

Oral History Project

of the

FEDERATION for AMERICAN IMMIGRATION REFORM

Daniel Stein

Interviewed by

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Petoskey, Michigan

August 1994

BEGINNING OF TAPE 1, SIDE A

JOHN TANTON: *This is John Tanton at my home in Petoskey, Michigan, it's Friday, August 5, 1994, and we're meeting for the purpose of recording Dan Stein's oral history. The oral history project was started by FAIR about five or six years ago, and was occasioned by the realization that in the past, the history of immigration reform movements has mostly been written by the opponents, and, as a result, has not been necessarily complimentary to the persons who were trying to bring about change.*

This time around we wanted to have the people who started FAIR and were the principal players of this chronology and give them a chance to tell their own story ... what it was that interested and motivated them, and what it was they thought they were trying to accomplish.

Dan has been Executive Director of FAIR since 1988 and joined the staff in 1982, making him the longest-serving staff person to date. Roger Conner, the original executive director, started in 1979 and served to January, 1989, for a ten-year period.

Dan, in our previous oral histories we wanted to learn a little bit about the individuals and where they're from and what sorts of background they had. You remember Sidney Swensrud's story of his upbringing in Iowa and the studies that brought him to working on population problems. So, who is Dan Stein? Where did you appear on the scene? Tell us a little bit about your background.

DAN STEIN: My great grandparents immigrated to the United States at the turn of the century from Russia and the Ukraine, settling without exception in Philadelphia. My grandparents were children when they were brought here; my grandfather, Harry, on my father's side was a meat salesman for Armour and received only a sixth-grade education. His wife received a sixth- or eighth-grade education, and she was actually considered quite intelligent. Her name was Lena Berenson. She always took a great deal of pride in the education of her children, her three sons, one of which was my father.

On my mother's side, my grandfather had an electric business on Chestnut Avenue in Philadelphia, and I was the first Stein on either side of the family that was born outside of Philadelphia, also the first one to get an advanced degree, which was a degree in law in 1984. I have several cousins who have since gotten an advanced degree. The crucial turning point for me in my own history was the fact that my father, who graduated from the University of Pennsylvania, had a very strong penchant for electrical engineering. He was considered something of a whiz kid and was brought down to Washington by the Census Bureau to work on their first civilian computer in the early

1950s ... Univac I. Subsequent to his work at the Census, he started his own business called Stein Enterprises in Kensington, Maryland, which he's run for about thirty years. My Father is a classic tinkerer-inventor who has a lot of good ideas. But the fact that he decided to bring my mother and my brother down here to Washington, to my mind, was the best idea he ever had. If I had been raised with my extended family in Philadelphia, as my subsequent trips back to Philadelphia from time to time confirmed, it is very unlikely that I would have had opportunities to develop a more national scope and horizon just because Philadelphia is a more parochial community.

I count myself lucky to have been raised in Washington, D.C. with all the cultural and social opportunities the city affords. I still live now with my wife and daughter on the same street where I lived as a child.

Having been raised in northwest D.C., I was thrown into a melting pot, of sorts, with people who migrated from all over the country. There is one thing notorious about the Washington, D.C. environment and that is that it is transitory, it's transient. You meet people from all over the country as well as from all over the world. My best friends early on were not Jewish, though I did have some Jewish friends. By the eighth grade, my best friend was and still is, other than my wife, a direct descendant of Governor Bradford and is of classic blue-blood stock.

TANTON: *Bradford was Governor of?*

STEIN: Massachusetts ... actually of Plymouth. They are quite adamant about pointing out the distinction between the Puritans and the Pilgrims.

TANTON: *Did they arrive in 1620?*

STEIN: Yeah, yeah, 1620. He is a member of the Bradford Society as is his father. My friend's name is Robert Giffin; his father's name is Herbert Giffin, who was the director of the Yater Clinic on DuPont Circle. It was through my own personal contacts early on in life, growing up in Washington, that ultimately led to much of my intellectual development, my private interests, and later my professional development. Starting about the eighth or ninth grade, I became a serious trombone player, became interested in both classical and jazz, and went out to Indiana

TANTON: *To the University of Indiana?*

STEIN: Yes.

TANTON: *Famous music school.*

STEIN: Famous music school in Bloomington, Indiana.

TANTON: *When did you go there? In high school?*

STEIN: I was in college. Actually, by the time I was in high school, I was considered one of the foremost jazz trombonists on the East Coast for my age. I represented the D.C. public school system in an area-wide competition before the United States Navy Band. I played in the Wolf Trap Youth Orchestra, performed out at Wolf Trap. Went out to Indiana to study music ... ultimately graduated with a degree in Economics and French Literature, but nevertheless that was my intention when I went out there. In the course of my undergraduate education, I developed a normal interest in general environmental, ecological, and population-related issues. As a sideline, I was spending about four hours a day practicing the trombone, a couple hours playing the trombone. Playing the trombone was really the center of my life, until I came back to Washington.

TANTON: *Do you still have an embouchure?*

STEIN: I still have a mouthpiece.

TANTON: *Why don't we back up for a moment and cover your early education. Where did you go to grade school and high school?*

STEIN: Well, the most distinguishing feature about my high school experience versus my elementary school experience was that in high school, I had a mouthpiece in pocket at all times; in elementary school, I did not. I went to Lafayette Elementary School, which is a D.C. public school, from 1962 to 1966. I went to Deal Junior High School, also a D.C. public school from 1967 through 1971. Then I went to Wilson Senior High School from 1971 to 1973. One of the more interesting things I had opportunity to observe was the full impact of school busing. Wilson High School, when my brother was there and ten years prior to his attending back in the 50s and 60s, was considered one of the finest schools in the country. It was a very, very highly regarded school. In 1970, when I arrived at Deal Junior High School, the first level of court-ordered busing was beginning in D.C., and the demographics of the school shifted very rapidly. When I enrolled in Wilson High School, the school was about sixty-five percent white and thirty-five percent black. When I graduated, it was eighty percent black, a very rapid transition of white flight. The quality of the education that I received there was fairly good, all things considered. It made me aware of some of the pitfalls and obvious problems with social engineering represented by school busing and in hindsight made me recognize that there are inherent flaws in any concept that tries to bring about that kind of situation without recognition of the basic attributes of human nature. Anyway, it was still a very divided community. The hostility between the two groups was always there. I was jumped a few times going to and from school and the atmosphere made one always be kind of on guard. But it also had some advantages of broadening one's horizon and perspective, I suppose.

TANTON: *We hear today a lot about conflicts between Jews and blacks. Was there that sort of element to it? Was it just black versus white, or ... ?*

STEIN: It was black versus white. Back then you didn't hear much of a conflict between Jews and blacks. I don't ever remember ever hearing of one, in the school. The conflict that I remember ... I remember when I was in about the sixth grade, being called a "yid" when I was up at the local grocery store by an older black gentleman who had been bagging groceries there for years. I wasn't even sure what it was at the time. I didn't hear that as much as I heard derogatory comments coming from the Irish-Catholic students of the local church, Blessed Sacrament. They would unleash anti-Semitic epithets every time they disagreed with an umpire's call or anything along those lines. From time to time, the next-door neighbors, Shamus, Patrick, and Sean would come over and make totally honest inquiries as to whether or not Jews actually drank Jesus' blood on Passover and that kind of thing. So there was a very strict Irish-Catholic parish nearby; it still has quite a base in the same community. But, obviously they have modified things since Vatican II.

TANTON: *I actually had some similar experiences as a kid. I was raised in a Lutheran community, predominately Lutheran-German community. We went to a Protestant Church, and there was a real divide between the kids who went to the parochial Lutheran school and those of us who went to public school. Did the Irish-Catholic kids you mention go to a parochial school?*

STEIN: Oh yes.

TANTON: *They didn't go to the public school then?*

STEIN: No, they did not go to the public school; they went to the local parochial schools. The children's names were Shamus, Patrick, Sean, Kathleen, Colleen, Timothy, and the little dog's name was O'Casey. They are fine people, very nice people, but the general tendency towards anti-Jewish remarks was clearly there. I remember feeling a little put out by it, but it never really aggravated me too much because the atmosphere I was raised in was so cosmopolitan. It wasn't an environment where you had to worry about street gangs or getting beat up, or anything like that. It was really quite a placid environment. I remember distinctly liking the area that I was raised in. I liked it there, and if it were not for the blithering incompetence of the D.C. government, it wouldn't be such a bad place to live.

TANTON: *Have you come to any conclusions subsequently of this seeming universal tendency of people to form groups?*

STEIN: Well ...

TANTON: *You know, there is a strong stream in American life that individualism, this idea that we ought to not identify ourselves by groups, but stand on our own two feet. On the other hand, it seems like if one looks across American society now, and back through history, groups are a very important part of identity.*

STEIN: I remember very distinctly by the time I got to college, when I graduated from high school, I was spending a little time reading about the Holocaust. When I got out to Indiana University, they decided, I assume, because I graduated from a D.C. public school that I was black. So they matched me up with a student from Crispus Attucks High School in Indianapolis. For some reason, we managed to stick it out the whole year. We were the only inter-racial couple, if you will, to co-habitat the entire year in the dorm. Everybody else was self-segregated. Part of that, probably, was because having been immersed in the black community my whole life, because I used to play a lot of music and go down to clubs and have a lot of black friends, somehow we managed to get through. But it wasn't easy, and there was a lot of ancillary hostility to it. But ...

