

Honest Admission

By Virginia I. Postrel

Even Progressive planners knew some migration defies regulation.

CALIFORNIA GOV. PETE Wilson officially declared his presidential candidacy with the Statue of Liberty in the background, then he hopped a ferry for Ellis Island. He talked about his Irish grandmother, Kate Barton Callahan, and how she'd cleaned hotel rooms to support her daughter after her husband, a Chicago cop, was killed in the line of duty.

"Like millions of Americans, she toiled and sacrificed in the hope that her child, and her child's children, would have better lives. We have. I have been privileged to live the American Dream," he said.

By tying his 1994 reelection campaign to Proposition 187, Wilson became a symbol of anti-immigrant sentiment. But he's now a moderate in an increasingly immoderate debate. As Congress seriously considers slashing legal immigration levels by at least a third and Pat Buchanan routinely refers to immigration as "invasion," Wilson continues to draw the legal-illegal distinction sharply: "There's a right way to come to America and a wrong way," he said in New York, echoing his gubernatorial commercials. "Illegal immigration is not the American way."

A lot of elected officials are desperately trying to maintain the same distinction, lauding legal immigrants as good and illegal immigrants as evil, conferring on legal entry the sanction not merely of law but of history and tradition while denouncing illegal border crossing as tantamount to an attack on the United States. In a climate in which saying anything



good about any post-1965 immigrant—especially any nonwhite post-1965 immigrant—generates hate mail, declaring legal immigration the "right way" borders on bravery.

But history is not as simple, nor immigration law as just, as Wilson suggests. Before accepting a crackdown that restricts the liberties of all Americans, both voters and political officials could use an immigration refresher course.

The fundamental fact of immigration control is that it defies human nature and market forces. It draws a line between willing buyers and willing sellers and enforces that line with guns. It tells workers they must stay where there is no work, seekers of liberty they must endure dictatorship, parents they cannot seek a better life for their children. It is like wage and price controls, taxi medallions, vice laws, rent control, and every other attempt to interpose state power between consenting adults. It creates black markets, corrupts law enforcement, encourages contempt for the law, and, at best, works only imperfectly.

Contrary to the suggestions of anti-immigration polemicists, free migration is not a diabolical plot by elites but the natural state of the world. Closed, or even partially closed, borders are the compromise. It is their advocates who bear the burden

of justifying an inherently arbitrary policy.

And U.S. immigration policy is nothing if not arbitrary. On that both pro- and anti-immigrant forces can agree.

Current policy favors family members of citizens and legal residents; if you're from the wrong family, you'll never cross the border legally, no matter how much you believe in the American way. Unless, that is, you happen to have special skills or advanced degrees. Or you get lucky in the "diversity" lottery that gives out 40,000 green cards a year to people from countries that otherwise send few legal immigrants (with 40 percent reserved for the Irish). Or you're the Amerasian child of a U.S. serviceman. Or you have big bucks to invest. If you have a "well-founded fear of persecution," you can get refugee status, but chances are you'll first have to cross the border illegally, or come in as a tourist or student.

IN OTHER WORDS, ELLIS ISLAND IS A HISTORICAL monument, not a symbol of today's legal immigration. "The American way" has become a lot more bureaucratic since Katie Barton's day.

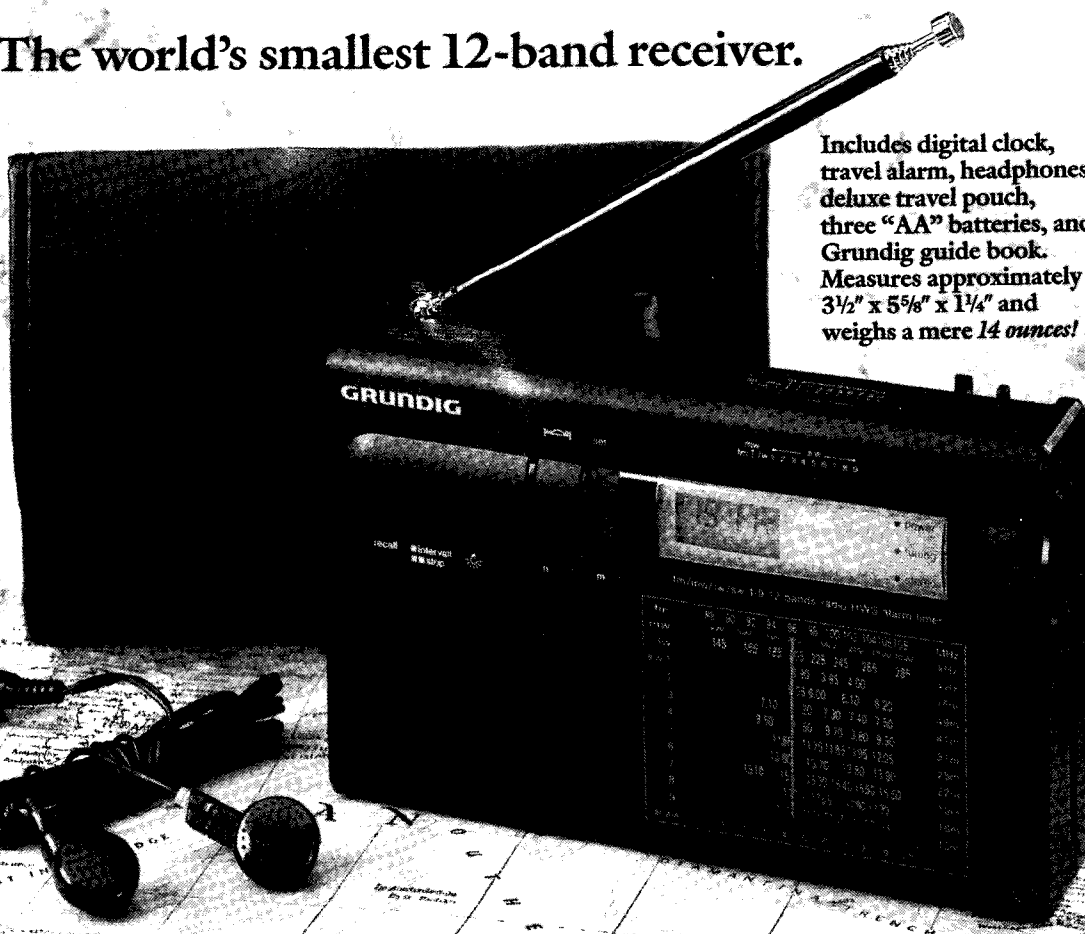
Back then, any able-bodied non-Chinese adult—after 1917, any able-bodied non-Chinese adult who could read at least one language—could come to America. The Progressives ended that form of near laissez-faire, as they ended so many others—and on similar grounds. State planners, they argued, knew best how to engineer American social development. Federal regulation, not individual choices, should determine the country's ethnic and cultural makeup.

