



*The World's Largest Open Access Agricultural & Applied Economics Digital Library*

**This document is discoverable and free to researchers across the globe due to the work of AgEcon Search.**

**Help ensure our sustainability.**

Give to AgEcon Search

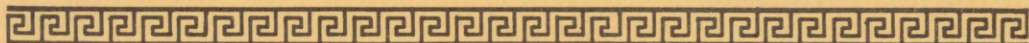
AgEcon Search

<http://ageconsearch.umn.edu>

[aesearch@umn.edu](mailto:aesearch@umn.edu)

*Papers downloaded from **AgEcon Search** may be used for non-commercial purposes and personal study only. No other use, including posting to another Internet site, is permitted without permission from the copyright owner (not AgEcon Search), or as allowed under the provisions of Fair Use, U.S. Copyright Act, Title 17 U.S.C.*

*No endorsement of AgEcon Search or its fundraising activities by the author(s) of the following work or their employer(s) is intended or implied.*



# AMERICA'S NEW IMMIGRATION LAW: ORIGINS, RATIONALES, AND POTENTIAL CONSEQUENCES

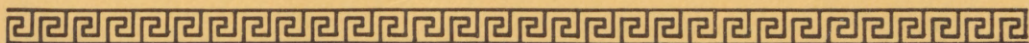
Edited by  
Wayne A. Cornelius  
and  
Ricardo Anzaldúa Montoya

Monograph Series, 11

WITHDRAWN  
GIANNINI LIBRARY  
OF  
AGRICULTURAL ECONOMICS  
LIBRARY

FEB 29 1961

Center for U.S.-Mexican Studies  
University of California, San Diego Q-060  
La Jolla, California 92093



# Research Reports and Monographs in U.S.-Mexican Studies

## Editors

WAYNE A. CORNELIUS

RICARDO ANZALDUA MONTOYA

## Editorial Advisory Board

**Sergio Aguayo**

El Colegio de México

**Adolfo Aguilar Zinser**

Centro de Estudios Económicos y Sociales del  
Tercer Mundo

**Douglas Bennett**

Temple University

**Gustavo del Castillo**

Centro de Investigaciones y Estudios  
Superiores en Antropología Social

**Ina R. Dinerman**

Wheaton College, Massachusetts

**Richard Fagen**

Stanford University

**E. V. K. Fitzgerald**

Institute of Social Studies, The Hague

**David D. Gregory**

Dartmouth College

**Roger D. Hansen**

The Johns Hopkins University  
School of Advanced International Studies

**Friedrich Katz**

University of Chicago

**Susan Kaufman Purcell**

Council on Foreign Relations

**Abraham F. Lowenthal**

Woodrow Wilson International Center for Scholars

**Gabriel Murillo Castaño**

Universidad de los Andes

**Mario Ojeda Gómez**

El Colegio de México

**Olga Pellicer de Brody**

Centro de Investigación y Docencia Económicas

**Clark Reynolds**

Stanford University

**Carlos Rico**

Centro de Investigación y Docencia Económicas

**David Ronfeldt**

The Rand Corporation

**Richard Sinkin**

University of Texas, Austin

**Peter Smith**

Massachusetts Institute of Technology

**Laurence Whitehead**

Oxford University

## Typesetting and Design

GWEN BARGSTEN

Publication and dissemination of important new research on U.S.-Mexican relations is a major activity of the Center for U.S.-Mexican Studies. Publications include first reports of research findings by the Center's Visiting Research Fellows, permanent staff research associates, UC San Diego faculty associates, and graduate student associates. Research presented at the Center's weekly research seminar on U.S.-Mexican Relations and at its annual conferences is also considered for publication. Occasionally, unsolicited papers are accepted for publication.

Manuscripts are refereed by the Center's professional research staff, Visiting Research Fellows, and members of the Center's Editorial Advisory Board. Criteria for selection include: significant new data or interpretations which have not been widely circulated; potential for subsequent publication in professional journals or anthologies (no restrictions are placed on future utilization of material by the author); and suitability for both academic and non-academic readers. The main purpose of the Research Report Series is to make available to a wide audience important new work which will appear eventually in scholarly journals or in book form, without the usual delay involved in those forms of publication.

Statements of fact and opinion appearing in Center publications are the responsibility of the authors alone and do not imply the endorsement of the Center for U.S.-Mexican Studies, The Editorial Advisory Board, or the University of California.

**ORDERS:** A complete list of current publications is available from the Center for U.S.-Mexican Studies. Ordering information is listed at the back of this publication.

