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The Report of the Commission on Immigration Reform (i.e. the Jordan Commission): A Beacon for Real Immigration Reform

Abstract

[Excerpt] The immigration policy of the United States is steeped in legal complexities and is considered to be so politically combustible that most politicians are loathe to address the issue unless circumstances absolutely require them to act. In those instances when extant policies have become so incongruent with prevailing national interests that public pressure can no longer be ignored, the reform process has usually been preceded by the formation by Congress of a national commission or congressional panel to study the needs and to frame the appropriate policy responses before the professional politicians will touch the subject. Indeed, one would be hard-pressed to find another policy issue where the use of special commissions or committees has been so frequently used to identify policy shortcomings and to offer policy changes. Social security and welfare policies have sometimes relied on commissions to serve the same buffer role because they are also complex and controversial for politicians to address directly. But commissions were used to review immigration policy long before these other two public policies ever existed.

Keywords

immigration, public policy, illegal immigration, Congress, Commission on Immigration Reform, Jordan Commission

Disciplines

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Comments

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The Report of the Commission on Immigration Reform (i.e., the Jordan Commission) A Beacon for Real Immigration Reform

By Vernon M. Briggs, Jr.

The immigration policy of the United States is steeped in legal complexities and is considered to be so politically combustible that most politicians are loath to address the issue unless circumstances absolutely require them to act. In those instances when extant policies have become so incongruent with prevailing national interests that public pressure can no longer be ignored, the reform process has usually been preceded by the formation by Congress of a national commission or congressional panel to study the needs and to frame the appropriate policy responses before the professional politicians will touch the subject. Indeed, one would be hard-pressed to find another policy issue where the use of special commissions or committees has been so frequently used to identify policy shortcomings and to offer policy changes [Briggs, pp.81-2; 110-13; 178-9; and 253-7].

Social security and welfare policies have sometimes relied on commissions to serve the same buffer role because they are also complex and controversial for politicians to address directly. But commissions were used to review immigration policy long before these other two public policies ever existed.

Thus, when Congress and President George Herbert Walker Bush created the U.S. Commission on Immigration Reform as a provision in the Immigration Act of 1990, the move was not seen as an extraordinary event. Rather, it was viewed as but a normal part of the evolutionary process by which immigration policy is periodically reviewed and developed.

But when the Commission issued its final report on September 30, 1997, its findings and recommendations were anything but routine [Commission (1997)]. Indeed, the work of this Commission was exceptional with respect to

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the bipartisan nature of its efforts; the virtual unanimity of the panel over what reforms were needed; the factual support it garnered to justify its findings; and the cogency and relevancy of its recommendations for the accomplishment of real immigration reform. It is surprising, therefore, that with all of these positive characteristics when it came to the next step — the implementation phase of the reform process — that Congress and President Bill Clinton fumbled the ball. They ignored the signals given by the Commission about the vital importance of the subject matter and purposely chose not to act on the Commission's major recommendations. Maintenance of the status quo, which is what the special interests wanted, was allowed to prevail over serving the national interest as manifested by enacting the changes proffered by the Commission. Immigration reform has languished in the years since that time. All of the problems identified by the Commission were left unaddressed and have been allowed to fester. But the blueprint for real reform is all there — just waiting for true political leadership or a coalition of dedicated citizens to pick it up and follow the instructions.

A Bipartisan Commission Reaches Conclusions that Were Virtually Unanimous

A key factor in assessing the significance of the work of the Commission on Immigration Reform is the bipartisan nature of its membership. The Commission was composed of nine members — four members chosen by the leadership of the House of Representatives (two chosen by Republican leaders and two by Democratic leaders); four members were chosen by the leadership of the Senate (two by the Democratic leaders and two by the Republican leaders); and the Chair chosen by the President of the United States.