TANTON: *By others in the dorm?*

STEIN: Others in the dorm. His friends didn't always appreciate me. I remember very clearly thinking when I got to Indiana that I didn't believe that groups were not a good thing because I had in my facile, ideological phase (which only lasted a couple of years) believed that if we could just make everybody a universal group, then people would all get along and that a group affiliation was inherently a bad thing. I didn't see anything coming from it, a perfectly natural response, but the ...

TANTON: *What do you think now about groups? Do you think they are a natural part of ... you mentioned before learning things about human nature. Do think that group formation is a part of human nature?*

STEIN: Well, of course, my views have evolved dramatically since then. In part because ... one of the things when you grow up in an environment like Washington, D.C. is that you are not ... you are in such a transient environment, you see people floating without roots. You, yourself, might not have roots and there is tendency to probably understate the magnitude of group affiliation and identification. Also recognizing that the neighborhood I was raised in, Chevy Chase, D.C., and Maryland, which were both developed at the same time by the Chevy Chase Lands Company from about 1898 to 1930. Our model of community development that people have used urban architecture, have used for models for years since. That kind of unrealistic environment in a sense gave me some ideas early on as a freshman about the fact that there could be a world without any groups. But once I started studying international demographics, international population, as well as international economics and trade policy, started studying more about history, the history of America, as well as the history of European politics, it became increasingly clear that groups are the basis on which nation states, are the basis which people act to form interests, advance those interests, it would be impossible to fathom human history without them. It's impossible to fathom even a future without them.

TANTON: *You mention human history. I know that you are quite interested in history, and I often see you with an ancient book that you picked up at a bookstore somewhere.*

STEIN: Any good ones here in Petoskey?

TANTON: *Yes, there are. When did your interest in history come along? Was that something that you had by the time you went to college, or subsequent to that?*

STEIN: Well, I had some interest in it. But everything is relative, you know. The amount of information you can acquire before you had an opportunity to go through college is so limited, unless you were studying war battles and things like that. I have had an awful lot more opportunity to acquire the kind of knowledge and information that I am looking for since I've been through college, since I've had professional activities, particularly my work on Capitol Hill, and since I've been through law school. Earlier documents are very difficult to read if you don't have any exposure to legal language and earlier American language.

TANTON: *The story is that some paid a call on Harry Truman one time and found him reading Plutarch's Lives and they said, "Well, why in the world are you reading Plutarch's Lives? And Truman's answer was, "So I can understand Washington, contemporary Washington." Why are you interested in history?*

STEIN: Well, I am interested in history because it provides a whole array of wonderful resources. History has served up an array of great ideas that have been forgotten, and I have become intrigued about a whole range of things, some of which have still eluded my understanding. I try to understand why it was a traditional classical liberal education, timely in 1890 even though much of it was thousands of years old, and yet it is not timely in 1990. What is it about much of this literature and great books' thinking of the early philosophers? What is it about studying the political philosophies of Western Civilization that suddenly is of so little interest in America today? And ultimately one of the reasons I'm interested in history, is because I am interested in the development of the country. The development of the country is inexorably tied to the consequences of our future conduct and tells us what the consequences of our future conduct will be. Much of our American past has been omitted, forgotten, written out of the history books, deemed irrelevant, erroneously. And unless one undertakes a serious study of history, it is actually impossible to identify when mistakes of history are made, and it is impossible to know when we are repeating old mistakes. This has something to do with my interest in reading original documents, but I don't know what it was.

TANTON: *I think McGuffey's Sixth Eclectic Reader was one that you worked your way through. Is it not?*

STEIN: I've read that now a couple of times. There was an interesting article by Edward Grimsley, who I think is the editor of the *Richmond Times Dispatch* about McGuffey's a couple of weeks ago. The Smithsonian publishes McGuffey's, the entire set. I think that the one book that probably had the greatest influence on me ... I remember before I went into law school, right after I left college when I was still working

on Capitol Hill, I started to read Dumas Malone's *Jefferson and the Rights of Man* and that's when I discovered I liked the language he used. The language itself intrigued me, the language for its own sake. I discovered more about this in reading *McGuffey's Sixth*

Reader, and it had a big impact on my view about education. Then as I went through law school, I noticed that some of the older opinions had a certain sound, musically that I liked.

TANTON: *The opinions had a sound?*

STEIN: Some of the early, well the Holmes, earlier Holmes opinions, and then some of the excerpts from *The Federalist Papers*. When I was studying for the bar, and shortly thereafter, I started reading *The Federalist Papers*, and I went through all of them, one by one, and read them out loud.

TANTON: *To whom?*

STEIN: Well, first to myself, then later to Sharon, my wife, which she enjoyed listening to right after we got married. Reading *The Federalist Papers*, having the opportunity to go through it out loud is a remarkable experience and one that every American should do. Every American should read *The Federalist Papers* out loud from front to back and savor the ideas in there because ...

TANTON: *Why out loud?*

STEIN: Well, the music of the language. The language itself, which was written, Hamilton and Madison were trying to replicate some of the language of "Addison and Steele," selections from *The Spectator* and *The Tatler*. Very, very thoughtful prose, written in lightning speed by men who had spent a great deal of time pouring over the books they had brought over from Europe to figure out what these ideas were. There is an accumulated set of wisdom, and regardless of how good or bad Rush Limbaugh is, his version of these ideas is still pretty thin gruel for the modern American to have to rely on when you can have the original understandings of, say, the appropriateness of standing armies or programs which bind the hands of future generations, much of the institutional basis for preventing power concentration to ensure that the risks of tyranny are minimized. There is a genius to the constitutional framework that is lost to all Americans, including most attorneys, because they not only have never read the Constitution all the way through, but unless they read *The Federalist Papers*, they don't get a grounding in why the Constitution is written the way it is. The Bill of Rights is very important, but if you miss the Constitution, you miss the true genius of the American system.

TANTON: *There is certainly a meter to the language of that period that is wonderful to hear out loud. I suppose it would be like contrasting Lincoln's "Fourscore and seven years ago" with "eighty-seven years ago." The King James Version of the Bible is the same way.*

STEIN: Yes.

TANTON: *I heard recently someone contrast how Wordsworth and Shakespeare would write about seeing a man whose legs were bowed. Wordsworth put it like this: "As I was walking down the road, I saw a man whose legs were bowed." Shakespeare writes, "Aye, what manner of man of this with bollocks in parentheses?"*

STEIN: It reminds me of a reporter today asking about Barbara Boxer who had put her proposal out to try to put the Marines or National Guard on the border, and the reporter was asking whether or not she had initiated the proposal with any serious intention of prosecuting it through and there appeared to be a consensus that I and just about everybody else the reporter talked to felt that she had not, that she just issued a press release and that was the end of it. And I said, "Well to paraphrase Samuel Johnson for those of us who saw the proposal originally, Barbara Boxer talking about border control is like a dog walking on its hind legs; it's not done well, but you are surprised to see it done at all."

TANTON: *Before we leave the University of Indiana, were you involved in any extracurricular activities?*

STEIN: Well, I, you know, most of my time was spent playing the trombone.

TANTON: *Even through your senior year?*

STEIN: Even through my senior year.

TANTON: *Even though you ended up majoring in French Literature?*

STEIN: Right. I actually graduated with something like eighty credits above what I needed to have, because I had so many supplemental music credits. I really really seriously believed that I was possibly going to become a professional musician, even at that point. I got the economics degree because I wanted a fallback position, but I was doing many things still at that point, even though I was now an economics major, that only music majors were doing. I was still playing in ensembles that were school-sanctioned, and jazz ensembles and things like that. I was still playing very heavily. I did not know exactly what I was going to do when I got out. When I came back to Washington, I immediately renewed old friends that I had made in high school. One of my best friends in high school, his father was the chief counsel of the House Committee on Narcotics Abuse and Control.

TANTON: *What year is this now?*

STEIN: Nineteen-seventy-seven. He asked me to come on to the committee as an intern initially, and then I quickly graduated to professional staff member. That's actually when I started developing my interest in international migration. My principal task on the committee, this was an enormous learning experience, really. There had been some pivotal factors that changed the direction of my life. The first was my

parents moving out of Philadelphia and raising me in Washington, being a native-born Washingtonian and being raised in Washington were very important. Secondly, getting the job immediately on Capitol Hill after graduation and spending four years up there, the opportunity to work with an entire committee on the committee staff, a non-partisan, investigative committee where I got to run my own investigations, travel with members of Congress, and get to know a lot of people, was really instrumental in my professional development. One of my first investigations was the use of drugs in the military and drug abuse in the military. In the course of doing that, I got to fly all over Europe, visit military bases, meet a lot of military personnel, design my own survey questionnaire, put the results together, coordinated the hearings, and investigated it as a follow-up matter.

That's when I learned my journalistic and press skills, studying under a guy named Bob Pfifle, who was a rotund, older gentleman, who in the '30s won a Pulitzer Prize writing for *Newsday*, which everyone knows is highly regarded. He took me under his wing and he said, "Look, you can't make a story out of horseshit, all you get is baked horseshit." These are the dos and don'ts when dealing with the Washington press. He showed me how to write releases; he showed me how to sell a story; how to be honest with the press; the mistakes people often made when dealing with the press; overstating your case; overselling; under-delivering; consequences of that credibility; deposits (if you will, he called it) giving information, and then not expecting anything immediately in return; cultivating relationships; the whole nine yards. As far as public relations training, I couldn't have had a better teacher, a lifetime experience. He helped me promote these investigations I was working on. That's how we got the drug abuse in the military thing on the front page of *The Washington Star*, which went under a couple years later. It was a major coup. Then I also had, I worked on international crop substitution programs and international herbicide eradication programs.

