

American Dream Being Sold at Auction

America's Middle Class to Be Put on Endangered Species List

BY MICHAEL W. CUTLER, SENIOR SPECIAL AGENT, INS (RET.)

For decades the United States has been the envy of the world. What might have been “Mission Impossible” for the other countries was, for America, “Mission Difficult.”

Name the challenge and America met that challenge, and then some!

America's exceptional capabilities, know-how, prowess, and achievements were summed up by the two-word phrase: “Can do!”

America's strength has come from its upwardly mobile middle class, synonymous with the American Dream. It was this sense of hope that the simple statement — “In America, anyone can grow up to be President” — exemplified.

This expression underscored the point that anyone willing to attain a skill or higher education, work hard, and benefit from a bit of luck, could become successful, and perhaps wealthy.

As America's middle class grew, America's power and influence spread around the world.

A century ago immigrants, primarily from Europe, were attracted to the U.S. by the prospects of freedom and the potential for success that was described in the phrase, “The streets of America are paved with gold.”

Those new immigrants, upon arriving in the U.S. and undergoing a thorough scrutiny at Ellis Island and other similar quarantine stations, run by the Immigration Service and the Public Health Service, found out the harsh truth, that the streets of America were not

paved with gold but with cobble stones stained by blood, sweat, and tears.

In the early 1900s, there were widespread abuses of workers by their employers. Child labor was common and working conditions were, all too often abysmal and, indeed, hazardous. On March 25, 1911, a disastrous industrial tragedy, the Triangle Shirtwaist Factory fire, focused attention on how these factory workers, mostly young immigrant women, had worked in such horrific conditions that ultimately cost them their lives. The OSHA (Occupational, Safety and Health Administration) says of that tragedy on its website:

...on March 25, fire spread through the cramped Triangle Waist Company garment factory on the eighth, ninth and tenth floors of the Asch Building in lower Manhattan. Workers in the factory, many of whom were young women recently arrived from Europe, had little time or opportunity to escape. The rapidly spreading fire killed 146 workers.

The outrage sparked by this tragedy initiated the enactment of laws, rules, and regulations to provide for safer and healthier working conditions for factory workers and, indeed, workers in all industries throughout the U.S. These rules and regulations have evolved over the years, improving the working conditions for workers while often adversely impacting the profits of employers.

The point is that the government's enforcement of labor, health, and safety laws has provided protection for employees, when employers abide by those laws and regulations. Effective enforcement is essential to make certain the employers do, in fact, abide by our laws.

Prior to the Second World War, immigration laws were primarily the responsibility of the U.S. Department of Labor. The idea was to make certain that the U.S. would protect American workers from unfair competition created by foreign workers. It was understood by the political leaders of what we now wistfully describe as the “Greatest Generation” that for America to do well, Americans had to do well.

This was the embodiment of President Lincoln's ever so eloquent vision of America as being a country

Michael W. Cutler is a retired Senior Special Agent with the INS (Immigration and Naturalization Service). He appears regularly on numerous radio and television programs, including Fox News, CNN, and MSNBC. He hosts his own Internet radio program, “The Michael Cutler Hour.” Mr. Cutler has testified as an expert witness at more than a dozen Congressional hearings, provided testimony to the 9/11 Commission, and provides expert witness testimony at trials where immigration is at issue. Visit his website at: www.michaelcutler.net.

“...of the people, by the people, and for the people.”

The responsibility for enforcing and administering the immigration laws was shifted to the Justice Department when it was realized that spies and saboteurs would seek to enter the U.S. during the Second World War to undermine national security.

However, the Labor Department is still involved with the process of providing labor certification for aliens who seek to work in the U.S. In principle, this requirement is intended to ensure that foreign workers would not adversely impact American workers.

One section of the Immigration and Nationality Act (INA) addresses the issue of protecting American workers.

Title 8 U.S. Code § 1182: (Inadmissible Aliens) enumerates various categories of aliens who are to be prevented from entering the U.S. In addressing the nexus between immigration and national security I often quote from this important section of the immigration law, focusing on aliens who are fugitives from justice, aliens who are convicted felons, spies, terrorists, war criminals, human rights violators, and others whose presence would undermine national security and/or public safety.

This section of law also addresses the issue of protecting the jobs, wages, and working conditions of the American worker. Here is the relevant portion of this section of law:

(5) Labor certification and qualifications for certain immigrants

(A) Labor certification

(i) In general Any alien who seeks to enter the U.S. for the purpose of performing skilled or unskilled labor is inadmissible, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that —

(I) there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of an alien described in clause (ii)) and available at the time of application for a visa and admission to the U.S. and at the place where the alien is to perform such skilled or unskilled labor, and

(II) the employment of such alien will not adversely affect the wages and working conditions of workers in the U.S. similarly employed.

We will consider the evolution of the role of the government in protecting workers from unscrupulous employers shortly and consider the real-world impact that Comprehensive Immigration Reform would have on workers in the U.S. You may be surprised to find out what this disastrous legislation would mean for most

workers, but we will get to this a bit later on.

Profit over principle

Let's first consider how employers seek to achieve their goals of lowering expenses to maximize profits.

Obviously all companies have the same goal, to maximize profits by increasing market share and reducing costs. This makes sense, provided that their strategies stay within the law — both the letter of the law and the spirit of the law.

While many employers are loyal to America and loyal to the principles under which our country was founded and abide by these and other laws, there are other employers who seek to put profit over principles.

Unscrupulous CEOs of corporations generally do not care about the impact of their decisions and strategies on America or Americans. There certainly are some notable exceptions to this, but for all too many corporate executives, the bottom line *is* the bottom line.

Consider how many companies resort to locating their headquarters overseas to avoid paying income tax on their corporation's profits. Not to mention how many companies employ a strategy known as “cost out” where they assemble a team of engineers, technicians, and other skilled employees to find the absolute cheapest way to manufacture their products to make certain that they squeeze every fraction of a cent of cost out of their products to maximize profits.

The September 1977 issue of *Mother Jones* posted the infuriating and sickening article, “Pinto Madness,” which eventually won the magazine a Pulitzer prize for exposing how executives at the Ford Motor company, back in the late 1960s and early 1970s, did a cost/benefit analysis and determined that spending an estimated \$11.00 per car to help prevent the Ford Pinto's gas tank from rupturing in a rear-end collision would not be worthwhile. The article went on to say that if the company had spent just \$5.08 per car to put a rubber bladder in the gas tank, this approach might have been just as effective to prevent people from getting trapped in a burning car.

This is what happens when corporate executives make decisions where the only thing that matters is profit margins. [Editor's Note: Some critics have reviewed the facts in the Pinto case and have concluded the public was misled about some of the claims in the Pinto-related lawsuits against Ford.*]

Where unskilled labor is concerned, those employers, who refuse to do what the law requires, to provide decent wages and safe work environments, simply hire illegal aliens who won't complain, and know that the likelihood of getting caught and punished is minimal.

Unskilled labor can be found in a broad spectrum of industries. Factories in the garment centers of cities

such as New York acquired the descriptive sobriquet “sweatshop,” accurately describing the conditions under which these hapless employees often worked.

These exploited workers were likely to sweat profusely in the literally and figuratively hellish conditions where, on an already hot, humid summer day, the temperature inside the factories exceeded the sweltering heat to be found on the street outside. Meager ventilation was often provided by opening filthy, nearly opaque windows a few inches, as crud-encrusted fans on long poles circulated the hot, dusty air around the factory floors jammed with workers who sat shoulder to shoulder at sewing machines, as steam presses spewed hot steam into the air.

