, it is possible to contemplate with greater equanimity the fearful projections of growing streams of new immigrants from the Caribbean and Latin American countries, propelled to us by distress, disruption or simply desire.

No one can, however, *firmly* refute the grim scenarios. Doubtless, Puerto Ricans have not flooded the U.S., emptying their land. Italians have not moved *en masse* to West Germany from the poverty of the south, despite freedom of movement in the European Community. Wages are typically not equalized, even within the same country, by migration. Custom, commitment, risk-aversion, hope, family, attachment to land, financial incapacity to move: these and other economic and social factors shape and constrain outmigration to the more prosperous areas. But large movements *do* occur. Responsible immigration policy cannot be predicated on the most promising scenarios. As the financier Felix Rohatyn would put it, this would be like “betting the company.”

The Two Objectives

I therefore accept, as a reasonable policy objective, the premise that we should bring illegal immigration under control.

As I have stressed already, the other Simpson-Mazzoli objective, which I happen to share with greater enthusiasm, is a social and moral one. The illegal aliens who get in, willy-nilly, past the door are indeed, despite Brusati's poignant *Bread and Chocolate*, substantially better off than where they come from. But they are at the bottom of *our* social and economic hierarchy, living in conditions that are significantly below what our moral standards require. If they live abroad in appalling conditions, exploited and destitute, distance places them beyond our view and responsibility. But in our midst, even though illegally, their condition offends our moral sensibility. The condition of the underclass cannot be ignored by a civilized society, certainly not by ours.⁵

The Simpson-Mazzoli Policy Instruments

The approach embodied in Simpson-Mazzoli, and indeed originating in the recommendations of the Select Commission, offered two policies to address these two objectives. Both policies, employer sanctions and an amnesty, were far less popular than the two objectives. For example, compelling objections to employer sanctions were raised in Hispanic circles.

As Antonia Hernandez, speaking for the Mexican American Legal Defense and Educational Fund before Representative Garcia's Subcommittee, remarked (December 9, 1982):

Employer sanctions won't work and will discriminate . . .

The ID system: I am reminded that during Father Hersberg's [*sic*] testimony in favor of H.R. 7357, he said there was nothing discriminatory with an ID system. He used an example I would like to restate here. He carries ID cards, the American Express and as Chairman of the Board of Chase Manhattan

Bank. Those cards are symbols of prestige, of status.

The ID system, any ID system to [the Hispanic] community will carry a badge of inferiority, a badge that we, each and every one of us will have to carry. We will not be able to show our American Express. We will not be able to show our American passport, or that we are on the board of a Fortune 500 company.

To the members of the Hispanic community, the employer sanctions and the ID will be that badge of inferiority. We will have to prove who we are just because of the color of our skin and the accent in our speech.

I must confess that I have considerable sympathy for the Hispanic concerns. My first reaction was, of course, unsympathetic since I tended to discount the possibility of discrimination that could follow the enactment of employer sanctions much as Father Hesburgh did. My views now are somewhat changed, for I cannot discount fears that are so widespread and obviously rooted in personal experiences of the Hispanic community. But, even if there were no other objections to their enactment, employer sanctions, and indeed amnesty, together define a set of policy instruments which are unlikely to achieve the intended objectives. In fact, they may lead to exactly the opposite results from those desired! Let me argue why.

The Simpson-Mazzoli approach, as stated, rested on two policy instruments: employer sanctions and an amnesty. Employer sanctions would make it illegal to hire undocumented aliens. In eliminating the 1952 Texas proviso, the Bill in its conference committee version would have even imposed criminal penalties for persistent infractions. By

“cutting off jobs” in the U.S, the Bill (and indeed the Select Commission before it) expected to eliminate the magnet that draws in the illegals and thus cripple their inflow. Coupled with the sanctions was, of course, the amnesty provision. While simultaneously expected to play the political role of lubricating Hispanic consent to the employer sanctions, its principal rationale was surely the rescue of the enormous backlog (or stock) of illegals from its underclass status. Between them, the sanctions and the amnesty would then eliminate the stock of illegals, cut deeply into their new inflow and thus achieve the desired twin objectives.

Ironically, however, these two policies are likely to *increase* the illegal inflow, and therefore, shortly thereafter, the stock as well, whereas I am afraid that the underclass status may paradoxically *worsen*.