TANTON: *Where was that mostly? South America?*

STEIN: South America and Mexico.

TANTON: *Did you travel down there?*

STEIN: I went down there, and I became probably the Hill's biggest expert on paraquat-contaminated marijuana, which in 1979-1980 became quite a Hill scandal. It was quite a national scandal. Oh my goodness! All these pot smokers are getting fibrosis. And at age ... I guess the first time I testified before Congress was in 1979 at the age of twenty three.

TANTON: *We've heard how Washington D.C. is largely run by kids who are barely dry behind the ears, so it sounds like you were a case in point.*

STEIN: Well, I never had any legislative authority, so I never had any real case to be pushing my weight around. I tried to develop my expertise and prove my mettle by the quality of my performance.

TANTON: *It is true, isn't it though, that a lot of the staff people are really tending to be pretty much on the young side?*

STEIN: Well, yes. More importantly, a lot of the staff is there because of their son-in-law, brother-in-law, and that kind of thing. There are people there who have no business being there and that means that an awful lot of the work falls on a relatively few unchosen types. But Washington has become quite expensive and most of the people I grew up with in Washington never had an opportunity like I had. I knew an awful lot of people who had lifelong interests in politics. I had a roommate at Indiana University who had a lifelong interest in politics; he couldn't get a job on Capitol Hill to save his life. And I was very fortunate to get the opportunity and get the job there to work. It's become even more difficult now to get those kinds of jobs; they are very competitive and you usually have to have some kind of pull, campaign contributor buddy. Most of the people on the committee staff were people whose parents contributed or they were the son-in law or daughter-in-law of a member, or they were sleeping with a member. At twenty four, I was traveling overseas with members of Congress, which is a very enlightening experience. In addition to the things ... you know, there is an old adage on the Hill at least at this time, anyway, at that time, it said that what goes on overseas, stays overseas. But I remember walking around East Berlin in 1978 with a Congressman named Jay Herbert Burke.

TANTON: *East Berlin or West Berlin?*

STEIN: East Berlin, with a Congressman named Jay Herbert Burke, who was in his seventies. Jay Herbert Burke was a member of Congress from Broward County, and he was subsequently arrested in the Centerfold Bar claiming (he said it was a strip joint) to be engaging in a cocaine bust. Anyway, several weeks prior to that we were walking around East Berlin, and were being tailed by three Russian police officers with red bands because we were a congressional delegation. We were selected for this kind of special treatment. And he's ranting and raving about the evils of Communism and how terrible the system is, and on and on and on. In other cases ... in one case, I actually flew over with Congressman Jenrette and his wife Rita. Rita ultimately wound up leaving Congressman Jenrette; she also wound up in the pages of a centerfold of *Playboy*. Anyway, I cut my teeth very early on in this environment, and I quickly found out about this whole behind-the-scenes way in which Congress works. And it didn't do anything to rekindle any lost optimism from earlier days. Nevertheless, professionally I became immersed in this whole question of crop eradication and substitution, and that's when I found my interest in economic development, Third World development, and international migration, population and demographics really developed.

TANTON: *Did seeing how Congress actually works change your respect for the founding fathers from the system that they set up?*

STEIN: Well, actually, it increased it. See, Madison Ten reflects the fact that our system is supposed to succeed because all the various conflicting special interests are supposed to collide and fight it out. From the relentless pursuit of each party for its own interest, the general good will somehow emerge, not all the time, but most of the time, and it's at least the best you can get.

TANTON: *Adam Smith it sounds like in the political sphere.*

STEIN: Well, that's kind of what he had in mind. And if you look at the people who are being elected, who are serving, there's no way that any of them are going to be anointed king or a demagogue and be given free reign to rule the world, nor should they be. If you assume that people don't elect the best or the brightest, but just the most egomaniacal and self-promoting, then you have to have a system that checks the general tendency to self-promotion. I gained enormous respect for the system; I never had a lot of respect for politicians. But I also lost a lot of respect for a lot of the people in Washington who run around claiming something's wrong with the system because special interests are allowed to operate. The efforts to limit campaign financing and the efforts to create different limits on one sort of power can be nothing more than a thinly disguised power grab. If one interest gets destroyed ... tobacco or what have you ... and campaign contributions are so limited (for example our contribution for mayor is down to \$50 per person), which I believe are totally unconstitutional, then you are obviously allowing some other interest to emerge in its place. And people who tamper with the basic principles of the system, I think, should carry a much heavier burden than they do in justifying the departure from the deeply rooted philosophy that exists within our documents that seems to have been forgotten by the general public.

TANTON: *I agree with you that special interests are misunderstood. One reason special interest groups go up is because the system is so complicated that you have to, as Pat Noonan says "Focus, Focus, Focus," if you hope to get anything done. I used to tell people that FAIR's role in the 1986 Immigration Act cost us eight years and eight million dollars for whatever it was we were able to accomplish in that particular act. So, unless a group is willing to narrow its focus down, you just can't accomplish anything, and the more issues you try to include under one tent, the harder it is to find agreement on the board and amongst members and so on. So it seems again, that's almost another part of human nature.*

STEIN: Well, it is and the system promotes the necessity for that kind of focus and that kind of single-minded pursuit of objectives, because there isn't ... if you're going to be broadly based, you're going to have to have very strong coalition support for each of the various issues you deal with. Because if you don't have strong coalition support and you're trying to do five things at once, you obviously won't succeed at any. There's no substitute for developing the game plan which is buttressed by fair analysis of the

various interests that you're competing with and gauging the probability of success based on the kind of leverage you can muster. You can waste an incredible amount of time in a city like Washington if you are not trying to push the buttons that are going to bring about change. There is nothing that I have seen about the immigration issue that has dislodged my general belief that the immigration issue has certain features, which, if they are not totally unique to the immigration issue, are reflected only in a handful of other issues this country deals with. The virtual absence of financially interested stakeholders on the side of restriction, and maybe we're getting ahead of ourselves here, but, you know, creates lobbying challenges, which when I reflect back on my Hill experience, are almost unheard of in other issues. As a Hill staffer, you sit there waiting to be lobbied by corporate interests, by big interests, nothing makes a young Hill staffer's heart flutter more quickly than a Gucci-loafered lobbyist with a couple of Redskin Tickets.

That's why you came here. This is the whole power game. If you don't have that, it's not sexy.

TANTON: *Well, I think we are a little ahead of our story here. Just to pick up a few more family details. Did you have any brothers or sisters?*

STEIN: I have a brother; he is a few years older than I am. He develops software programming. I don't have any sisters. But I got married in 1986 to Sharon McCloe.

TANTON: *How did you happen to meet her?*

STEIN: I was very fortunate. I just happened to meet her as a result of you. History should know this. The fruits of one of the Tanton enterprises was the fortuitous meeting of my wife, brought about by John's persistent efforts to make me go to a meeting that I had no interest in attending. My wife, Sharon, was a graduate of Cornell. She is from upstate New York around Binghamton and without any affirmative action programs, got into Cornell. She went to the School of Industrial Relations, ILR it's called, where she studied under Vernon Briggs, who is one of the nation's foremost labor economists and experts on labor immigration economics. And so, she got a pretty good idea of the dimensions of at least the labor market implications of immigration policy. When she graduated from Cornell, she went to work immediately for the Immigration Employees Union, part of the American Federation of Government Employees

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BEGINNING OF TAPE 1, SIDE B

... around 13th Street off Scott Circle, off Thomas Circle, I'm sorry, Thomas Circle. Anyway, the Retired Border Patrol Association and several other related groups in 1984, December 1984, right about when I was being sworn into the bar, and I was getting ready to take over the Immigration Reform Law Institute for FAIR, I had a meeting to consider, a comprehensive omnibus immigration improvement bill and for some reason, John had gotten wind of this meeting and thought it would be wise for me to attend. But, it was on a Saturday morning, and I had other plans, and so I was amenable to considering the idea, but I thought I really wanted to do the other things that I had planned to do. And so I told him I would let him know, and figured that he would drop it. Well, he called a couple more times and kept urging that I go. I finally agreed that I would go over on Saturday morning. Some of my old friends were there. Gerda Bikales was there, and Chuck Murphy, of course, and some of these dusty border patrol officers who I really was not interested in seeing that particular morning given what else I was going to do. Anyway, there over in the corner I spied my future wife. And I very much owe meeting my wife to John Tanton.

TANTON: *So what was going on during the same time as far as this job on the drug committee goes?*

STEIN: Well, this goes back several years at this point. But the drug committee provided me with a good opportunity to study crop substitution programs in developing countries. That's when I became aware more acutely about the relationships between population growth and economic development, as well as the persistent problem of international migration and economic development. I became convinced that certain countries, Mexico in particular, but to lesser extent, Columbia, Cuba, Peru, Bolivia, were relying upon the safety valve of migration as a way of forestalling certain kinds of economic improvements, and if a country had the alternative of exporting its labor force growth to maintain a corrupt system, corrupted by drug trafficking and other forces, that it would do that.

TANTON: *It probably also got remittances in the balance.*

STEIN: Right, lots of remittances back. I also learned a great deal on the committee about Mexico-U.S. border relations. Problems with controlling the border and why the Mexicans were so resistant to seeing it controlled. So a great deal of my interest in, early interest in the subject, came about when I was working on the Narcotics Committee. After the elections, I stayed on the committee staff for some time.