Enforcement of immigration laws

I encountered these conditions all too frequently when I was a new INS Special Agent and conducted investigations into employers who hired illegal aliens, who toiled away for substandard wages. Many of the employers had well-air conditioned offices and would retreat to those offices to seek refuge from the oppressive conditions that their employees were subjected to.

Before the passage of the Immigration Reform and Control Act (IRCA) of 1986, unscrupulous employers who wanted to ignore all of those “pesky” regulations, that reduced their profits, would hire illegal aliens. The reasoning was that illegal aliens would not dare complain about wages or working conditions for fear that they could be arrested and deported.

IRCA was *supposed* to discourage unscrupulous employers from hiring illegal aliens, not only by subjecting illegal aliens to deportation, but by seeing that employers who intentionally hired illegal aliens. Under IRCA employers who violated the laws could be fined and even criminally prosecuted. However, unlike the laws of man, the laws of nature are immutable. The speed of light is not dependent upon a police officer with a radar gun and a summons book the way that the speed of traffic on roads is made to comply with state motor vehicle laws.

No matter what is stipulated in the law, failures to adequately enforce the law encourage violations of law. The immigration laws go largely unenforced. There are only about 7,000 Immigration and Customs Enforcement (ICE) agents for the entire U.S. More than half of these agents are not assigned to enforcing the immigration laws or conducting investigations of possible violations of immigration laws, but are involved with violations of customs laws and other such laws which have zero impact on immigration law enforcement.

To put this in perspective, the New York City Police Department (NYPD) has about 35,000 police officers to protect New York City, which has about 8 million residents. In years past there were actually more than 40,000 police officers, but budget shortfalls have caused the number to decline, to the great consternation of political leaders and others who fear that crime would go up because a decrease in law enforcement officers translates into a reduction in enforcement and hence

Chipotle Profits/Share Price Soars Amid Immigration Violations

Chipotle Mexican Grill Inc. has continued to be investigated for compliance with immigration laws. In 2010, over half of its Minnesota workers (450 or more) were let go when the fast-growing burrito chain couldn't confirm the validity of their work documents. During 2011, ICE conducted audits in other states and discovered that more than half of Chipotle's employees were illegal aliens, forcing the company to discharge them. In the wake of the federal raids, Chipotle's co-CEO, Montgomery Moran, complained to the *Wall Street Journal* that annual employee turnover rose to more than 125 percent and managers were interviewing 30 to 40 candidates to fill each opening, compared with 10 before the investigations began.

Monty Moran has met with leaders of LaRaza, Sen. Charles Schumer (D-NY), and other Members of Congress. He also hired incompetent former Bush Administration ICE chief Julie Myers, another supporter of amnesty for illegal aliens, as Chipotle's “immigration enforcement consultant.” Moran told the *WSJ* his company wants access to a large employee pool. Instead of paying wages that will attract a stable workforce, Chipotle has a high-turnover serving line with better-paid outlet managers. According to Moran, about half of Chipotle's employees are Hispanic and many of their customers are as well. The chain added 145 new outlets in 2011 and 165 in 2012 and had nearly 1,500 restaurants by mid-2013. Its share price has ramped up from \$340 in early 2013 to \$527.61 as of the close of the NY Stock Exchange on January 17, 2014. ■



—Wayne Lutton

deterrence against those who would contemplate violating the laws.

The failures of the immigration system begin with the abject lack of resources. There are fewer than 10 percent as many ICE agents enforcing the immigration laws for the entire U.S. of America as New York City has police officers.

This lack of personnel is exacerbated by policy decisions by the administration, including the establishment of executive orders by which illegal aliens are being granted temporary lawful status and employment authorization under the rationalization that this is about “prosecutorial discretion.”

In my June 17, 2012, Op/Ed for Fox News Latino, “Obama Invokes Prosecutorial Discretion to Circumvent Constitution and Congress,” I made my perspectives on this abundantly clear in my opening paragraph:

President Obama has acted to circumvent the legislative process to provide unknown numbers of illegal aliens that could potentially number in the millions with employment authorization. He and Secretary of Homeland Security Janet Napolitano claim that this is nothing more than a matter of “prosecutorial discretion.” In my judgment, this should be more accurately described as an example of “prosecutorial deception.”

Imagine what message the president’s actions and statements have for federal employees. Again, recalling my experiences as an INS agent, we used to say, “Little cases — little problems; big cases — big problems; no cases — no problems!” When agents come to understand that the administration opposes effective immigration enforcement, they become concerned that by doing an effective job they run the real risk of running afoul of their bosses and harming their careers. Additionally, agents understand that each day they go to work, they run the ever present risk of not only being hurt physically, but fiscally, should claims be lodged against them by those whom they arrest. This threat becomes far more serious when everyone comes to understand that the same government agencies that put them in harm’s way will not stand behind them.

It would be difficult to imagine a more frustrating and harrowing work environment than the situation that the employees of the Department of Homeland Security (DHS), who are charged with enforcing and administering the immigration laws, find themselves in when they report for duty each day. This situation not only stymies efforts to enforce the immigration laws where the employment of illegal aliens is concerned, but reverberates through each and every component of the immigration system that, in reality, is a system in name only.

In fact, these failures additionally reverberate

throughout the U.S., negatively impacting a wide variety of issues.

Where skilled labor is concerned, unscrupulous employers are not likely to hire many illegal aliens, who have simply evaded the inspections process or overstayed tourist visas. These employers seek to bring in highly skilled employees from overseas. Their goal is to hire employees at the lowest price. Where they don’t commit outright fraud in the visa process, they may find ways, nevertheless, of gaming the application process for employment-based visas.

The scam of immigration lawyers

This is, in principle, not much different from the hiring practices of factory owners who hire illegal aliens.

On May 15, 2007, an infuriating video was aired on the CNN news program “Lou Dobbs Tonight.” The video runs about four and a half minutes and features an immigration lawyers’ conference in which lawyers were being coached to “*not find qualified U.S. workers*”! The lecturer who is seen instructing the attorneys is a guy by the name of Lawrence M. Lebowitz, the Vice President of Marketing for the firm of Cohen & Grigsby. The Programmer Guild, an advocacy organization to help protect the jobs and working conditions of computer programmers, has posted this video on YouTube.

The goal of the immigration lawyers, such as those who attended the seminar, is to reap lucrative fees for arranging the hiring of foreign workers in U.S. high-tech firms.

Remember, when American workers are hired, these lawyers don’t get to charge the employer who hires those workers. Consequently, the best way for these lawyers to maximize their incomes is to make certain that they find jobs for as many foreign high-tech workers as possible.

For those lawyers who are willing to put profit before principle, the obvious tactic is to find a way to make certain that as many foreign workers as possible get those jobs, even when there are Americans who are ready, willing, and able to do those jobs. The seminar made it clear that this was the desired strategy.

Meanwhile, the goal for the employers is to find employees who will work for the lowest possible wages with the least benefits. Foreign workers from Third World countries such as India, provide that source of cheap and compliant labor. This is not unlike the way that unscrupulous employers hire and exploit illegal aliens on jobs that require minimal education and skills and are often at the minimum wage (or lower) level. Except here the alien workers are lawfully admitted to work in the U.S., all too often, supplanting highly educated and highly skilled American workers.

Where the hiring of foreign high-tech workers is concerned, both employers and their attorneys are on the

same page, for essentially the same reason — unbridled greed.