Simply put, the problem is that employer sanctions can be expected to be ineffective (quite consistent with the possibility that, as the Hispanic community fears, they will impact adversely on the civil rights of that community through discrimination in hiring), owing to reasons which are deeply rooted in our social, political and juridical traditions. At the same time, sanctions will draw resources away from border enforcement where the numbers that daily get past our border patrol are naturally affected *somewhat* by the level of enforcement. Thus, the net result could well be, paradoxically enough, an increase in the rate of illegal immigration! At the same time, by increasing the harassment at work, employer sanctions could well increase the sense of exposure and vulnerability characteristic of the underclass status.

The ineffectiveness of employer sanctions can be safely predicted. Self-interest alone can be expected to lead the employers to oppose the INS through lobbying and litigation, draining its budget and weakening effective enforcement. Such a prospect also derives from the several, highly

articulate and energetic lobbying groups of ethnic Americans who, as before this subcommittee, have in fact opposed employer sanctions strenuously. But if self-interest alone was involved in weakening the effectiveness of employer sanctions, I would be less pessimistic than I am. As it happens, morality is the more critical factor and, in this instance, only weakens further the enforceability of sanctions. Our natural instincts make it hard to collaborate in efforts to seize and deport, no matter what we think of illegal immigration in the abstract. The critical factor is that we are dealing with human beings. As the Swiss novelist Max Frisch has remarked of the *guestworkers*' experience in Western Europe: "we asked for workers but got men instead."

The intense moral dilemma posed by this fact is illustrated again and again in our experience with enforcing immigration laws. Thus, our courts have repeatedly (though not always) struck down discrimination against legal aliens, defining a civil rights tradition that is truly laudable and almost unique. But they have gone further and found in favor of even illegal aliens who, it has often been argued, have no *locus standi* in the first place in view of their illegal presence! Notable here are the celebrated Texas judgment in 1980 by Federal Judge Woodrow Seals who upheld the rights of illegal aliens' children to public education, and the 1984 Supreme Court ruling that illegal aliens are entitled to the protection of federal labor laws. A Corpus Christi, Texas jury initially acquitted Jack Elder on charges of illegally transporting aliens into the U.S. although he was later convicted in a federal court. Mr. Elder's defense was simply a moral one, i.e., that he and his associate Roman Catholic lay workers were offering sanctuary to Salvadorans fleeing political persecution!⁶

Yet again, it is remarkable that in the case of the Haitian boat people, when the administration reacted to their arrival

by unprecedented incarceration, it was not long before civil rights groups took up their cause, resulting in some relief and protracted legal proceedings awaiting resolution. Therefore, I would argue that the much discussed finding of the GAO that employer sanctions have not been particularly effective elsewhere,⁷ even though some countries such as France and Canada have chosen subsequently to increase their reliance on them, applies with *unquestionable* force in our case.

By contrast, enhanced border enforcement has resulted in increased interceptions. Between 1965 and 1970, the seized illegals tripled to well over 300,000 annually. In recent years, the numbers have approximated as much as a million. Doubtless, this reflects increased attempts at entry. But it would be ludicrous to suggest that stepped-up enforcement by the Border Patrol, now totaling over 2,500, has played no role. Even if every intercepted alien tries to get back in again (and indeed many must, if the million annual interceptions are to be reconciled with the scaled-down illegal stock estimates suggested earlier by me), the increased rate of apprehension from more enforcement must affect *in some degree* the total numbers that successfully get through. The reduction in inflows, in this fashion, is not likely to be very substantial any more than India can hope to stem the tide of Bangladesh immigrant influx into Assam by building a fence and stepping up its enforcement along a massive, quasi-open border. But it is certainly likely to be greater than from employer sanctions, dollar for dollar.