TANTON: *Which elections are these now?*

STEIN: The ones in 1981. But, the new chairman made it clear that eventually he was going to bring in his own team. This was Leo Zeferetti; Lester Wolff had been the

defeated incumbent, beaten by John LeBoutillier, who didn't last long in Congress either.

TANTON: *When did you decide, or why did you decide to go to law school?*

STEIN: Well ...

TANTON: *You look like a fairly decent fellow. Why did you go to law school?*

STEIN: I decided to go to law school for purely self-interested reasons. After two years of working on the Hill, by 1979 I noticed a very troublesome phenomenon. No matter how hard I would work, or how far I would advance a proposal on Capitol Hill, there would always come a time when a group of lawyers would come over, take the proposal out of my hands and walk into another room and close the door. Occasionally they would be talking and suddenly launch into discussion of sovereign immunity, judicial standing, threshold questions which are cognizable and that sort of thing. And I thought to myself, this just does not make it if it is apparent to me that my professional advancement and my capacity, or anyone's capacity, to really work in Washington on a sustained basis, is directly dependent on whether they have a law degree.

TANTON: *So you were pretty convinced by this time that you wanted to stay in Washington.*

STEIN: It's my home; it's where I always lived. Nothing about Indiana made me think I was going to live in Indiana. I'm not a Hoosier. Washington is all I've really ever known. It is my life, it's my home and I like ... I'm not a political junkie. I don't sit around looking at district-by-district races. But I like the issues, I like policy, and most importantly I like the big advocacy, and I like the process, watching the process. One thing that has always amazed me through life is watching each administration come to Washington. They bring the same inexperienced green-horns, put them in the same jobs and they make the same mistakes. Year after year, this goes on.

TANTON: *Does that tell you anything about human nature?*

STEIN: Well, it tells me a lot about the process. People tend to bring people that they trust. But the people they trust do not necessarily know the fundamentals of the process.

TANTON: *Are you thinking of Mr. Stephanopoulos in particular?*

STEIN: I'm thinking of Mr. Stephanopoulos and I'm thinking of Mr. Altman but I'm thinking of the whole ... you see scandal after scandal even as far back as I can remember in life, going back when I was in elementary school, my father, who loved to talk about politics, I remember hearing about politics and by the time I got through my

two years on Capitol Hill, my first two years, I recognized that you had to have tools and you had to have certain armor if you were going to be effective on a sustained basis.

TANTON: *And one of those things was a law degree.*

STEIN: You had to have a law degree to understand the language. I also discovered that if you had a law degree, you could also be designated an expert on any subject. If you're an attorney, you can talk about medical evidence and forensics or psychology; you can talk about any profession in the world, any area of specialty, it carries the imprimatur of expertise that accompanies a law degree, which is singularly effective as a credential when working in Washington and nothing I have seen since I decided to do it has dissuaded me of it. Of virtually all the people I grew up with, all through elementary school, high school, college, I can count on one hand the numbers who were actually able to successfully advance a career in Washington, and most of those were either lawyers or doctors.

TANTON: *So you probably weren't, financially, in a position to quit working full-time. I think you went nights, didn't you?*

STEIN: Yeah. I went nights.

TANTON: *What law school did you go to?*

STEIN: Catholic University.

TANTON: *Were there other law schools in Washington that had nice programs, or was that the only one that ran that way?*

STEIN: American University did, which I didn't want to go to. I was accepted. I wanted to go to Georgetown, which I almost got into, very close. But I didn't want to live at GW, so those were the only ones I applied to. I don't think that GW is hospitable to night students; my recollection was that they saw law students as a money cow or something like that.

TANTON: *So when did you enter law school?*

STEIN: Nineteen-eighty. I graduated in '84.

TANTON: *So you continued to work on the committee until 1981?*

DAN STEIN: Nineteen-eighty-one.

JOHN TANTON: *And then?*

STEIN: Then I went to FAIR in February of '82.

TANTON: *How did you happen to find FAIR?*

STEIN: Well, I believe FAIR found me. Roger wrote me a letter, my predecessor, asking me to come over and apply for a job.

TANTON: *Why did he write you a letter?*

STEIN: I don't know. He wrote me a letter because he was referred by an Associated Press reporter who knew me and liked my work. When I came over, we chitchatted a bit. He got to know me and we talked a little bit about the issue and the subject matter. Then I went through a battery of other interviews with other members of the staff. But it was one of those things where by reputation you get known.

TANTON: *So the reporter knew you worked on the Drug Task Force. Did he know that you were interested in immigration too?*

STEIN: He might have; he might have. I was at that point talking about it with people. I was very concerned about it, particularly the southern border. I saw very little good coming out of the institutionalized forms of migration that were occurring, and I was talking to an awful lot of reporters about U.S./Mexican politics, crop substitution programs, economic development, population and migration.

TANTON: *Another good example of how Washington works, wouldn't it be? Just one person knowing another person and the word getting passed informally.*

STEIN: Yeah, it's another good example too of how I think my general education served me, and continues to serve me, throughout life. I have always strived to have a good understanding of a broad range of subject matter, to see the interrelationships between issues and how they interact. I think that is so important when you are trying to work on truly large issues. There are creative dimensions that come when you see the interrelationships between disciplines, and I think that's one of the reasons why I found myself testifying before the committee as a committee expert, something that was very rarely done, when I was only twenty-three-years old, and that I was able to play a fairly prominent role on the committee even though I hadn't had that much experience. That's why the referral came about.

TANTON: *Now your first job at FAIR was as press secretary, wasn't it?*

STEIN: Yes; first press secretary that FAIR ever had.

TANTON: *And the staff was about how big then in 1982?*

STEIN: Well, let's see, in 1982 it was about ten. I remember the townhouse.

TANTON: *The offices were on P Street at that time.*

DAN STEIN: Yes. I wasn't particularly familiar with FAIR at that point when I came over to talk with Roger. I walked into a townhouse at 2028 P Street. Pretty rundown, old joint. Cozy, particularly when the rats would crawl through the ceiling late at night. I remember a secretary named Lee-Anne. And you had to go through these long corridors to get any where. There were four floors. An interesting-looking fellow named Barnaby Zall occupied the basement, and he fancied himself the greatest lawyer since Perry Mason and the greatest lobbyist since Jack Valente. A conference room was on the top floor; Roger Conner's office was on the second floor, in the front, choice spot; and everybody else occupied the cubicles and cubbyholes and things like that. But, you know, it was a cozy little setup and an amazingly talented group of people, most of whom were very committed to the cause and the issue and at the same time many of them seemed very naive about Washington from my standpoint, just from my experience when I got there.

JOHN TANTON: *Both 1981 and 1982 was the year that my wife, Mary Lou, and I took off from my medical practice and spent in Washington. I was on the fourth floor then. Was I there when you were there?*

DAN STEIN: Yeah, you were there.

JOHN TANTON: *Or did you start after I left?*

DAN STEIN: I think. Did you come in '81?

JOHN TANTON: *I came in September of '81.*

DAN STEIN: Then you were there when I got there and you were occupied most of the time, I think it was fund-raising. I remember you sitting in on staff meetings.

JOHN TANTON: *Part of the naiveté was shown by the fact that an immigration bill passed the Senate.*

DAN STEIN: Yes.

JOHN TANTON: *Nineteen eighty-two, I think it was; flew right through, 91 to 9, or something like that. And everybody broke the champagne to celebrate this great event, but it never got anywhere in the House.*

DAN STEIN: No. The House is really the big challenge on this issue. The Senate is peculiarly designed to handle this kind of issue. It has an enlarged view of things. It's always going to be better in handling immigration issues.

JOHN TANTON: *Is that related to their smaller size, or longer term, or both?*

DAN STEIN. Both. Longer terms, smaller size, more diffuse. They don't have ... it also is easier to get things done in the Senate.

JOHN TANTON: *But the Senators also have larger constituencies, too, which may make them a little bit less parochial, I suppose.*

DAN STEIN: That and the peculiar forces that fight immigration control are much less effective in the Senate than in the House. I was amazed when I would be sitting with Roger and suddenly the governor of a major state would call while I was sitting there, Governor Lamm, when I got there. But I remember very distinctly when I came as the first press secretary, Roger expected me to get to him to appear on *CBS Evening News* every couple of days and that was my job. I knew that wasn't going to be too easy; it was going to be very difficult. But I remember Gerda Bikales coming back into my office and saying, "Dan, do you have any contacts at the op-ed page of the *LA Times*?" Why should I have contacts at the *Los Angeles Times*? What was it there about my experience and background which should have given me contacts at the op-ed page of the *LA Times*? It was for the purpose of placing an op-ed. So there was a very matter-of-fact approach to doing big things, and if you had to look at my first impressions of FAIR, it was a group of people who just didn't believe that there were any limits to what they could accomplish, so they were just doing it. And when the Senate bill passed in 1982, all those expectations were vindicated. So the organization went off on this big wave into the 1983 cycle, the next Congress. Simpson is going to reintroduce the bill; you know. Hey, we're going to have this thing all squared away by the end of '83, and then we can either disband, or move on to the next battle.