The standards that are supposed to be met in hiring foreign workers with specialty skills under the H-1B visa category include a prohibition against displacing American workers or paying substandard wages; however, as the attorney in the video of the seminar noted, the goal is to “Not find qualified U.S. Workers!” Furthermore, the lack of sufficient numbers of ICE (Immigration and Customs Enforcement) agents to conduct field investigations make it likely that even when fraud is blatantly committed it will go undetected and unpunished.

In 2011, “Dan Rather Reports” featured the practice of American companies firing their American IT workers and replacing them with IT workers from India. The eye-opening, hour-long program, “Dan Rather Reports: No thanks for everything,” interviewed several American employees who lost their jobs to workers from India. It included a segment showing Microsoft’s Bill Gates testifying at a Congressional hearing in which he called for a massive increase in the admission of high-skilled foreign workers into the U.S. to presumably replace American workers and/or make certain that American workers need not apply to work for him at Microsoft and other such companies.

Dan Rather made the astonishing assertion that the DHS has no real idea how many foreign workers with H-1B visas currently live and work in the U.S. Estimates, according to Rather, range from 600,000 to 1,000,000. When you consider how many American workers are unemployed and underemployed, it is clear that the administration has no interest in enforcing or administering the immigration laws from within the interior of the U.S. to protect American workers or their jobs.

Actually, while disturbing, it should surprise no one that there is no real control over the immigration system and no integrity to the various components of the immigration system.

A good example of this lack of control is noted in the *Washington Times* article, “Homeland Security loses track of 1 million foreigners; report could hurt immigration deal”,

The Homeland Security Department has lost track of more than 1 million people who it knows arrived in the U.S. but who it cannot prove left the country, according to an audit Tuesday that also found the department probably won’t meet its own goals for deploying an entry-exit system. The findings were revealed as Congress debates an immigration bill, and the Government Accountability Office’s report could throw up another hurdle because lawmakers in the House and Senate have said that any final deal must include a

workable system to track entries and exits and cut down on so-called visa overstays.

The government does track arrivals, but is years overdue in setting up a system to track departures — a goal set in a 1996 immigration law and reaffirmed in 2004, but which has eluded Republican and Democratic administrations.

It is significant to note that the focus of the news report was how this failure of DHS to track the departure of one million foreign visitors might adversely impact Comprehensive Immigration Reform, yet it blithely failed to note that what is of greater importance is that the failure to track the departure of one million non-immigrant visitors poses a threat to national security! Remember, the implementation of an effective tracking system, known as US-VISIT, was a key mandate of the 9/11 Commission!

Visas are not only issued to spouses or family members of U.S. citizens but also for other reasons, including aliens who are granted nonimmigrant and immigrant visas that enable them to work when they can demonstrate that they possess a necessary education and/or skill. However, all too often employers easily game the visa process by adding a further nonessential “requirement” that precludes American workers from qualifying for the job; all too often, even blatant fraud in those applications goes undetected and consequently, unpunished.

Two government agencies — U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE) — are charged with the responsibility of identifying, investigating, or seeking prosecution of those who commit fraud. Because of a lack of resources and the political will to do so, fraud often goes undetected and hence unpunished. On those rare occasions when fraud is discovered, the aliens who benefit from the fraud find that they have little to fear.

Consider a particularly egregious case actually reported in an April 2013 ICE news release, which provides clear evidence of the lack of integrity in the way that USCIS, the inept and incompetent agency under the aegis of DHS, processes applications for immigration benefits, including authorization for aliens to work in the U.S. Here is a revealing excerpt from this news release:

An immigration lawyer will spend five years in federal prison for leading an immigration fraud scheme. The sentence is the result of an investigation by U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (HSI) and the U.S. Department of Labor (DOL), Office of Inspector General.

Earl Seth David, 45, ran a scheme in which he and his co-conspirators applied for legal status for tens of thousands of illegal aliens based on phony claims that they had been sponsored for employment by U.S. employers.

David was indicted October 2011, and extradited to the U.S. from Canada in January 2012. He pleaded guilty in April 2012 to one count of conspiracy to commit immigration fraud and one count of conspiracy to commit mail and wire fraud.

According to the court documents, U.S. law permits an alien to petition for legal status if the alien has obtained certification from DOL certifying that a U.S. employer wishes to employ or sponsor the alien. An alien who obtains DOL certification can then use it to petition U.S. Citizenship and Immigration Services — a component of the U.S. Department of Homeland Security — to obtain legal status in the U.S.

From 1996 until early 2009, David operated a Manhattan-based immigration law firm (David Firm) that took in millions of dollars in fees from its alien-clients for purportedly securing them legal immigration status. In return for fees of up to \$30,000 per alien-client, the David Firm applied for and obtained thousands of DOL certifications based upon phony employment sponsorships and fabricated documents. These documents included: fake pay stubs, fake tax returns, and fake experience letters, purporting to show that the sponsorships were real and that the aliens possessed special employment skill sets justifying labor-based certification by DOL.

In reality, the sponsors had no intention of hiring the aliens, and the sponsor companies often did not even exist other than as shell companies for use in the fraudulent scheme.

As a result of the fraud, DOL issued thousands of certifications, and immigration authorities granted legal status to thousands of his clients, when such adjustments were unwarranted and otherwise would not have been made.

The U.S. government has identified at least 25,000 immigration applications submitted by the David Firm — the vast majority of which have been determined to contain false, fraudulent, and fictitious information.

In furtherance of the scheme, David and his employees recruited many people to partici-

pate in the scheme. This included dozens of individuals who, in exchange for payment, agreed to falsely represent to DOL that they were sponsoring aliens for employment. For example, they hired a corrupt accountant who created fake tax returns for the fictitious sponsor companies along with a corrupt DOL employee who helped ensure that DOL certifications were granted based upon the fraudulent applications.

David continued to operate the scheme even after he was suspended from the practice of law in New York State in March 2004.

He fled to Canada in 2006 after learning that his firm was under federal criminal investigation. However, illicit profits from the scheme continued to be funneled to him in Canada, including through a bank account in the name of a biblical treatise he had authored titled, “Code of the Heart.” The David Firm ceased operations in early 2009, when federal search warrants were executed at several locations associated with the firm.

To date, a total of 26 individuals have been charged with participating in the scheme. Twenty-four defendants have been convicted, and two — Ali Gomaa and Sariel Sabale — remain fugitives.

David is the twelfth defendant to be sentenced. A judge also ordered him to forfeit \$2.5 million and to pay a \$200 special assessment.

Consider that, according to ICE, at least 25,000 aliens participated in this massive work-based visa fraud scheme, which went on for more than 12 years, even after the primary defendant was determined to be violating the law and fled to Canada, where he continued to apparently successfully file fraud-laden applications by mail from Canada; yet only 26 people have been charged with participating in this massive fraud ring. The only “good news” is that, according to the news release, these aliens did not supplant American workers because their job offers were bogus. However, it must be presumed that they are, nevertheless, working in the U.S., likely taking jobs Americans desperately need.

The article noted that at least \$2.5 million of ill-gotten profits were forfeited by the ring-leader, Earl Seth David yet he was permitted to plead guilty to just one count of conspiracy to commit immigration fraud and one count of conspiracy to commit mail and wire fraud.