None of the members of the Commission were elected officials at the time (although two members were former members of the House of Representatives). Originally, President Bush had selected Cardinal Bernard Law of Boston as Chair of the Commission. But after the presidential election of 1992 which saw Bush defeated for re-election, President Clinton exercised his option to choose the Chair and he appointed Barbara Jordan (a professor of public policy at the University of Texas at Austin at the time) to replace Cardinal Law in late 1993. Jordan, a former member of Congress, served in that capacity until her untimely death in January 1996 — the time span during which most of the Commission's work was done. In memory of her relentless efforts and influential leadership, the Commission's final report was dedicated by her colleagues to her public service. Shirley Hufstедler, an attorney from Los Angeles, was chosen to wind-up the Commission's work and to issue the final report on September 30, 1997. Nevertheless, the Commission is popularly referred to as being the Jordan Commission because of the efforts put forth by Chairwoman Jordan as the public spokesperson for the Commission up to the time of her passing.

Notwithstanding the fact that the Commission's membership was made up of five Democratic and four Republican appointees, the startling fact is that after more than five years of intensive study of this highly controversial policy matter, the Commission was unanimous in virtually all of its major policy recommendations (the only exception was an 8-1 vote in favor of reducing the annual level of legal immigration where the lone dissenting vote was cast by one of the Democratic appointees). Otherwise, this politically diverse commission was in virtually complete agreement over what immigration reforms were needed.

The Basis for the Commission's Findings

To conduct its assessment of the state of the nation's immigration policy, the Jordan Commission contracted 18 original research papers on selected topics; held 13 consultations and 15 roundtables with government

and non-government experts and scholars; held eight public hearings across the country; and conducted seven site visits.

In addition, the Commission requested in 1995 that the National Research Council (NRC) of the National Academy of Sciences convene a panel of experts to assess the demographic, economic, and fiscal consequences of the contemporary immigration phenomenon in the United States. The objective was “to lay a scientific foundation for policymaking on specific issues and to provide as rich a background as possible against which the Commission could do its work” [National Research Council, p.1]. In other words, it was to be a data-based study. The Jordan Commission provided the funding for the NRC’s undertaking.

A twelve member panel of nationally known economists, sociologists, and demographers was selected by the NRC’s standing Committee on Population. It was called the Panel on the Demographic and Economic Impacts of Immigration. Being the product of a committee whose members wrote separate sections, the commentaries are sometimes analytically uneven between the chapters but its factual findings were crystal clear.

The major findings of the NRC panel were that the educational attainment levels of post-1965 immigrants had steadily declined over the ensuing years. Consequently, foreign-born workers, on average, earn less than native-born workers and the gap between them was widening. The wages of immigrant workers from Latin America — who account for over half of the entire foreign-born population of the United States — were the lowest wages of all immigrant groups. The study, however, found no evidence discriminatory wages being paid to immigrants. Rather, immigrant workers were paid less because they were considerably less skilled than were native-born workers. The decline in both the skills and wages of the foreign-born population were attributed to the fact that most immigrants are coming from the poorer nations of the world where on average educational attainment levels, wages, and skill levels are far below those of the United States. Hence, as a consequence, the post-1965 immigrants have caused the low skilled segment of the nation’s labor supply to swell. That is to say, immigrant workers on average are lowering the wages of all workers, with wages of low skilled workers — citizen and non-citizen alike — being lowered the most.

The chief beneficiaries of immigration, on the other hand, are the immigrants themselves whose wages are still higher in the United States than they are in their homelands and the U.S. employers who are able to hire them at depressed wage levels. The greatest losers are the native-born workers who are low skilled and the American taxpayers since the study also found that the fiscal costs of immigration (i.e., the public costs of health care, welfare, incarceration, and education) far exceed the amount of taxes paid by the foreign-born population, leaving the native-born population to pick up the considerable deficit.

The NRC study is without question the most comprehensive and the best documented study ever conducted of the impact of immigration on the U.S. economy and labor force. Although the Jordan Commission relied on the use of multiple sources of information, the detailed findings of the NRC study heavily influenced its conclusions and recommendations.