JOHN TANTON: *Well, one of the reasons that Mary Lou and I went down in '81-'82, was because it really seemed in the spring of '81 as though we had a good chance of finally succeeding in this. So, we thought we wanted to be in on the scene. Just as an aside, and harking back to the organization of our government by the founders, do you have an opinion on an elected- versus an appointed-Senate?*

DAN STEIN: Ah, well, I think that the appointed-Senate was a perfectly fine approach. The Seventeenth Amendment was tied up in the whole evisceration of state sovereignty, a natural consequence of what happened after the Civil War. The States had become little more than an appendage totally under the thumb and dominion of the Federal Government. The direct universal suffrage is the obvious next step. If people don't believe in the basic principles of representative government, and if that's what is represented by that, then we should just have little buttons on our TV, and we can all vote. But, assuming you accept the principles of representative government, laid out by David Hume and Madison and the rest, then there is nothing wrong with an appointed Senate.

JOHN TANTON: *How do you think the Senate was changed by being elected versus appointed?*

DAN STEIN: Well, it made it certainly less aristocratic. By the time the Senate was changed, there had already been such a move towards expanding suffrage, women's suffrage was establishing itself. The move to create direct election was part of a general tendency to reform, open up the political process, and give some reform to the apportionment process. They fixed the number of representatives in the House. There were a lot of things they were trying to do at that point.

JOHN TANTON: *That's the same time that initiatives of referendum and recall came into the states. I think that passed in California at about 1908. The Seventeenth Amendment is also interesting because it is the only time that the second method of amending the Constitution has been used. There was a call for a constitutional convention and when it got within one state of calling the convention to consider this, then the Congress went ahead and passed it so they could write the rules rather than have a constitutional convention.*

DAN STEIN: Yeah, and there is a lesson to be learned there, which is that members of Congress, politicians, will never affirmatively vote to diminish their own power, but will only do it if they see no other alternative, and that is an important lesson to learn.

JOHN TANTON: *Well, what do you recall about those first years of FAIR? What were the main issues that were coming along at that time that you worked on?*

DAN STEIN: There was a range of topics related to the Simpson-Mazzoli Bill that we quickly had to scramble to acquire knowledge about. The original proposal was introduced shortly after I got there, in March of '82 and the basis of the proposal came from the Select Commission on Immigration and Refugee Policy which Father Hesberg had chaired, and I think for most of FAIR's early period, it had been focusing on census and related issues. Suddenly the organization turned and threw its full weight and support behind Simpson-Mazzoli. When I came, I was immersed in the issues relating to employer sanctions, the need for a cap on immigration, whether that cap should include refugees, and the amnesty program.

JOHN TANTON: *This was shortly after the refugee bill of 1980 had passed. What was its status then? Was it still in limbo in terms of people not knowing how it was going to work out?*

DAN STEIN: Very few people knew anything about the Refugee Act in 1982. We didn't pay much attention to it at that point until about 1984, when the numbers were exceeding the quota of the 50,000-target, the Refugee Act got ground up by the sanctuary movement. This movement was wrapped up in the left-wing's objection to the Reagan Administration's policy in Central America. The sanctuary movement drove the refugee issue from about 1981 to 1986. These are indications, in my mind, at least for FAIR's early years when I was involved, that it was very much responding to forces that were far, far bigger than it was and tried to ride the crest of those forces as

effectively as it could. It was clear to me that FAIR's capacity to initiate a new direction, a new program in the debate was very severely limited at that point by first of all its size, secondly its reputation, and thirdly the level of expertise of the staff on the issue itself.

JOHN TANTON: *What about its reputation?*

DAN STEIN: Well, the organization was not well-known at that point in time. It was well-known enough to be known to the editors of *The New York Times*, and there were some letters to the editor there. It was well-known enough to have retained a high-powered lobbying firm, and it was well-known enough, thanks in part to Senator Simpson's alliance with FAIR early on, to secure occasional appearances on *MacNeil/Lehrer NewsHour* and a couple here and there, maybe the *Today Show*. They were not that frequent, but they did happen, and those were important early appearances to establish a reputation. But it was, comparatively speaking, not an organization that people had heard about.

JOHN TANTON: *Actually I was one of the ones who appeared on MacNeil/Lehrer. It was at the time that the sanctuary movement was at its height, and I debated the Rev. Sloan Coffin from Riverside Church in New York City. It was quite an interesting evening. What was it like working for Roger Connor? What sort of a person was he to work with?*

DAN STEIN: Roger was amazing. Having worked with some pretty media-savvy members of Congress, Roger had them all beat hands down as a world-class debater. His ability to project FAIR's positions, to reshape the topic of a debate, frame it, advance it, on television or in a meeting, was unparalleled, is unparalleled. He has a great ability to speak extemporaneously before a large group. I was heavily influenced by Roger's ability to debate and to argue, to contend. Since I was in law school at the time, I felt that I was getting some of the tools that would help me be a more effective debater, but none of the things that I learned from Roger were taught to me in law school: effective public speaking, how to debate an issue, how to lay out your major themes, organize your argument. These were things that he learned over years of debating at Oberlin, and I was very influenced by that. Also, when I left the Hill, I was still working in a language environment where less direct writing was not only accepted, it was preferred.

JOHN TANTON: *Less direct?*

DAN STEIN: Less direct writing.

JOHN TANTON: *Meaning more obscure?*

DAN STEIN: More obscure. Such as, it is not unreasonable to assume a contrary result would be obtained if a different perspective were to prevail, etc., etc., amen. Roger would take a look at a release that I would write, and he would say, "Well, this is

ridiculous," and rip it up. I remember, too, coming in at six o'clock in the morning sometimes to prepare a release to respond to something that happened the day before. Back then, we had typewriters, we didn't have computerized multiple faxing capabilities. When you had a release you had a hardcopy, you had to move it out by hardcopy and you had to have plenty of lead-time if you were going to respond. Roger was very good at helping formulate opinions and gave me good guidance on how to shape the policy responses. They were always effective. Ultimately, we seemed to develop a pretty good working relationship; we were a good team. I did a lot of the advance work for him; I helped get him on television. It was easy to promote him with producers, particularly when he would be out doing local work, because I could assure people that he would be good and effective, and he always was. So a good interview, a good advocate, always creates more opportunities down the line, it grows. If you're a bad advocate, if you're not effective on TV, that quickly becomes known, and then you don't get invited back. You don't have to work long with producers to realize the difference between "Oh, yeah, do you think I could get him?" or "Nah, I don't think, not this time;" they don't want him.

JOHN TANTON: *The media has always been one of FAIR's real strengths, hasn't it? We've been able to make up what we lack in size by ability to get the point out into the press.*

DAN STEIN: I attribute that to two major factors. One is that FAIR has been led early on by an effective advocate. Roger clearly established a tone for FAIR's public advocacy that was direct, it rocked a few boats, but it established FAIR as a world-class advocating organization that understood the issue and framed the issue effectively. It wasn't intemperate, wasn't mean-spirited, but was basically being represented by people who couldn't be dismissed easily. The other reason is that the organization has got a battery of big thinkers, of clear thinkers, of some of the country's brightest people, you, Dick Lamm, Otis Graham, and obviously Garrett Hardin. The organization, though Garrett came on somewhat later, had those ideas that, by the time they're distilled out by the FAIR staff, have been teased and developed and debated within the eclectic internal debate among the governing board and the godfathers and godmothers and ideologues behind the movement. That, having the language developed, is the most time-consuming part of effective advocacy and as much as that work is already done. Early reiterations of publications and things that you and others have developed that are the writings, the language, it's all been developed there. These earlier works have all been very important in giving the staff the language when the time came to react in the media. In fact, there were very few times where we got caught with our pants down ... it does happen from time to time

JOHN TANTON: *Metaphorically, or otherwise.*

DAN STEIN: The differences are striking in our capacity to respond if an issue blindsides us in the press. This happened recently on the secure ID issue. It can take as much as twenty-four hours for us to formulate the language and the opinions and

sometimes we We don't miss opportunities, but we don't take advantage of them to the full extent that we could if we had prepared. This secondary impact of the backbone of the intellectual base is a force that can't be dismissed. It is also important not to respond at all if you're not prepared, by the way.

JOHN TANTON: *Now by the time you arrived at FAIR, I think, as far as program people, we had Roger as executive director, Barnaby Zall as a lobbyist, Gary Imhoff was the staff writer, Matt Gallagher, as an outside consultant, did the direct mail, and that was about it. Wasn't it?*

DAN STEIN: Yes.

JOHN TANTON: *And we decided, I suppose in '82 or '83, that we really needed to try to mount some sort of a litigation effort. We had been involved with the census suit in 1979 pointing up to the census in 1980, and had seen our inadequacies there and had the strong feeling that our opposition often had their way, if not legislatively, why they went to the courts afterwards and gradually modified their legislation. So the decision was made sometime along 1983 to try to set up some type of a litigation program. What was your relationship to that? I think Barnaby started it out and you came along and developed it from there.*

DAN STEIN: It was really in the wake of repeated abuses of the Cuban Adjustment Act, and the fact that in 1980, there had been a big boatlift. FAIR tried a couple of times, to sue to tighten up the administration of the act, and it became apparent that during the Carter Administration, there were definite efforts made within that administration to relax certain areas of law enforcement.

JOHN TANTON: *Under Commissioner Castillo?*

DAN STEIN: Under Commissioner Leonel Castillo, and then acting Commissioner David Crosland, and then later under Doris Meissner. They were just routinely dismantling the INS the way they are today under Clinton, and FAIR was really not around at that point. Now once FAIR came into being and the Select Commission issued its report, then the Reagan Administration took over. And once the Reagan Administration took over, it was much more difficult for the advocates, the lawyers, the Ford Foundation groups, and others to push easily for administrative changes, so they resorted to the courts. And there was a rash of litigation in 1980, '81, '82, the Texas school case, on whether illegal alien children could go to school. The No Work Bond Rider Case was initiated at that point, which said aliens who were able to work had to be permitted to work while they were waiting for hearings.