This means that only *one one-thousandth of a percent* of those who participated in this massive fraud

scheme have been charged with committing felonies. In point of fact, it is worth noting that the ICE news release used the phrase “at least 25,000 aliens,” meaning that ICE does not even know the true number of these aliens. Additionally, according to the report, it must be presumed that these aliens are all still living and working inside the U.S. “legally,” even though they successfully gamed the system and acquired their “lawful” immigration status by committing a felony — fraud. This is an extremely serious crime and one that was identified as being the entry and/or embedding tactic of choice of approximately two-thirds of the terrorists the 9/11 Commission identified as operating in the U.S. in the decade leading up to the attacks of September 11, 2001.

Thousands of aliens, whose crimes have thus far escaped indictment or prosecution and are likely to be working in jobs that desperate American workers need, are likely in violation of three federal felony statutes.¹ The problem in this major case is that there was no deterrence to be found for aliens who contemplated committing immigration fraud.

Lest you think I am exaggerating the lack of integrity to the adjudications process by which aliens are provided with the “keys to the kingdom,” consider these excerpts from a May 2013 posting on *The Daily Caller* website²:

In his prepared testimony to the House Judiciary Committee Wednesday, Crane (President of the ICE Union) addressed the current and future issues (if the Senate’s immigration bill becomes law) USCIS officers are facing, in addition to the challenges ICE officers deal with.

“USCIS adjudications officers, who would be deluged with more than 11 million applications filed by illegal aliens seeking legalization, in addition to screening and processing applications for legal admissions, are being prevented from adequately protecting national security even now,” he explained.

“On Monday, Kenneth Palinkas, President of the National Citizenship and Immigration Services Council, the union representing 12,000 U.S. Citizenship and Immigration Services (USCIS) adjudications officers and staff, released a statement that ‘USCIS adjudications officers are pressured to rubber stamp applications instead of conducting diligent case review and investigation,’ he added. ‘The culture at USCIS encourages all applications to be approved, discouraging proper investigation into red flags and discouraging the denial of any applications. USCIS has been turned into an ‘approval machine.’”

With this extreme dearth of resources and utter lack of will to create integrity to the immigration benefits program, even on those exceedingly rare instances when a fraud ring is uncovered, it is likely that even if the ring-leaders will ultimately be arrested and prosecuted, the alien client co-conspirators of these fraud rings will not be sought, arrested, or prosecuted.

These failures not only provide ever more opportunities for foreign workers to displace American workers, a troubling situation to be certain, but also creates significant national security vulnerabilities for the U.S. that terrorists could easily exploit as they have in the past.

The 9/11 Commission Staff Report on Terrorist Travel noted the nexus between visa fraud, immigration benefit fraud, and national security. Consider the following excerpts:

It is perhaps obvious to state that terrorists cannot plan and carry out attacks in the U.S. if they are unable to enter the country. Yet prior to September 11, while there were efforts to enhance border security, no agency of the U.S. government thought of border security as a tool in the counterterrorism arsenal. Indeed, even after 19 hijackers demonstrated the relative ease of obtaining a U.S. visa and gaining admission into the U.S., border security still is not considered a cornerstone of national security policy. We believe, for reasons we discuss in the following pages, that it must be made one.

Once terrorists had entered the U.S., their next challenge was to find a way to remain here. Their primary method was immigration fraud. For example, Yousef and Ajaj concocted bogus political asylum stories when they arrived in the U.S.. Mahmoud Abouhalima, involved in both the World Trade Center and landmarks plots, received temporary residence under the Seasonal Agricultural Workers (SAW) program, after falsely claiming that he picked beans in Florida.”

Terrorists in the 1990s, as well as the September 11 hijackers, needed to find a way to stay in or embed themselves in the U.S. if their operational plans were to come to fruition. As already discussed, this could be accomplished legally by marrying an American citizen, achieving temporary worker status, or applying for asylum after entering. In many cases, the act of filing for an immigration benefit sufficed to permit the alien to remain in the country until the petition was adjudicated. Terrorists were free to conduct surveillance, coordinate operations, obtain

and receive funding, go to school and learn English, make contacts in the U.S., acquire necessary materials, and execute an attack.

Not all companies who are accused of gaming the visa process are American companies. On October 30, 2013, ICE posted a news release that announced: “Indian corporation pays record \$34 million fine to settle allegations of systemic visa fraud and abuse of immigration processes.” The Indian corporation in question was Infosys.



The author at the podium during the March for Jobs rally on July 15, 2013, in Washington, D.C.

What is significant is that the focus of the ICE news release is on the violations of law by Infosys, but there was not a word about the aliens who took those jobs by conspiring with Infosys in their applications for H-1B visas, which did not provide them with the authority to work in the U.S. It is all well and good to make the statement about protecting American workers, which is, after all why these immigration laws exist, but how are American workers being protected when illegal aliens workers — in any industry — are not being arrested and deported in numbers that truly create a deterrence?

Once again the message for foreign workers, who seek to work illegally in the U.S., whether they enter by running the borders and doing manual labor jobs, or by entering into a conspiracy to commit visa fraud and game the visa process, is clear. Our borders and immigration laws will not prevent them from working in the U.S.

This does not deter aspiring illegal aliens from around the world from heading for the U.S., but actually serves to encourage them.

Over the past several decades, globalism has pro-

vided opportunities to employers, who seek to maximize profits and circumvent a long list of laws and regulations that were primarily enacted to provide for a safe work environment, prevent child labor, and prevent the pollution of the environment. Moving factories and other facilities out of the U.S. to Third World countries provides an easy “solution” to enable those for whom the “bottom line” is the bottom line, to not have to be bothered by the laws, rules, and regulations that they don’t want to abide by. In fact, most of the “sweat shops” I’ve described were sent “packing” a couple of decades ago to Third World countries, where the labor costs are lowest and labor standards are the least restrictive.

The *New York Times* exposed sub-standard labor conditions behind the “Kathie Lee” clothing label available at Wal-Marts³:

Two months ago, a labor activist pulled a thread and Kathie Lee Gifford’s storybook life began to unravel.

Overnight, the effervescent co-host of “Live! with Regis and Kathie Lee,” was branded a pariah after Charles Kernaghan, executive director of the National Labor Committee Education Fund in Support of Worker and Human Rights in Central America, told Congress on April 29 that her clothing line was being made by 13- and 14-year-olds working 20-hour days in factories in Honduras.

Never mind that Wal-Mart was responsible for producing the Kathie Lee Gifford clothing line. Never mind that Michael Jordan and Jaclyn Smith have come under criticism for endorsing products made in sweatshops. Never mind that Mr. Kernaghan recently apologized, saying he and his organization “never intended to hurt anyone personally and are truly sorry for any pain caused to Kathie Lee Gifford.” The fact remains that the Kathie Lee name has become associated in the popular mind with the word “sweatshop.”

Clearly Kathie Lee Gifford had no idea about the working conditions in the factories that were cranking out clothing in her name. But in short order, everyone, including the former talk show host, came to find out the harsh truth.

These practices still continue for other companies that contract with overseas factories which crank out products at dirt cheap wages under perilous conditions for their exploited employees. These factories also crank out pollution that would never be tolerated in the U.S.

The *Huffington Post* posted an Associated Press account that provides a horrific example of history

repeating itself. Factory fires in Bangladesh in 2013⁴ eerily mirror the Triangle Shirtwaist Factory fire a century earlier, resulting in the death of 146 young female immigrant workers that sparked the long climb towards fair and safe working conditions. According to this article,

Police charged the owners of a Bangladeshi garment factory and 11 employees with culpable homicide Sunday for alleged negligence leading to the death of 112 workers in a raging fire that engulfed the (Tazreen Fashions Ltd.) factory last year.