The Conclusions and Recommendations of the Jordan Commission

The Jordan Commission concluded that for both efficiency and equity reasons major changes were required if prevailing immigration policy was to become congruent with the national interest. Adults without a high school education and those with only a high school diploma consistently have the highest levels of unemployment and the highest incidences of poverty. Almost two-thirds of the adult foreign-born

population has less than a high school education or only a high school diploma. Unfortunately, almost half the adult population of the United States has these same low levels of educational attainment. Except where there is “a compelling national interest” to do so (i.e., the admission of “immediate family members” such as spouses, minor children, and parents of U.S. citizens as well those of refugees), the Commission concluded that it makes no sense for economic efficiency reasons to add to this pool by admitting other would-be adult immigrants to this large low-skilled labor pool. Likewise, equity considerations also require that “a higher level of job protections should be made available to the most vulnerable in our society” [Commission (1995), p.8]. Since so many of the adult immigrant population are poorly educated, it is the poorly educated and unskilled citizen and permanent resident segment of the nation’s work force who bear the brunt of the “unfair competition” of the existing immigration admission system and its massive abuse by illegal immigrants.

Accordingly, with respect to the legal immigration system, the Commission concluded that there is the need for “a significant redefinition” of admission priorities and a reallocation of the existing admission numbers [Commission (1997, p. XVII)]. The Commission concluded that the present legal admission system be “shifted away from the extended family and toward the nuclear family and away from the unskilled and toward the higher-skilled immigrant” [Commission (1997), p. XVII]. To accomplish these changes, the Commission recommended the elimination of the existing family-based admission categories for adult unmarried sons and daughters of U.S. citizens; for adult sons and daughters of U.S. citizens; for adult, unmarried sons and daughters of legal permanent aliens; and for adult brothers and sisters of U.S. citizens.

As for the employment-based admissions, the Commission recommended “the elimination of the admission category of unskilled workers” because the country already has a vast surplus of unskilled workers. In the same vein, the Commission also recommended the elimination of the diversity admission category (which only requires that the 50,000 persons who are selected each year by a lottery application process be chosen from a list of foreign countries with a low level of immigration to the United States in the preceding five years and that the applicant have at least a high school diploma).

As a consequence of all of these proposed changes, the Commission recommended that a “modest reduction in the level of immigration” be made to “about 550,000 per year” (or by about 30 percent below the then-existing ceiling in 1997 which remains the current ceiling in 2009) [Commission (1997, p. XIX)].

With respect to illegal immigration, the Commission acknowledged that “illegal immigration continues to be a problem.” It recommended the enactment of a “comprehensive strategy” based on enhanced border management to prevent illegal entries; improved worksite enforcement of the ban on employment of illegal immigrants; and speedy removal of those illegal immigrants apprehended within the country [Commission (1997), p.103]. In passing, it is worth noting that there is no mention by the Commission of any need for another amnesty (or “pathway to citizenship”) for those illegal immigrants currently living and/or working in the country as being part of this “comprehensive strategy.”

The Commission also stated its adamant opposition “to the implementation of a large-scale” guest worker program for lesser-skilled and unskilled workers” [Commission (1997), p.94].

And lastly, the Jordan Commission articulated the standard that “a credible” immigration policy must meet if it is to truly serve the national interest: “people who should get in do get in; people who should not get in are kept out; and people who are judged deportable are required to leave” [Commission (1997, p.59)]. It cannot be said any better.

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Progressives for Immigration Reform is a non-profit organization seeking to educate the public on the unintended consequences of mass migration.

PFIR concurs with the U.S. Commission on Immigration Reform that "it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest."

It is the position of PFIR that immigration policy should consider the effects of policy on population size, population growth, skill composition of the labor force, the working conditions and wages of both immigrants and native born workers, domestic water and energy supplies, open space and preservation of biodiversity, and the emission of greenhouse gases from the United States.

PFIR favors policies toward developing countries to lessen the "push" factors of poverty and unemployment that drive emigration.

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