JOHN TANTON: *Those who were able to work?*

DAN STEIN: Right. The consequences of the administrative delays and backlogs that were introduced primarily during Carter's Administration were being wedged open by

attorneys who were seeking to exploit the backlogs and the administrative delays to get new procedural rights that resulted in further erosion of our capacity to control the borders. FAIR felt, Roger felt, Barnaby felt, I felt, that the organization needed a separate litigation program in order to try to combat these abuses. Our side has always had trouble getting judicial standing. Federal judges say that U. S. citizens have no legal standing to go to court to enjoin the failure of the administration to enforce the law. But that has never prevented us from filing Friend of the Court briefs, or in some cases, trying to intervene within already established parties, to file a brief to argue motions. Litigation has nevertheless remained a very elusive program. IRLI got going in 1980... .

JOHN TANTON: *IRLI stands for?*

DAN STEIN: Immigration Reform Law Institute. It was initiated by FAIR, I believe, in 1985, but, despite a number of efforts to replace me once I took over FAIR, it never succeeded in really exciting a lot of enthusiasm in part because it was, you know, a huge investment for not very clear results in most cases.

JOHN TANTON: *What is your current feeling on the role of the courts in immigration law reform?*

DAN STEIN: Well, I think that immigration litigation has produced the classic negative results of excessive judicial activism. When judges usurp the role of political branches in finding alleged rights that really don't exist in law or the constitution, they are assuming the natural propensity to want to expand their largesse and play Santa Clause, often at the cost of the borders. First of all, their operational impact is never assessed, they're part of the process. The Texas school case is a classic example: the Supreme Court says that children of illegal aliens will get public education. The Supreme Court made no evaluation on whether the decision would be a magnet effect, which it proved to be, and they never made any evaluation of what the suit ultimately would cost state taxpayers. Unless there is an effective calculus made, and in effect, a realistic effect made on immigration law enforcement, the impact is exactly what it has been now, it produces a rebellion among state taxpayers, and it produces a loss of control of the borders. The worst part about it is that all of this stuff is eminently predictable. But the courts constantly weigh the interest of the alien claimants against not the interests of the American people in effective border control, but against the interest of these government officials and seeing these aliens incarcerated. That persistent, improper statement of the interests that are being balanced in these decisions is a chronic factor that produces bad decisions.

JOHN TANTON: *Roger used to say that it was like with the trees at the seashore where the wind always blows in one direction, pretty soon all the limbs go off in the opposite direction. So it is with granting of benefits under the immigration law. If the benefits deny the aliens an appeal, if the benefits are improperly granted, there is no one who can go in and try to appeal that. What's your assessment of the current importance of the courts as far as what FAIR is trying to do now, ten years later, given*

the immense costs that go into at least filing suits, if not just participating in them as amicus?

DAN STEIN: The role of the Immigration Reform Law Institute was being developed in 1985, 1986. The very first time I appeared on *Good Morning America*, I think it was 1986-1987, on ideological exclusion, showed me that there was a role in litigation and legal advocacy that IRLI could play that FAIR could not. Since IRLI's demise, that role hasn't really been picked up by anybody. It would require the development of an in-house legal staff of two or three lawyers. We have not ever been able on a sustainable basis raise the amount of money needed for litigation to be able to do that. But there is no question that a Friend of the Court brief, if it is properly applied, can have a profound effect. Many of the worst abuses that have gone on in the courts occur for one or two very simple reasons. One, ineffective government counseling; ninety-eight percent of the time, if the government loses in a major decision, it's because there was ineffective government council representing Uncle Sam. The second reason is that ideological judges will go off the deep end if they don't think anybody is watching. A lot of these district court decisions, these settlements get stipulated behind closed doors without anybody really watching, the government council thinking, "Well, with this judge it's too much of a hassle to fight this. Let's just settle it." When you file a Friend of the Court brief, you make it clear to all the parties that there are outside people, us, watching, and that we take this very seriously. We've also seen when we've weighed in on some issues, such as the Haitian Supreme Court Decision, that we were the only private amicus to file on behalf of the government.

JOHN TANTON: *In that case, how many filed on the opposite side?*

DAN STEIN: There were about sixty-eight briefs and maybe seventy-five other organizations and 150 other lawyers.

JOHN TANTON: *And we were on the side of the government and filed the only amicus brief on the government's side.*

DAN STEIN: Right. And the court clearly took notice of the fact there was a private organization on our side, and there's no question it had a big impact. There is absolutely a key role for a litigation program and a legal arm to be working on the issue.

JOHN TANTON: *Is that role mostly filing the amicus briefs?*

DAN STEIN: Depends on the political alignment in Washington. Right now, when you have got a sympathetic administration with the opponents of reform, we being the proponents of reform, when the other side, being the opponents of reform, has a sympathetic administration, we have only two alternatives. One is to be hammering the administration with letters of objection, petitions for rule making and FOIA requests, Freedom of Information Act. And the second approach is to be filing direct litigation

with finding plaintiffs like Americans waiting for public housing, or what have you, to file and challenge wrong decisions.

JOHN TANTON: *Well, we have not done any of that really, have we?*

DAN STEIN: Not lately. We've been thinking about the HUD case, but these things are financially ... the question is what else can you do with the money right now? And right now we're trying to put our money into lobbying and effecting general public opinion. It's not that it would be a valuable case; it's just that it would take resources now that we don't have. But if you have an administration that is fighting these guys, fighting our opponents, you definitely want to be filing friendly court briefs on behalf of the side that is fighting, like we did in the Haiti case. But the Clinton Administration hasn't fought any battle on our side since Haiti, and that they inherited from Bush.

JOHN TANTON: *Another reason that IRLI was set up, as I recall, is that we had some donors that didn't care much for the use of the courts, or lawyers, I guess to be more frank about it. So we thought that by separating the organization out, we could avoid offending them and perhaps even find some people who liked the idea of proceeding through the courts. I don't think we've succeeded on the latter.*

DAN STEIN: It has always been a challenge to raise money for litigation. Litigation is outside of the so-called civil rights community. Where litigation is to vindicate a specific individual's civil rights, which has been expanded beyond recognition, there is not a well-coordinated set of funders out there who are prepared to fund general litigation to support the overall national interest. And that's a shame; it may be changing now, but it clearly reflected the difficulty of finding that money. Another important point about IRLI, though, is that it reflects the fact that it also helps recruit effective staff. I believe, having been associated with FAIR now for thirteen years, that our greatest institutional asset is not money; it is finding talented, effective staff to work at the level which can make things happen. The ability to make things happen is measured by not only great in-depth knowledge and understanding of the subject matter, but also the ability to apply that knowledge in a way that is really going to be effective for relatively little resources. To find someone to run IRLI who could fund-raise, who could manage, who understood how to deploy resources in complex federal litigation was simply impossible.

JOHN TANTON: *We had the great in-house, out-house debate. Did you know Joe Zingerele?*

DAN STEIN: Uh huh.

JOHN TANTON: *Joe was our out-house counsel for awhile. I guess that antedated the formation of IRLI, didn't it?*

DAN STEIN: Yes.

JOHN TANTON: *And then we finally decided to try to bring it inside to see if that would work out. You mentioned, Dan, about finding staff to run things that we ... Roger and I definitely had the opinion in the early days that we needed to get up to a certain critical mass of staff to where we had more than just two or three program people, but hopefully getting up to five or six or even ten people who actually knew the subject, and could talk about it so you could have some intelligent discussions within the staff.*

DAN STEIN: Um huh.

JOHN TANTON: *What was your recollection of the level of staff interaction that way when you were there in the early years?*

DAN STEIN: The initial change occurred right after I took over when the FAIR Congressional Task Force was formed to try to deal with the Simpson-Mazzoli Bill explicitly. That bill was on a rapid time frame, and as a result of a particular donor who contributed nondeductible money; we were able to hire a whole supplemental crew on a short-term basis. But that seemed to be a turning point for FAIR in that from that point on, it seemed like the program staff was larger from then on, and it never went back to three or four people, five people again. The issue itself ...

END OF TAPE 1, SIDE B

BEGINNING OF TAPE TWO, SIDE A

JOHN TANTON: *In the interview with Dan Stein, it is now the sixth of August, and we're recording here in Petoskey, Michigan. Dan, we left off the last tape saying a few words about the...what was the name of the task force?*

DAN STEIN: FAIR Congressional Task Force.

JOHN TANTON: *That had been funded by non-tax-deductible money contributed by one Larry Kates from California. I remember the story of how we came across that. I think that Roger had been on the MacNeil/Lehrer NewsHour, and Kates apparently saw this and called the office the next morning, and I believe he got a hold of Pat Burns and his opening ploy, which if you know Larry Kates at all, and how high-strung he is, it makes sense. He just said right out, "What would you do if I gave you a million dollars?" Pat said, "Well, Ump, Uh, Uh, Ump, I guess we'd just do more of the same." Which actually wasn't too bad of an answer. So Larry ended up giving us some substantial amounts of non-tax-deductible money, with which we were able to increase our lobbying effort. And this would have been starting in the spring of 1982. Is that your recollection of it?*

DAN STEIN: Yeah. Right about then.