It was the first time Bangladeshi authorities had sought to prosecute factory owners in the world's second-largest garment industry. A series of recent deadly disasters — including the Nov. 24, 2012, fire and a factory collapse in April that killed more than 1,100 workers — exposed how harsh and often unsafe conditions can be for many of the country's 4 million workers providing clothing to major Western retailers.

It was reported that Walmart was one of many American retailers that sell products manufactured by the Tazreen factory.

This article concluded by noting, “Bangladesh is the world's second-largest garment manufacturer after China and earns more than \$20 billion a year from exports, mainly to the U.S. and Europe.”

There have been a number of recent news reports focusing on how American companies continue to seek to find the countries where labor is ever cheaper. This is a race to the bottom and the only winners, for now, are those companies that exploit vulnerable people.

This quest for cheap labor is not, however, limited to garment factories. Just as some unscrupulous employers have found ways of gaming the visa process and immigration system, some employers have moved their operations outside the U.S. seeking out countries with the least restrictive health, safety, and environmental laws and standards and workers who would work for the absolute lowest wages. This often results in factories being moved from one Third World country to another as unscrupulous corporate executives find countries that will bid against each other to convince companies to move factories to their countries. A reverse bidding war has ensued with jobs going to the lowest bidder. This is nothing short of a “race to the bottom!”

Everyone is familiar with the call centers that have sprung up in India and other countries. When customers in the U.S. want to speak with a representative of their

Walmart: ‘Undocumented Workers’ and Corporate Profits

Walmart is the largest importer in the U.S. in most categories of Chinese-made products, such as electronics and other fast-moving consumer goods — from mobile phones, MP3 players, games players, digital cameras to some fruits, vegetables, pre-packaged foods, soft drinks, drugs [think toothpaste] to cleaning products. It is also a leader in keeping employees' pay and benefits as low as possible.

The world's largest retailer escaped criminal charges when it agreed to pay \$11 million to end a federal probe into its use of illegal immigrants as janitors. Twelve businesses that provided contract janitor services to Walmart paid \$4 million in fines after pleading guilty to criminal immigration charges.

A four-year Department of Justice investigation into the employment practices of Walmart's floor cleaning contractors led to the arrest of illegal aliens employed at Walmart stores in 21 states. Many of these people worked seven days or nights a week without overtime pay or injury compensation. Workers came from 18 countries, including Mexico, Brazil, the Czech Republic, and Mongolia.

Federal wiretaps revealed that Walmart executives knew that the subcontractors were employing illegal workers. Walmart evaded criminal charges by agreeing to the settlement. At the time they paid the fine, Walmart had sales of \$288.19 billion. ■



—Wayne Lutton

bank or the company that sold them a computer or other high-tech device, the odds are good (or bad, depending on your perspective) that the call will be routed around the globe to one of those call centers.

Clearly many American jobs have been exported from the U.S. to the lowest bidders around the world, leading to outrageous abuses of workers who are desperate to earn their meager paychecks.

We have seen how employers with no scruples, who seek to maximize profits, have resorted to either hiring (and exploiting) vulnerable illegal aliens in the U.S. where such practices are illegal or moving their factories and other facilities outside the U.S. There is, however, yet another way for these employers to take unfair advantage of workers and the immigration system — to attempt to force change in our immigration laws through a legislative betrayal of America and Americans known as Comprehensive Immigration Reform.

Most people simply think of Comprehensive Immigration Reform as a massive amnesty bill that would provide millions or, more likely, tens of millions of illegal aliens with identity documents and lawful status even though there would be no way of knowing their true identities, true dates of entry, or anything about their backgrounds or intentions of coming to the U.S. surreptitiously, evading the inspections process that is supposed to prevent the entry of aliens into the U.S. whose presence would be harmful or even dangerous to America and Americans.

Indeed, such a massive and ill-conceived amnesty would be a part of this dreadful legislation, but this is not all that is contained in that massive immigration bill. While the first word of the title of that legislation is “Comprehensive,” the only thing comprehensive about it is that it would provide lawful status for nearly all illegal aliens in the U.S. and, at the same time, undermine national security, public safety, and the well-being of American workers and their families.

One should consider the real-world impact that Comprehensive Immigration Reform would have on American workers, namely, that labor is a commodity. It is just like any other commodity where supply and demand establishes the worth of the commodity. Legalizing millions, or more likely tens of millions of illegal aliens would effectively “dump” these workers into the labor pool where many American workers are already unable to find decent jobs. This would serve to create, overnight, millions of competing workers who would have as much right to a job in the U.S. as American and lawful immigrant workers.

Additionally, by greatly increasing the supply of workers, the wages for those workers — unless they are minimum-wage jobs to start with — may well fall to minimum-wage levels in many industries.

Employers would love for this to happen.

Back in 1986 my colleagues and I who worked at the INS New York District Office found our phones ringing off the hook as newly legalized aliens angrily called to ask us to arrest the illegal aliens who had been hired to replace them on their jobs from which they had been fired. Incredibly, when the aliens who had been legalized, approached their employers and told them that they were now legally entitled to work in the U.S. and that they would no longer work “off the books” for substandard wages, their bosses fired them.

The point is that these workers were no longer subject to exploitation, but they became subject to firing.

These aliens, who had lost their jobs that were given to the next wave of illegal aliens, wound up receiving unemployment benefits, availed themselves of the various “safety net” programs, and began looking for jobs where they competed directly with American and lawful immigrant workers.

Back then only about 3.5 million to 4 million aliens were legalized. Comprehensive Immigration Reform could potentially involve ten times as many aliens.

Imagine the potential impact of tens of millions of heretofore illegal aliens seeking jobs that American and lawful immigrant workers desperately need. Imagine the financial impact of all of these newly legalized aliens being provided with various costly safety net programs, even as some American cities stand at the precipice of bankruptcy and the federal deficit continues its inexorable upward climb.

What was astounding was that, within hours of my Fox interview by Stuart Varney, some of the groups who favor amnesty and open borders, posted stories on the Internet where they claimed that I opposed Comprehensive Immigration Reform because it would end the exploitation of illegal aliens! You cannot make this lunacy up!

Comprehensive Immigration Reform, as conceived in S. 744, would have provided a laundry list of other opportunities for more aliens to enter the U.S. and remain in the U.S. that would do nothing to deter illegal immigration or help desperate American workers or their families by putting American workers first.

What is seldom, if ever, reported is that Comprehensive Immigration Reform would also roughly triple the number of H-1B visas and, for the first time, provide the spouses and adult children of H-1B visa holders with Employment Authorization Documents (EADs) that would enable the aliens to whom those documents were issued, to compete, on an equal footing with American and lawful immigrant workers.

The excuse for greatly increasing the number of H-1B visas is that allegedly there is an extreme shortage of such high-tech workers among the American work-

force. There may be a legitimate need for some foreign high-tech workers, but it is important to note that most of the people who are alleging that there is a shortage of high-tech workers are the CEOs of companies that employ many computer programmers and other highly skilled workers and are determined to lower their cost of labor. The easiest way to do this is to hire foreign workers who would work for much lower wages than their American counterparts.

The *Fiscal Times* noted in December 2013,⁵

Is President Obama's push for more STEM grads and increased H-1B visas payback to the tech companies that got him re-elected? It seems possible. While the likes of Google and Microsoft have been sounding alarms over a shortage of technical workers, other research indicates that in fact we may have too many college graduates with degrees in science and math. Critics charge that Silicon Valley has promoted the shortage myth to gain support for policies — like those promoted by the president — that ultimately aim to keep a lid on tech pay.