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Editorial and Production Offices

3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034-6064
310-391-2245 Fax: 310-391-4395

Washington Office

1001 Pennsylvania Ave., NW, Suite 200 South
Washington, DC 20004
202-457-8577 Fax: 202-457-8564

Advertising Sales

The Townsend Group, Inc.
7514 Wisconsin Ave., #350
Bethesda, MD 20814
301-215-6710 Fax: 301-215-7704

Circulation Service

P.O. Box 526
Mt. Morris, IL 61054
1-800-998-8989

Founding Editors

Manuel S. Klausner, Tibor R. Machan,
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EDITORIALS

Progressive social worker and anti-immigration campaigner Joseph Lee. "We have begun to realize the control of man over nature, and to see that the highest results come from the collective effort consciously directed to an end.... These considerations have a direct bearing upon the question of immigration regulation."

Backed by a State Department report warning that an unprecedented number of "filthy" and "unassimilable" Jews were fleeing persecution in Europe, and by other "scientific" findings, Congress passed a temporary quota act in 1921 and a permanent one in 1924. It translated into law the notion, articulated by influential Cornell economist Jeremiah Jenks, that immigration policy should shift from "an individualistic basis" to one based on "racial characteristics."

Rather than looking at each immigrant to make sure he or she posed no threat to public health and wasn't likely to become a public charge, the United States would lump immigrants together by ethnic group, deeming some collectives worthy and others not. "Most of us are proud of being Anglo Saxons," said Jenks, suggesting that British immigrants "must be particularly good." (The same collectivist impulse exists today; anti-immigrant campaigners love to cite statistics showing that this ethnic group is more likely to go on welfare, or have fewer years of schooling, or earn less, or have lower IQs than that one, especially if the latter group is Northern European. And wildly atypical cases, particularly the Hmong, are used to stand for entire continents of origin.)

EVEN IN THE NATIVIST 1920s, HOWEVER, the United States did not close its Southern border. Until 1965, there was no numerical limit on immigration from the Western Hemisphere.

Yes, you read that correctly.

The Progressives were worried about Jews, Poles, and Italians, not the century-old flow of Mexican workers to and from the Southwestern states. And there was a logic to their priorities. Arbitrary lines are even more arbitrary when they divide historically, geographically, and economi-

cally connected people. Saying someone can't commute from Juárez to El Paso is a lot stranger than saying someone can't migrate from Vilna to New York—and enforcing the former prohibition takes a lot more firepower.

So until 30 years ago, any able-bodied Mexican worker who could pay a head tax and visa fee and pass a Spanish literacy test could legally come to the United States. Some still came illegally—not everyone had the money or reading skills—but the border was essentially open. ("Undocumented workers" in those days were potentially legal migrants who just hadn't paid the fees to get proper papers.) Ellis Island lived on in the Southwest.

When Pete Wilson draws a contrast between his by-the-book Irish grandmother and bad Mexicans running across Interstate 5, he is playing on a common ignorance of history. He's suggesting that today's illegal immigrants have the same legal options as Katie Barton but willfully flout the law. And he's hiding the history of the U.S.-Mexico border. America's Southern border has never been more closed to immigrants, legal and illegal, than it is today.