JOHN TANTON: *Which perhaps, in some measure, contributed to the Senate finally passing that bill at the tail end of that year. We actually rented extra office space down at the end of the block towards Georgetown from our P Street offices there. And I recall that my wife, Mary Lou, worked there and another person who worked there was K.C. McAlpin. I had met K.C. that spring on a trip to Texas, and he was quite interested and was at a point where he was about to leave the employment he was in then, so he came to work with FAIR for, I guess, maybe a couple years, wasn't it?*

DAN STEIN: Yes. K.C. came to work for FAIR shortly after I did – off and on, and then came back to work permanently, I believe, in 1983, and stayed on through 1988. He was instrumental in helping the organization restore its internal financial integrity.

JOHN TANTON: *Which it reached its nadir in the tail end of 1981, I think it was. That was the time we almost went broke, but didn't really realize it.*

DAN STEIN: Well, we had a lot of fun understanding how direct mail worked and its true costs and how it ultimately had to be financed. Cash flow considerations; a lot of the bookkeeping was not properly managed before he came on. K.C. righted the ship, put in a lot of extra hours, working with a couple of able assistants, Paula Fitzpatrick, who came on to help him, succeeded another woman at that point. Paula is still with FAIR at this point.

JOHN TANTON: *K.C. went on ultimately to qualify for his CPA exam, passed that and then left FAIR and back into the private business world again.*

DAN STEIN: Right. But K.C. remains on FAIR's national board of advisors and also runs a chapter, unaffiliated chapter of sorts, in northern Virginia, of activists concerned about immigration reform – Northern Virginia Association for Immigration Reform.

JOHN TANTON: *This might be good point because K.C. highlights, just to talk a little about the internal politics of FAIR. By that I mean Liberal versus Conservative and Republican versus Democrat. There has been an interesting mix that way, and I think that one of FAIR's strengths has been that it is not ideologically in one camp or the other. What do you think about that?*

DAN STEIN: There is no question that a part of FAIR's success to date has been its willingness to eschew narrow ideological identifications. K.C. is without a doubt politically conservative, and many of the founders of the organization and the principals are more traditionally liberal.

JOHN TANTON: *That came out of the population environment movements, which are usually thought of as being on the liberal side of the political spectrum.*

DAN STEIN: There was a real inherent tension in that early on. My recollection was that '82, '83, '84 with your discussions, John, about formation of USEnglish, the role of the language question, and related areas of immigration, crime, welfare, and the big third rail, which was disease, were for many years not really considered legitimate topics for us to deploy in our political battles. I remember large arguments going on between Patrick Burns and K.C. about direct mail contents and whether those kinds of issues were permissible. I didn't get too directly involved at the time, but ultimately, the organization seems to have crafted a public image of being a little bit liberal in the eyes of conservatives, and a little bit conservative in the eyes of liberals.

JOHN TANTON: *When you say it's crafted, I mean, in fact that's what the organization is.*

DAN STEIN: It's crafted because of its constituents. We have members who are conservative and members who are liberal, and by recognizing that the immigration issue doesn't cut along the normal affinity groups of related issues. We are able to manage within one house people on both sides of the political spectrum.

JOHN TANTON: *One place where that really came to the floor and the only knock-down, drag-out fight that I can remember as a board member who got to town once in while, was over the amnesty question in the 1986 bill. I remember Roger Conner came down on the side that more or less agreed with amnesty as the price that you had to pay to get something done. K.C. was firmly set against it on the grounds that you shouldn't reward illegal behavior with one of the prizes that the world has to hand out.*

DAN STEIN: I always remember the meeting at Airlie House where the board debated whether to continue supporting the Simpson-Rodino Bill, as it was now called.

JOHN TANTON: *Whether to kill the baby in the cradle, or to go along with it?*

DAN STEIN: Well, at that point it had the looming large possibility of a new agricultural amnesty provision, which had been put in at the behest of initially Pete Wilson, Panetta, Morrison and had been developed into a larger amnesty program by Peter Rodino, Chuck Schumer, and Barney Frank. That was really a very critical point in the debate, because much, I think, most of the board members with us at that point would just as soon bail out. But Roger and I think some of the other staff felt strongly that we had a strong stake in the bill passing at that point. That even though we lost the ceiling, even though we'd lost some of the documentary reforms that it had originally and the reform of family preference, and even though it now had a Trojan horse amnesty, the board voted to continue to support the bill. My personal view at the time was that I thought that was a mistake. And subsequent events, I think, bear out that there were some things which should have been done in the Simpson- Mazzoli Bill that were not done, but which FAIR could not have done at the time, because FAIR was not aware of some of the underlying substantive issues that needed to be addressed.

JOHN TANTON: *Another part of that dynamic was that Alan Simpson was chairman of the Immigration Sub-Committee because the Republicans had control of the Senate. It was pretty apparent that the Democrats were going to have control of the Senate after the fall elections in 1986. So we knew that we were going to be looking at Ted Kennedy pounding the gavel, rather than Simpson. So that had to be taken into account. I recall my own thinking on it.*

DAN STEIN: But my recollection was that the Democrats resumed control of the Senate in '84.

JOHN TANTON: *I may be wrong in this, but I don't think you're right. I think that the Republicans still had the control of the Senate in '86 and it looked like they were going to lose it. So that was another part of the theorizing the equation. I remember my own feelings on it, particularly that Peter Rodino had first introduced employer sanctions when he first went to Congress, I think in 1948, and it had never passed. And there were these questions still, "Will it work or won't it work?" My feeling was at some point you have to try something and move on, to find out if its going to work or not. If it doesn't work, why then you've got to do something else. But you can't go to the second stage or the third stage until you find people satisfy themselves that the first proposal was not sufficient.*

DAN STEIN: The sanctions have definitely had an impact and were the right things to do. The things that were negotiated away early on were negotiated away without an adequate public discussion of their significance. When Rodino and company ... FAIR

started from the position in 1982 at its highest ebb, with the original bill being the strongest bill that existed and then it just got weakened, and weakened, and weakened, and weakened, and weakened, and all of the compromising went the other way. Ultimately it's a matter of political tactics, but because of the future pressure that the amnesty is now creating on the system, the net effect of Simpson-Mazzoli is that it dramatically increased the aggregate level of immigration.

JOHN TANTON: *I think our political understanding now, is different than it was then ... I know that I had the idea that any change for the better was worth getting, take what you can get, and you are probably not going a wholesale revision. We've come from that point now to saying that we don't want too little reform too soon. Probably in this system that is so imbued with compromise, that things need to get bad to a certain degree, before you can actually address them. What do you think about that?*

DAN STEIN: I think that FAIR in 1982, 1984 was operating in an environment of almost total public ignorance. The illegal immigration emerged in the late '70s out of relative nowhere and was discussed and debated at as simple a level as we see today with some California politicians talking about immigration as a problem. Well, "Let's put more Border Patrol officers on the border." It's not that simple. But, in 1979 there wasn't a FAIR that was up and running and established to challenge that simplistic political assertion. Therefore, there was not a FAIR to play the same role in basic public education that there is today. I think a lot of us have come to the conclusion that today the main mission before we walk into the den of compromising away in smoke-filled rooms behind closed doors our most hard-won gains, we first need to do a lot more in educating the public generally on what is at stake and why it is important to do certain things. So since 1988, my primary focus as Executive Director is to try to spend more time making the case to the people, less time trying to go in and bargain, since we don't have the kind of national institutional financial and political clout to really do that kind of thing and win.

JOHN TANTON: *I remember, particularly when the 1990 bill was in its final throws of passage, when Congress was kept there for several weeks beyond what it should have been, feeling the frustration of not having the power or the contacts to go in and do what we knew other people were doing, which was running around the inside halls of Congress and jiggering the system to suit their interests. We had a board meeting that weekend and just sort of felt impotent there. We'd shot our wad and done what we could do ... we just didn't have the contacts to go the next couple of steps. You mentioned that in 1979 there was no FAIR to champion the issue. Going back to our interest in history here, we know when the bill passed in 1924, there was a very active public organization that tried to keep things going for the passage of the bill. But then that organization, once it succeeded, just sort of disappeared into the night. That result was, when the issue came to the floor again, there was no group to pick it up and champion it. We might put on the record here our recognition of that erroneous past and that one of the goals of FAIR has been to build up a permanent organization that would have such things as endowment funds, that could carry the issue forward after*

the bill is finally passed and hopefully address the issue when public concerns have gone elsewhere. So we very much see the need given the driving forces of increasing population overseas, and to have a presence in this for many, many years to come maybe, who knows, 50, 75, 100 years, until basically the world population problem is resolved.

How are things going in terms of trying to build a more permanent organization? Sidney Swensrud got us on to the endowment fund idea, I guess maybe as early as 1981 or so.

DAN STEIN: Well, that's true. The emergency fund was actually created in 1981, the first evidence that there was some financial planning. That special reserve fund created in January 1981 set aside five percent of all contributions over a certain level to establish a fund. Again, Sidney Swensrud was the major engine behind that motion. Now, we have an endowment fund. The organization's endowment fund is about 4 million dollars, and we have about a million plus in our emergency fund. The net worth of the organization is about 6 million.