They argue that there are hundreds of thousands of engineers and scientists without jobs, and plenty in the pipeline. Others, including Obama, claim the opposite — that we face a looming shortage of the tech-savvy graduates vital to keeping the U.S. competitive in the years ahead.

How can there be such contradictory soundings? Because most of the analysis done on the topic is by groups with an obvious agenda. This we know for sure: President Obama owes much to Silicon Valley, and Silicon Valley benefits from more folks competing for the jobs they create. OpenSecrets reports that computer and Internet companies contributed nearly \$8 million to Mr. Obama's re-election campaign last year (compared to \$3.5 million to Governor Mitt Romney's); the broader Communications and Electronics sector funneled nearly \$21 million to Obama, more than twice the amount donated to his GOP rival. That, of course, was just the beginning.

It is no secret that numerous tech leaders — including Google's Eric Schmidt — contributed manpower and talent to the extensive data mining and analytics of the successful Obama team. The president's promotion of ramped-up STEM education and an expanded H-1B visa program seems an obvious thank you.

A recent piece in the *Chronicle of Higher*

Education by Michael Anft notes that most of the reports urging schools to expand their science and math offerings have been underwritten by the technology industry.

Most research not funded by Silicon Valley finds that other than petroleum engineers currently benefiting from the fracking boom, most STEM grads — those specializing in chemistry or mechanical engineering, for instance — have seen flat or falling wages, suggesting a labor surplus.

At a recent Congressional hearing on H-1B visas, Hal Salzman, professor of Public Policy at Rutgers University, reports that we are educating 50 percent more IT grads every year than there are job openings. Salzman cites a report he co-authored last April for the left-leaning Economic Policy Institute which concluded, "The U.S. has more than a sufficient supply of workers available to work in STEM occupations." The study noted that the flow of students into STEM fields has been strong over the past decade, and that "the number of U.S. graduates with STEM majors appears to be responsive to changes in employment levels and wages...."

A report this past spring from Georgetown University's Public Policy Institute ranked unemployment by majors: almost 15 percent of recent Information Systems graduates were without work, the highest of any major, compared to 7.9 percent for college graduates overall. Nearly 9 percent of computer science majors were unemployed, compared to 4.8 percent for nursing, for instance.

Each year tens of thousands of applications for lawful immigrant status based on marriage are filed with the U.S. State Department or USCIS. All too often those who commit fraud in those applications succeed in gaming the system. In such cases the American who petitions for their alien spouse is paid for their participation in the conspiracy to defraud the immigration system and the alien gains the benefit of a Green Card. Such marriages are commonly referred to as "marriages of convenience."

These marriages are nothing more than business deals that constitute felonies.

Today there is another sort of immigration "marriage of convenience" we need to consider — the "marriage" between high-tech companies such as Microsoft, Facebook, and Google. These companies are traditionally competitive, but Politico disclosed how the CEOs of these companies have entered into an unholy alli-

ance to achieve common goals, primarily to import huge numbers of foreign workers who will work for far lower wages than their American counterparts⁶:

They trash each other in the marketplace and sue each other in courts.

But lately, tech companies and their leaders have been holding hands to fight for things they care about in Washington, from immigration reform to National Security Agency damage control.

The primary example is immigration reform. Tech company lobbyists and industry trade groups have linked arms to work for passage of legislation, holding Monday strategy calls, deploying teams to focus on lawmakers by party and by chamber and acting as a coordinator among the disparate groups pushing Congress to act.

Facebook CEO Mark Zuckerberg has tapped Silicon Valley's leading executives and investors to join his reform advocacy group, FWD.us. His group and others in the tech sector are pushing for comprehensive immigration reform, an evolution from the industry's past strategy of focusing narrowly on its desire for more high-skilled visas.

Although my focus is the immigration issue, it is important to note that the CEO's of these competing companies are also uniting to push globalist positions to enable them to move data across international borders.

Consider this revelation from the Politico article:

Prominent venture capitalist John Doerr called the development "stunning," noting that "Google and Microsoft, who hardly ever agree on anything," are leading the charge.

The tech firms have at times tried to outdo each other in describing their efforts to push for more government transparency. But their tandem legal strategy reflects shared anxiety that the NSA revelations could lead to lost business — particularly overseas — and regulations that could restrict the flow of data across borders.

In their lawsuits, the companies echoed each other's arguments for why they should be allowed to publish more information about national security orders. In the coming weeks, they will have to work together more closely — the Foreign Intelligence Surveillance Court ordered the companies to file their briefs as a single reply.

What they are ignoring is that America's borders

are their first line of defense and their last line of defense.

They are also oblivious to the damage their quest for increased profitability is doing to the American Dream for American workers and their families.

Obviously for these individuals, profits trump national security and the well-being of American workers and their families.

Zuckerberg, Gates, and the other "usual suspects" from these companies have created an organization with an easy to remember website: <http://www.fwd.us/>

Considering what Gates and his cohorts think of as "moving forward" causes me to think of a highway where traffic is moving briskly in opposing directions. The cars on one side of the highway are, for example, moving north while the opposing traffic moves south. Drivers on both sides of the highway would say they are moving forward, yet half are actually moving in the opposite direction of the motorists approaching them. What is "FWD" to Gates, Zuckerberg, and company is, in reality, "BWD" (Backward) for beleaguered American workers and their families!

Rather than simply calling for more visas for high-skilled workers, they are now pushing for passage of Comprehensive Immigration Reform.

While it is impossible to read their minds and know precisely why they are doing this, perhaps they have figured on how more palatable playing the "compassion card" is than pushing for more high-tech workers. What many people don't know is that buried in Comprehensive Immigration Reform — a legislative disaster that most people simply think of as solely a massive amnesty program for unknown millions of illegal aliens — is among other changes it would cause a tripling of the number of H-1B visas.

One of the key architects of this provision is none other than Alan Greenspan, the former Chairman of the Federal Reserve Bank.

On April 30, 2009, the U.S. Senate's Subcommittee on Immigration, conducted a hearing on the topic: "Comprehensive Immigration Reform in 2009, Can We Do It and How?" Among the witnesses called to testify before that hearing was Alan Greenspan, arguably one of the key architects of the current, ongoing economic crisis, who stated, in part:

First, skilled workers and their families form new households. They will, of necessity, move into vacant housing units, the current glut of which is depressing prices of American homes. And, of course, house price declines are a major factor in mortgage foreclosures and the plunge in value of the vast quantity of U.S. mortgage-backed securities that has contributed substantially to the disabling of our banking system. The second

bonus would address the increasing concentration of income in this country. Greatly expanding our quotas for the highly skilled would lower wage premiums of skilled over lesser skilled. Skill shortages in America exist because we are shielding our skilled labor force from world competition. Quotas have been substituted for the wage pricing mechanism. In the process, we have created a privileged elite whose incomes are being supported at noncompetitively high levels by immigration quotas on skilled professionals. Eliminating such restrictions would reduce at least some of our income inequality.

Clearly Greenspan demonstrated unmitigated chutzpah, referring to skilled Americans as the “privileged elite”! His goal of reducing skill-based income inequality is nothing short of anti-American. It flies in the face of the American Dream and would serve to pull the floor out from under American middle class workers and their families!