**AMERICA'S NEW IMMIGRATION LAW:  
ORIGINS, RATIONALES  
AND POTENTIAL CONSEQUENCES**

edited by

**WAYNE A. CORNELIUS**

and

**RICARDO ANZALDUA MONTOYA**

Center for U.S.-Mexican Studies  
University of California, San Diego

---

*MONOGRAPH SERIES, 11*

CENTER FOR U.S.-MEXICAN STUDIES  
University of California, San Diego

---

1983

This is the third in a series of *Public Education Reports* published by the Center for U.S.-Mexican Studies at the University of California, San Diego, with the financial assistance of the Ford Foundation. The other volumes in this series are "Mexican Immigrants and Southern California" (Research Report Series, 36) and "Mexican Immigrants in the San Francisco Bay Area" (Research Report Series, 40) and are available for purchase from the Center.

*Photographs by Elizabeth Sisco.*

## TABLE OF CONTENTS

Preface .....	v
The Political Economy of Immigration <i>Aristide R. Zolberg</i> .....	1
Of Borders and States: A Skeptical Note on the Legislative Control of Immigration <i>Alejandro Portes</i> .....	17
The Failure of United States Immigration Policy <i>Charles B. Keely</i> .....	33
From Select Commission to Simpson-Mazzoli: The Making of America's New Immigration Law <i>Lawrence H. Fuchs</i> .....	43
Employer Sanctions: Political Appeal, Administrative Dilemmas <i>Manuel García y Griego</i> .....	53
Employer Sanctions Legislation in the United States: Implications for Immigration Policy <i>Kitty Calavita</i> .....	73
Employer Sanctions Laws: The State Experience as Compared with Federal Proposals <i>Carl E. Schwarz</i> .....	83
Immigration Reform and Legal Rights: A Critical Analysis of the Simpson-Mazzoli Bill <i>Barbara K. Strickland</i> .....	103

Legal Dilemmas in the Amnesty Provisions of the Simpson-Mazzoli Bill <i>Thomas Heller and Robert A. Olson</i> .....	115
Simpson-Mazzoli: Implications for the Latino Community <i>Frank del Olmo</i> .....	123
The Temporary Workers Provisions of the Simpson-Mazzoli Bill: Implications for the State of Florida <i>Terry L. McCoy</i> .....	129
Simpson-Mazzoli vs. the Realities of Mexican Immigration <i>Wayne A. Cornelius</i> .....	139
Appendix .....	151
About the Contributors .....	179

## PREFACE

In November 1982, the Center for U.S.-Mexican Studies and Warren College of the University of California, San Diego cosponsored the Fourth Annual Earl Warren Memorial Symposium, an in-depth examination of several recent landmark events in the evolution of United States immigration policy. The conference focused on a review of the forces that shaped the Simpson-Mazzoli Immigration Reform and Control Act now before Congress, the first attempt in three decades to completely overhaul the nation's immigration law. This volume of essays and edited commentary summarizes the proceedings of the symposium and provides, at a pivotal moment in the legislative process, a much-needed critical analysis of the proposed statute.

As this volume goes to press, the U.S. Senate has just approved an amended version of the Simpson-Mazzoli Bill, and the House of Representatives is expected to act on the bill during the summer of 1983. However, even though most experts would agree that our nation needs to reform its immigration law and policies, many of the contributors to this anthology point out the serious difficulties that the bill faces — in terms of enforcement, effectiveness, and benefits — should it become law.

We are grateful to the eighteen distinguished jurists, attorneys, public officials, scholars, and journalists who participated as speakers in our symposium on "America's New Immigration Law"; this volume reflects their exceptionally lucid and candid assessments of the pending legislation. We are also indebted to Michael Addison, Provost of Earl Warren College at the University of California, San Diego, and to Sheldon Krantz, Dean of the School of Law at the University of San Diego, for their assistance in the organization of the symposium. The event itself would not have been possible but for the extraordinary efforts of the staffs of the Warren College Provost's office and the Center for U.S.-Mexican Studies; among them, we would like to express a special thanks to Donald Wyman,

Graciela Platero, Margaret Delgadillo, Kitty Morris, and Rojielynn Arcega for their contributions in planning and organizing the program. The symposium was made possible by generous grants from the Chancellor's Associates of the University of California, San Diego, the William and Flora Hewlett Foundation, the Tinker Foundation, the Andrew W. Mellon Foundation, the Ford Foundation, the Rockefeller Foundation, and the Gildred Foundation.

Publication of a volume of this type is never possible without the collaborative efforts of many individuals; we would be remiss, however, not to mention two of them in particular. We owe a large debt to Sandra del Castillo for the many hours of painstaking editorial assistance which she has contributed to this anthology, from beginning to end. Finally, we would like to acknowledge the tireless efforts of Gwen Bargsten, who typed, revised, and typeset the entire manuscript and contributed her invaluable expertise in design and format to the production of this work.

Wayne A. Cornelius  
Ricardo Anzaldúa Montoya

May 19, 1983