As for the amnesty program, the other pillar of the Simpson-Mazzoli architecture, I am afraid that too is flawed. One can plausibly maintain that it could accelerate the influx, magnifying the total size of the illegal immigrant population in the foreseeable future, while increasing their underclass status. Although the numbers who seek to come across are not sensitive to small changes in relative wages, the disparities between Mexico and the U.S. being so enor-

mous, it is probable that a dramatic improvement in wages expected here could make a noticeable difference in the numbers that do wish to try to get past the border. Unfortunately, from this viewpoint, an amnesty creates the problem that it translates an illegal status with a low associated wage into legal status with a distinct improvement in the wage earned, now and through subsequent upward mobility along the legal job ladder. Since, in economics and in public policy, bygones are rarely bygones, an amnesty now may well lead to the expectation of an amnesty again, in which case we would be encouraging more to attempt illegal entry. Then again, if Representative Garcia is right that the most liberal amnesty program that we can get through the House and enact into legislation will not legalize more than 25 percent of the suspected undocumented population currently in the United States, we face the ironic outcome that the amnesty will eventually lead to more illegal immigrants here than we rescued from that status. Caution about the small proportion that will likely secure the benefit of the amnesty is indeed well-grounded in view of the numerous constraints that afflict eligibility and the associated problems that pertain thereto.

Is it not also likely that the INS will feel compelled, once an amnesty has been offered and implemented, to “go after” and harass more intensely those who remain illegal? Those not reborn may appear the more damnable! Greater internal enforcement, with or without employer sanctions, that will probably follow the completion of the amnesty program, will only make the large numbers of present and arriving illegals more insecure, accentuating their underclass status and psychology.

A Different Approach

I propose therefore that we take an altogether different approach. In essence, *we should greatly diminish internal en-*

forcement and correspondingly increase external enforcement, i.e., at the border. As I have already stressed, border enforcement cannot *greatly* reduce, leave aside eliminate, the influx as long as we (quite correctly) seek to control the border in a way consistent with our moral sensibilities and traditions which preclude Soviet bloc-style techniques. I wish, of course, that we showed the same sensibilities where we extend economic aid and patrolling capabilities to a country which then is, *in effect*, “bribed” into taking into its own population, potential emigrants to our shores, the kind of morally offensive action that we ourselves would not take against them! Evidently, I have in mind our relationship with Haiti in this regard. But, despite our morally constrained techniques of border enforcement, such enforcement will doubtless have *some* impact.

Besides, border enforcement would be sufficiently visible to satisfy those who feel that we should be “doing more” to regain control of our border. In public policy, the advantage of such visible, symbolic action is much too understated. Where a problem is not capable of total solution, such action acquires great importance. Thus, while I believe that the late Prime Minister Indira Gandhi’s decision to construct a fence along the enormous India-Bangladesh border in the State of Assam was an ineffective policy, and (before the Indian government suspended the construction owing to Bangladesh governmental protests) I had a bet with the then Governor of Assam that it would only be a matter of weeks before the fence would be selling inch by inch in the bazaars of Dacca in Bangladesh, I believe that it was nonetheless a splendid policy. For, to be seen to be doing nothing at all, even though one could not really close the border, would have been politically explosive since it would have been read as indifference or indecisiveness. And building the fence was the least disruptive way of doing nothing while appearing to be doing something!

In our instance, enhanced border enforcement will indeed produce some tangible result, for reasons I have spelled out. But it needs to be supplemented by what I believe is a more effective policy, which is indeed the “price” counterpart of the enforcement policy. It is also a policy which builds up over the long haul when the more alarming scenarios of stepped-up attempts at entry might be more relevant. This is the active encouragement of the creation of an “economic fence” at the border, by promoting investments and economic activity along the long border. This “economic fence” can then act as an incentive to step off the escalator to the United States hinterland. We need to explore actively, keeping the government of Mexico informed and in consultation, the creation of such an economic fence, envisaging something like the counterpart of “free trade zones” around the world. The economic fence would instead be a “free mobility zone” with investment benefits that attract the economic activity that would constitute the fence-principle that I envisage.⁸

As we shift our attention to the border to regulate the influx of immigrants, I would simultaneously downgrade *internal* enforcement.⁹ This would include dropping the idea of employer sanctions. It would also mean going easy on INS enforcement, much as we did during the last census count. A *de facto* policy posture of this kind, which preserves the important distinction between legality and illegality while not seeking to divide the population energetically into the two categories through INS activity, would substantially reduce the unease of the illegal aliens that makes their exploitation rather easier.