Recently some politicians from the Democratic Party have espoused the need for “income equality.” To put this in context, think of what Greenspan had to say about “income inequality.” He said that the way to achieve greater “income equality” is to lower the wages of high-tech workers to minimize the “wage premium” paid to America’s highly skilled and highly educated workers.

Greenspan’s proposals appealed to three major sectors of the American economy — banking, real estate, and all other corporations that employ computer programmers and other high-tech workers — while betraying the American employees of those companies and their struggling families, people he alleged were earning a “wage-premium” that needs to be reduced!

Greenspan was one of the key architects of the subprime mortgages, which played a major role in the economic catastrophe that resulted in the near collapse of the U.S. banking system and the U.S. economy that still reverberates around the world.

In seeking to move foreign workers into the vacant homes or, in Greenspan’s dispassionate and sterile language, “housing units,” Greenspan seeks to increase the value of the mortgage-backed securities held by banks to increase their profitability, by driving up the cost of real estate, putting home ownership further out of the reach of more American families.

This is about importing a huge labor pool that would drive down wages for highly skilled American workers. In fact, during that hearing he referenced a prior hearing at which none other than Bill Gates of Microsoft called for admitting many more foreign workers with H-1B visas.

This is, of course, music to the ears of Bill Gates and enumerable CEOs, who simply care about their bottom line. What they don’t care about is what this will do to America or Americans. This is consistent with the tactics that are employed by American companies that evade taxes by off-shoring and doing whatever else they can to keep the greatest amount of their company’s profits, without having to pay taxes or appropriate wages to their employees.

Greenspan also believes that expanding work visas for high-tech workers would help drive up real estate prices to increase profit margins for banks. Of course, as wages for Americans decline, once their “wage premiums” are cut, home ownership for Americans will become even more difficult.

Additionally, S. 744 had another provision that, for the very first time, would make the wives and adult children of H-1B visa holders eligible to receive Employment Authorization Documents (EADs). These documents would enable them to take absolutely any job they have the qualifications to do, irrespective of whether or not they would be competing with American workers for jobs. For example, if a computer programmer was given an H-1B visa to work in Detroit for an auto company, if he brought his three sons with him and they were all auto mechanics, they would be able to get jobs as auto mechanics even if there were thousands of unemployed American auto mechanics desperate for a job in Detroit!

Profits driven by immigration are not the sole domain of unscrupulous employers. You will likely be surprised to find out how many other groups and individuals see massive profits to be gained through immigration — legal and illegal.

With so much to be gained through the enactment of Comprehensive Immigration Reform, the incentives for persuading politicians through massive lobbying campaigns are huge.

An extensive investigation by the Sunlight Foundation, “Untangling the webs of immigration lobbying,” disclosed the results of some 8,000 lobbying reports since the last major push for “comprehensive immigration reform.” It shows that lobbies spent \$1.5 billion pushing for immigration reform.

Stop and give some thought to that staggering figure: \$1.5 billion dollars, the amount of money spent by the lobbyists, the “hired guns” on Capitol Hill, since the initial push for Comprehensive Immigration Reform more than five years ago, whose clients are attempting to get the best government money can buy!

Think about how much money those paying such massive sums of cash for those lobbyists expect to ultimately gain, if Comprehensive Immigration Reform was enacted.

Campaign contributions have, in all too many

instances, become legalized bribes. Perhaps the time has come for the creation of a new cabinet-level position — that of “Official Auctioneer”!

In addition to all sorts of groups and industries in the U.S. pushing for passage of the disastrous Comprehensive Immigration Reform legislation, let’s remember that there would be others around the world that would literally and figuratively “make out like bandits”!

Remittances that are wired by foreign workers to their native Third World countries when they are employed in First World countries have become a significant source of revenue for their home countries. It is estimated that about half of the money that flows from the First World to the Third World is money siphoned from the economy of the U.S.

United Nations organizations see remittances as a form of foreign aid that cannot be tampered with by the governments of First World countries, which eagerly seek ways to boost this revenue with scant concern about the impact this would have on the U.S.

A series of reports have been issued by a succession of UN agencies that predict that increasing the number of H-1B visas and the passage of Comprehensive Immigration Reform would significantly increase the flow of remittances from the U.S. into Third World countries. To provide an example, it is important to note a recent report issued by the UN System Task Team on the Post-2015 UN Development Agenda.⁷

Likewise the World Bank is eagerly anticipating that Comprehensive Immigration Reform will be enacted, to enable more money to be sent from the U.S. to developing countries.

Microsoft’s Bill Gates has been heavily involved in providing all sorts of assistance to developing Third World countries, perhaps out of a sense of compassion and what is morally correct, or perhaps, at least in part, because he sees in these undeveloped and underdeveloped countries a potential huge market for computers and high-tech devices. While it is well and good for Gates and anyone else, for that matter, to donate their time, money, and other resources to whatever causes they fancy, it is quite another thing to apply pressure to force the U.S. to underwrite his projects, especially when you consider the harm this does to the U.S. economy and U.S. workers and their families.

The *Economic Times* of India published an article about S.744 (Comprehensive Immigration Reform) passed by the U.S. Senate and the impact that this legislation would have on Indian workers⁸:

The bill (S.744) was passed by the Senate recently and is backed by the White House.

“The Senate bill that has been the subject of discussion in India, has provisions that very much benefit Indian workers seeking

employment in the U.S. The bill will nearly triple the number of H-1B workers by a considerable amount,” the official said.

“Since the largest share of H-1B workers is from India, we anticipate that the expansion of the program would certainly benefit many skilled Indian workers.

“In fact because of the Senate bill, which would so dramatically increase the ceiling of the H-1Bs, many more Indian university graduates, would be able to, if this bill became law, work on a temporary basis in the U.S., learning new skills which in some case would bring back to India,” the official argued.

Another issue addressed by Comprehensive Immigration Reform is to provide dependents of H-1B visas, such as spouses and adult children who enter the U.S. with H-4 visas, with authorization to work in the U.S. to take any job they are qualified for, irrespective of the harm this might do to American or lawful immigrant workers employed in whatever industry they might seek employment. Under S.744 these dependents would only be eligible for employment authorization if their country acted reciprocally with American workers who are working overseas in those other countries.

While on the topic of India and H-1B visas, on September 23, 2012, the *Economic Times* published an article that demonstrated how much chutzpah the Indian government has in dealing with the U.S.⁹ Here is how the article begins:

NEW DELHI: India is expected to soon seek consultations with the U.S. under the aegis of World Trade Organisation (WTO) on visa fee hike for professionals, which discriminates against Indian software companies that send employees to America on short-term contracts....

The U.S. had raised visa fee in 2010 to fund its enhanced costs on securing border with Mexico under the Border Security Act. India has been protesting against the measure at different forums.

Our “friends” in India contemplated filing a complaint against the U.S. with the World Trade Organization over having to pay more for H-1B visas.

Last year more than \$60 billion in remittances were sent back to India by their citizens working in other countries, whom they refer to as “NRIs” (Non-Resident Indians).

On January 2, 2014, the *Global Post* published an article by Jake Tapper, CNN’s Chief Washington Correspondent and news anchor. Tapper reported that in 2011, approximately one in three high-tech jobs went to

foreign workers in the U.S. Meanwhile, the unemployment rate for American high-tech workers was pegged at 14.7 percent.

Comprehensive Immigration Reform would only serve to exacerbate all of the current failures of the immigration system, do irreparable harm to national security, and hammer the middle class into oblivion. Today students are graduating from universities and are, all too often, finding themselves without jobs, but with staggering student loans to pay off that resemble mortgage payments.