Politicians and activists who demand that we hermetically seal the borders—especially those who demand that we simultaneously impose a moratorium on legal immigration—are being both grandiose and dishonest. They are imagining that they can muster the pure force needed to completely restrain the free flow of labor, and they are pretending that such force will have little or no effect on the average American's life. Nothing could be further from the truth.

The great political task of the next few decades will be to reverse Progressivism rather than, in a new era of economic and social change, to repeat its errors. And that task is not just about antitrust law or land-use regulation or even welfare reform. It is about saying no to Jeremiah Jenks and his intellectual descendants, about refusing to centrally plan America's ethnic composition, about treating Ellis Island not as a backdrop for photo ops but as a model for policy.

Chip Off the Block

By Nick Gillespie

V-Chip legislation is doubly awful.

LET'S HEAR IT FOR THE "V-CHIP"—a small device that viewers can use to block unwanted television programs from reaching the screen. Most government "solutions" tend to fail because they are either flawed in theory or botched in practice. But the V-Chip is a rare instance of government efficiency: It is both repellent as a concept and doomed to real-world failure.

And, like so much misguided legislation, it's not going away. As part of telecommunications reform, both the House and the Senate passed V-Chip legislation by wide margins; there is little doubt that the V-Chip will be part of the final bill presented to President Clinton, who has declared his unwavering support.

House and Senate versions of the bill would make it mandatory for all new TV sets 13 inches or larger to have V-Chip circuitry installed—raising the price of a set by as much as \$50. Parents, say legislators, could then program the chip to block out unwanted cable and broadcast programs based on a ratings system yet to be developed. The ratings system, which is technically only recommended by the pending legislation, would address issues of violence, sex, and language.

The V-Chip is repulsive on moral grounds. Its proponents often refer to it as the "choice chip," even as it strips consumers of a very basic option: not to buy a TV without a V-Chip. In an unironic homage to George Orwell, one of the House co-sponsors, Rep. Edward Markey (D-Mass.), told the press, "People think this is Big Brother. It's not. It's Big Father and Big Mother."

Markey and his like-minded colleagues seem not to realize that it isn't the familial relationship in Orwell's phrase

that bothers people—it's the "Big," the removal of individuals from the decision-making process.

Although V-Chip boosters dismiss charges of censorship, there's no question that the legislation is intended to use governmental muscle to change what people watch. "You know what," Markey told the *Los Angeles Times*, "this does have the potential of changing the economics of producing programming." "If advertisers know that a good chunk of the market might tune out programming because it has objectionable content, you might see better programming being produced," said Sen. Kent Conrad (D-N.D.), the sponsor of the Senate bill. Of course, Conrad's idea is equally true in a V-Chipless world.

THE PRACTICAL MATTERS SURROUNDING the V-Chip are just as muddled:

- TV manufacturers estimate that it would be decades before every set in use in the country had a V-Chip in it—not counting sets smaller than 13 inches. Of course, if parents are that concerned, there are already about 20 models of TV sets or control devices currently on the market that let viewers screen out particular programs, channels, and time slots.

- Any ratings system for television would be virtually impossible to maintain. The Motion Picture Association of America, the organization that rates movies, handles between 200 and 400 films annually, roughly 600 hours of material.

By comparison, a single 24-hour-a-day broadcast channel airs almost 9,000 hours of programming a year. Even assuming that reruns make up half of that total, that's still about 4,500 hours per channel. Ratings proponents say that news programs should be exempt, even though such fare often contains many of the most violent and disturbing images displayed on TV. What's more, it's not clear what would qualify as news: *60 Minutes*? *Court*

TV? *Hard Copy*? All could make a good case—and all broadcast more than their share of violence, sex, and adult language.

- And what about reruns? "You can't expose kids to 100,000 acts of violence and 8,000 murders by the time they're 12 and not expect it to have an effect," says Conrad. If the problem is violence per se, then old shows must be blocked as well as current ones. And that doesn't just mean shows like *The Untouchables*, either. Virtually every episode of the golden-age favorite *The Honeymooners*, for example, includes explicit references to spousal abuse ("One of these days, Alice—pow! Right in the kisser!"). Add reruns into the mix—as the logic of V-Chip legislation demands—and raters will have to deal with a backlog of hundreds of thousands of hours of old programming. And what about commercials? They should be rated, as well, since they employ images of sex and violence.

- Who will devise the ratings? Congressmen have reiterated that the government will not be involved in actually rating programs. But what will happen if senators and representatives don't agree with the ratings? Or if consumers don't find them a reliable guide? Will the ratings be subtle enough to tell the difference between, say, *Roots* (a TV landmark as violent as it was educational) and *Walker, Texas Ranger* (a show as violent as it is, well, violent)? Because the chip is relatively unsophisticated, it is highly unlikely.

- Who will program the chip? Let's ignore for the moment that there's no good evidence that TV turns kids bad. It stands to reason that children most likely to be affected negatively by TV are precisely those living in environments least likely to contain parents who would decide what their children should be watching in the first place.

Such problems point to the likely outcome if the V-Chip passes: TV sets will be made more expensive to accommodate an ineffective potential ratings system that will have little or no effect on its targeted audience. Indeed, let's hear it for government efficiency. ♦