This mix of policies, which puts the focus of immigration control and reform back at the border, offers the prospect therefore of getting as close to our two central and popular objectives as is possible. Mainly it requires executive action

to reduce INS enforcement at home (an art, I might remark, the administration has practiced successfully with some other agencies), legislative action to increase the border enforcement budget substantially, and an active encouragement of the "free mobility zone" program I have suggested.

NOTES

1. See also my *opinion editorial* article, "Control Immigration at the Border," *Wall Street Journal*, February 1, 1985 and my testimony before Congressman Garcia at the Subcommittee on Census and Population, House Committee on Post Office and Civil Service, on March 26, 1985.

2. James Fallows, Washington editor of *The Atlantic*, has been particularly concerned with this aspect of the immigration question. See also his testimony before Congressman Garcia on March 26, 1985, *op. cit.*

3. This issue has surfaced with greater urgency in public perception recently, as the collapse in oil prices and the accentuation of the debt crisis in Mexico since January 1986 have been accompanied by a reported surge in the number of apprehensions of illegals attempting to cross the border. Thus, the *New York Times* (February 21, 1986, pp. A1 and A15) reports: "The Commissioner of the Immigration and Naturalization Service warned today that there has been a 'startling' surge of illegal aliens entering the United States from Mexico in recent months. 'We are seeing the greatest surge of people in history across our Southern border,' Commissioner Alan C. Nelson said at a news conference called to renew the agency's appeal for tougher immigration laws." In turn, the *New York Times* (February 24, 1986) renewed its call to the President to support the passage of the immigration bills before Congress, especially the employer sanctions which I discuss and reject below.

4. See, in particular, the study by the staff of the Bureau of the Census for the Select Commission, conducted by Messrs. Siegel, Passel and Robinson, and included in Appendix E of the Commission's *Final Report*.

5. Two observations are pertinent. Where we insist on treating immigrants, legal and illegal, on a par with natives, the "cost" of immigration rises relative to potential benefits. Insofar, therefore, as we reject immigrants on the ground that their immigration is harmful to us, there

is a moral-philosophical dilemma here: by insisting on equality of treatment if we admit them, we reject their entry and thus force them to live abroad in yet greater destitution (but safely distant from our view)! Next, our aversion to treating immigrants differentially from natives itself may be consonant with the way, psycho-culturally, U.S. society treats adopted children on a par with natural children. Perhaps it is not surprising that Japan, where adoption is relatively infrequent and confined generally within relatives (as in the classic case of the novelist Soseki Natsume), the attitudes towards immigrants, whose entry is severely restricted, is not exemplary whereas the United States exhibits the opposite pattern in both dimensions.

6. As of going to press, the question of sanctuary is still in the courts, arousing intense passions of the kind which I believe to be precisely what would undermine the efficacy of attempts at enforcing sanctions.

7. In August 1982, the GAO released their report: *Information on the Enforcement of Laws Regarding Employment of Aliens in Selected Countries*. The study was conducted at the request of the Senate Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary. Based on questionnaire replies by 20 countries and visits to four (Canada, Germany, France and Switzerland), these latter all having some form of employer sanctions, the GAO study found that the sanctions were generally ineffective for reasons including the facts that judges were generally too lenient, regarding illegal employment as not a "serious offense." This underlines exactly the point that I am making in this lecture. See also the statement by William Anderson, director, General Government Division before the Subcommittee on Census and Population, House Committee on Post Office and Civil Service, on The Demographic Impact of Immigration on the United States, in the presence of Congressman Garcia, on March 26, 1985.

8. Such an economic fence on the Mexican side would have the advantage that one could legally pay wages lower than the U.S. minimum wage but higher than in Mexico, and thus hold illegals back from attempting entry since slightly lower wages would be traded off against legality and Mexican residence in contrast to residence in U.S. as an underclass.

9. The irrational fascination with internal enforcement (perhaps also a puritanical reaction against those "aiding and abetting" in the violation of our "sovereign borders" and defense thereof) in preference to border enforcement is apparent also in other areas, e.g., narcotics traffic. William Safire recently wrote in the *New York Times* (February 26,

1986): “The most glaring difficulty in our war on drugs is that we have all but abandoned the front line: the border is relatively undefended. The classic bureaucratic battle between the Justice Department, which believes in tips by informants and criminal prosecutions, and the Customs Service of the Treasury Department, which tries to interdict drugs at our borders, has been won by Justice.”