The current situation will ultimately cause American students to stop seeking degrees in high-tech fields. Foreign high-tech workers also become knowledgeable about newest technological advances and methods of production used by American companies that employed them. They are able to bring these advances and skills they acquired in the U.S. back to their home countries, undermining the advantages American companies may have had because of their technological developments.

This does not bode well for America or Americans.

It is remarkable that news programs routinely focus on how many new jobs were created in the past month while ignoring that the U.S. legally admits more foreign workers each month than the number of new jobs created during that same period. Additionally, while the number of new jobs is reported, nothing is said about the salaries that the majority of those jobs pay. Average hourly wages are currently declining even as costs increase.

All too many American workers are finding themselves in the unenviable situation of trying to run up a “down” economic escalator that is picking up speed.

The time has come for the leaders of the U.S. to “go back to the future” and contemplate how the U.S. came to be the envy of the world, learn the lessons that history and the “Greatest Generation” taught us, and accept that for America to do well, the average American must do well.

As I noted on the Fox News program, “Your World with Neil Cavuto,” illegal immigration is most certainly not a victimless crime. However, under the Obama administration, violations of America’s borders and immigration laws have become “punishmentless” (sic) crimes.

For the past several decades politicians from both major political parties have willfully neglected and ignored America’s immigration laws, which is how we have ultimately come to the position we find ourselves in today.

For quite some time, immigration enforcement has been synonymous with a fence on the border that is supposed to separate the U.S. from Mexico, but as we have seen, the immigration system has many moving components. However, in a manner of speaking, the issue of a fence is significant.

The point to consider is that the term fence has several meanings.

The *Online Oxford Dictionary* defines fence as:

noun

1. a barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

a large upright obstacle used in equestrian jumping events.

2. a guard or guide on a plane, saw, or other tool.

3. *informal*: a person who deals in stolen goods.

The first and last definitions are, in fact, relevant to the issue of immigration. The U.S. must do whatever it takes to secure our borders from illegal entry. This is consistent with the first definition of the term “fence.”

Of course the myriad other failings of the immigration system must also be effectively addressed as well. It is not, for example, sufficient to make E-Verify mandatory if the adjudications process by which visas or immigration benefits, including employment authorization, are provided to aliens has no integrity. Granting lawful status and resident alien status represents the “keys to the kingdom” while U.S. citizenship represents the “platinum key.” In a manner of speaking, USCIS (U.S. Citizenship and Immigration Services) is the locksmith charged with providing those keys. Obviously, for national security purposes, there has to be tight control over who gets those keys.

However, time and again examples of nonfeasance, misfeasance, and malfeasance by USCIS and other agencies under the aegis of DHS make it clear that those keys are all too easily acquired by criminals and terrorists. Consequently I have come to refer to the DHS as the Department of Homeland *Surrender*.

However, in considering the third and informal definition of fence as “a person who deals in stolen goods,” you may want to consider the politicians who are, through their actions and lack of actions, selling that which is not theirs to the highest bidders, the lobbyists employed by industries and organizations that have extremely deep pockets.

These politicians are selling America’s national security and the safety and well-being of Americans. They are selling the American Dream and endless possibilities for success that heretofore had been the birthright of Americans irrespective of race, religion, or ethnicity.

The one group not being represented by lobbyists is the average citizens of the U.S., and especially the members of the middle class.

Beleaguered American workers and their families

are finding it increasingly difficult to pay their rent, mortgages, and electric bills and to put food on their tables. It has been estimated that one in four American children now live below the poverty line, and members of American minority communities are suffering the highest economic deprivations.

It is more than a bit ironic that as the middle class is being decimated in large measure because of the economic crisis for which Greenspan bears responsibility, illegal aliens as old as 30 years of age, who claim to have been brought to the U.S. when they were teenagers or younger, are being referred to as “DREAMERS”! It is no less ironic that while advocates for open borders and amnesty programs for unknown millions of illegal aliens develop apoplexy if anyone dares describe a foreign national present in the U.S. as an “Alien,” decrying the term as being “hate speech,” the very term DREAM (as in “DREAMERS or DREAM Act — the name of the now defunct legislation that would have provided the benefits that are now essentially being provided by executive caveat by President Obama) is actually an acronym for **D**evelopment, **R**elief, and **E**ducation for **A**lien **M**inors! Please note that the “A” in DREAM Act is for “Alien”!

It is important to note that the term “Alien” is defined by the Immigration and Nationality Act as “Any person, not a citizen or national of the U.S.” There is no insult to be found in that term or in its definition, on clarity — clarity that is opposed by those who oppose secure borders and effective enforcement of America’s immigration laws that were enacted to protect the lives and jobs of Americans.

Our leaders need to read the fewer than 300 words contained in President Abraham Lincoln’s Gettysburg Address. They need to pay particular attention to the final words of that amazing speech:

...that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth.

Laws that are not in the best interest of America and the great majority of Americans, should never be considered, let alone enacted. Comprehensive Immigration Reform is a prime example of such a law.

My conclusion in an op/ed commentary, “Crunch Time,” will serve as my conclusion for this article as well:

The importance of our borders and our immigration laws cannot be overemphasized. In the war on terror and transnational gangs, borders and laws are our first and last line of defense. They are equally important to American workers who are facing unfair competition from foreign workers, aided and

abetted by the administration and advocates for “Sanctuary Cities” and Comprehensive Immigration Reform.

In his famous speech before the 3rd Army on May 31, 1944, on the strategy of holding a position, General George S. Patton said:

“We’re not holding anything; we’ll let the Hun do that. We are advancing constantly, and we’re not interested in holding onto anything except the enemy.”

Pushing back against Comprehensive Immigration Reform is the same as holding position. The time has come for us to advance by demanding that our borders be made truly secure and our immigration laws be effectively administered and enforced.

This must be our New Year’s Resolution! ■

Endnotes

- 18 U.S.C. § 371 — Conspiracy to commit offense or to defraud U.S.
- 18 U.S.C. § 1546 : US Code — Section 1546: Fraud and misuse of visas, permits, and other documents
- 18 U.S.C. § 1001 : US Code — Section 1001: (False) Statements or entries generally
- “USCIS union: Fake information usually ignored in immigration applications,” *The Daily Caller*, May 23, 2013 <http://dailycaller.com/2013/05/22/uscis-unions-fake-information-ignored-in-immigration-applications/>
- “A Sweetheart Becomes Suspect; Looking Behind Those Kathie Lee Labels,” *New York Times*, June 27, 1996 <http://www.nytimes.com/1996/06/27/business/a-sweetheart-becomes-suspect-looking-behind-those-kathie-lee-labels.html>
- “Bangladesh Factory Owners Charged in Deadly Fire,” AP, December 22, 2013 <http://news.yahoo.com/bangladesh-factory-owners-charged-deadly-fire-113957800.html>
- “Obama’s Immigration Sop to Silicon Valley,” December 4, 2013 <http://www.thefiscaltimes.com/Columns/2013/12/04/Obamas-Immigration-Sop-Silicon-Valley>
- “Tech rivals joining forces on NSA, immigration,” September 24, 2013 <http://www.politico.com/story/2013/09/technology-rivals-nsa-immigration-97238.html>
- “Millennium Development Goals and the Post-2015 agenda”
- “New US immigration bill to benefit Indian skilled workers,” *Economic Times*, July 19, 2013
- “India may move WTO against US visa fee hike by October end,” *Economic Times*, September 23, 2012