JOHN TANTON: *So those are all pretty unusual figures for public interest organizations. I would say most are not that well managed; they live from hand to mouth.*

DAN STEIN: Well, it's true that the operation is the envy of a lot of organizations who have never been able to achieve that kind of financial stability. FAIR has lost very few of its major donors in its career, and has never, that I'm aware of, ever lost a major donor as a result of dissatisfaction with the quality of our work or our output. To the extent that we have lost a donor or two here and there, it has been the result of their own shifting priorities, or, in one case, inauspicious marital circumstance. But you know, that track record for high performance, aggressive advocacy, was established early on by people involved with the organization before I came on and was there and present. I was very struck by the difference between the language with which FAIR seemed to approach the issue ... a sort of devil-may-care, we're going to call the chips where they lay and lay out the issue as it should be for the American people. Very different than what I had seen when I worked on Capitol Hill. And it was refreshing. It's a great catharsis to be able to argue an issue in such a direct way for public consumption, and I think that's one of the reasons that FAIR has been able to retain the loyalty of a group of supporters year in and year out. The other reason, of course, has been, for its size, it's the extraordinary visibility it has had on a very consistent level. When you get as visible as we have been, and we are not the ACLU, but it is to the point today in 1994, where when I sit down with a group of trustees, four out of five of them will have seen me on television in the last several months. That television exposure is an imprimatur of effectiveness. If you can show people that you've acquired thirty million dollars worth of free public exposure, it speaks more directly to the effectiveness of your work than all the one-page white papers and reports you can hand them. So it helps you develop that kind of financial loyalty.

JOHN TANTON: *A few minutes ago you mentioned the debates that K.C. McAlpin and Pat Burns had had on the content of direct mail. That's another area that would be good to put on the record here, in terms of the political orientation of the group. It would be easy, for instance, to write a certain type letter to go to conservative lists and another type of letter to go to a known-liberal list. But, we have to live with it, whatever you put on paper you have to live with.*

DAN STEIN: Right.

JOHN TANTON: *And then you have the problem of them all receiving the same newsletter, which sort of comes down in between the two.*

DAN STEIN: Well, direct mail has been a very rapidly emerging field in the 80s and 90s. A big industry has been built up around it, more around conservative lists than liberal, but they are both there and they are both used quite aggressively for political financing, campaigns obviously, general commercial applications and then for issue organizations. In the area of direct mail, it has become clear that there are differences between issue donors and commercial donors. We can select out demographics to determine whether or not someone will buy a particular backpack from L.L. Bean, but it is much more difficult to predict whether someone will support a particular issue based solely on demographics. In fact, the greatest predictor of whether they will contribute is whether they have contributed to a like-minded issue organization and, therefore, most organizations select off lists from other groups that are doing similar kinds of work. But our direct mail has been handled from the beginning by Matt Gallagher, Gallagher and Associates, in Alexandria, Virginia. FAIR is an organization, which is unlike a lot of organizations that are in direct mail. Most organizations that operate in direct mail become enslaved or indebted to the direct mail shop. The direct mail firm will often front them or lend them the money to go into the mails and then an enormous amount of the incoming revenue will go to retire the debts, and pay the expenses of an ongoing direct mail program with five to ten percent openly being given to the organization for actual program expenses. Some organizations never get out of that vicious circle and not only do you lose control of the whole mailing process, but you may easily be losing control of your content as well. FAIR has always ...

JOHN TANTON: *... and certainly the lists, too.*

DAN STEIN: And the lists. Yes. You don't own the lists. FAIR has always maintained total control over its entire direct mail program. And certainly since I've been Executive Director, we have ... and I know this is true before this as well, but the FAIR staff has always had total control over the content, full responsibility for the content of all our direct mail appeals, and as a result, some of that content has been up for internal debate. As I mentioned earlier, when issues ... well, there's always an inherent tension between desiring the high performance, hitting those chords, and wanting to produce copy that you can live with politically. It has happened more than once to FAIR that our

direct mail has wound up in front of a member of Congress during Congressional testimony, and we've been flogged with it. It never happened to me, but it did happen to Roger a couple of times. So we try to be very careful. The other thing is that the tendency for those non-specialists in direct mail, like the staff, to want to use direct mail to laud our accomplishments ... in the last six months we did this, we did that, we did the other. Self-laudatory evidence of accomplishment, evidence of public relations, or even political victories are not the most productive packages to send to members for money. What produces the income is evidence of an enemy seeking to produce hostile forces and hostile consequences.

JOHN TANTON: *Bad news sells.*

DAN STEIN: Apparently it does. So, to some extent that market is generated by the need to produce that kind of copy. Nobody ... but there's absolutely no correlation between direct mail and publicity. If anything, there's a negative correlation. We just recently sent an out an appeal on Haiti when the issue was in the newspapers every single day, and it was probably the most direct hit we ever scored in timing an appeal to a topical news event, and it was one of the worst performing appeals we've ever had! The reason being that if there is a lot of publicity, then the secret's out. Direct mail is known as want to be in on the secret in advance and want to be helping to ward off the evil long before it gets there. If everybody knows about it, if the President has talked about it and it's supportive of your view, you may as well not even send the appeal.

JOHN TANTON: *Some organizations such as USEnglish proved to be very popular in the mails and they were actually able to make money on the acquisition phase. FAIR has never really gotten into that status have they?*

DAN STEIN: We have broken even on maybe two direct mail acquisition mailings, such as when you are acquiring members, so far in our entire history. At this point, it takes us between two and three-and-a-half years to recover the cost of the acquisition mailing and then begin producing income.

JOHN TANTON: *So why do it?*

DAN STEIN: Well, for a number of reasons: one is that you want the diversity of your support, you want to have members. FAIR has embarked on an aggressive program right now, and I'm certain we're jumping ahead of ourselves. But to acquire ... to increase our membership from 50,000 to 200,000 over the next two-and-a-half years, we are going to do that based on the higher performance of our acquisition program. When FAIR first started back in the early and mid-80s, our acquisition mailings were

producing at a rate where it required six or seven years to recover the acquisition costs. Now it's down to two-and-a-half to three.

JOHN TANTON: *So there are a number of reasons for doing direct mail, but one of them is to have members, because having members gives you some credibility for your lobbying effort and another is to have someone to send the newsletter to.*

DAN STEIN: Well, you want to have your platoon, you need to have your troops, and you need to have their input. FAIR is not a democracy, our members don't vote; they don't tell us what to do. Members do want to participate; many of them want to do what they can to help the cause and, without members, it is very difficult to produce the kind of numbers that are going to make a member of Congress sit up and listen.

JOHN TANTON: *Another aspect of the direct mail is the newsletter and the practice that we've had for many years now of including a business reply envelope with the newsletter. That's always been quite a good source of contributions.*

DAN STEIN: Right. FAIR brings in right now about \$100,000 a year on the newsletter. The newsletter is an important tool to update our membership on what's going on. It's widely read in Congress, it's read by the press, and it suggests story ideas for the press. And there has always been a lot of debate about the tone. When FAIR first began its newsletter, when I came on in 1982, the newsletter was a true newsletter. It was a recitation of tidbits of events and news items often without any editorial comment. Frequently, people commented favorably about the newsletter, because they felt they could read it without knowing for sure what side of the issue we were on. And there was some merit to that approach. But there were also problems with the approach. One of the problems is that it didn't really produce revenues or members in the same way that it does now. Starting about 1989, 1990 after I took over, we started writing the newsletter more as a numbers tool and more laudatory of what we're doing, more of an explanatory piece, there was more editorial comment within the newsletter because it seemed to be more of what the members wanted. From time to time, we had internal debates about whether we should produce a separate newsletter just for the news media. But the basic newsletter purpose is to communicate with our members to give them essential information to enable them to be politically savvy.

One of the things that took me years to figure out about the issue is that if you're working on abortion or a local growth issue, or planning issue or a zoning issue, an agricultural topic of some kind or other, or you can name just about every issue under the sun and in your community you will probably find local activists who are working on it. You will probably find some local or state official or entity or instrumentality or county board or somebody focused on it ... education, health care, who knows? Anything. In the immigration issue there is absolutely no pattern of local activism established. That is because immigration is exclusively a federal power, a federal responsibility. Congress in the ... well the Supreme Court has designated Congress as the entity with plenary and total authority over immigration policy. But it means that the average American will

bunch of lists and that phrase burned into my brain and I'm thinking to myself, this is your typical Washington elite attitude. Nothing but a bunch of lists. Well, some of these lists, they may exist for years as names on a little label and they give you \$25 and little Jeanette Bromly whose average gift never exceeded \$25 suddenly went on to the next world and left FAIR with a quarter of a million dollars. And the same thing is true with Dr. Pulliam; William Pulliam from Corpus Christi, someone not noted for grand philanthropic gestures, gave us five acres of Texas land claimed by the Texas Highway Department to be worth \$250,000. They are not simply lists; they are people, they are voters; they are thinkers, they are writers; they are doers. And to have members, to have activists and to have an aggressive bequest program as we do now (we've been running an aggressive bequest program), is a vital part of our activity. There is ... one of the things that has really changed in our profile lately has been that there is a renewed and growing interest among younger people in the immigration issue.

The bequest program is obviously important to FAIR because the average FAIR member is in his or her seventies ... sixties or seventies, and has enough longitudinal experience, lifetime experience, to recognize what's at stake. We've always had a very difficult time hitting the leading edge of the baby boomers. The leading edge of the baby boomers today is between the ages of 40 and 47, and they're very tough nuts to crack. The baby boomers under 39 are less difficult than the leading edge of the baby boomers, but they're still skeptical and not really aware of the issue. Generation X has not produced a great deal of interest. We've seen some young people get involved, but ...

JOHN TANTON: *Generation X is ...*

DAN STEIN: They are somewhere between 25 and 30, 24 to 30, 23 to 30. I would say the secondary component of the baby boomers is more interested in the issue than Generation X is. Generation X doesn't really seem to be interested in anything. But there is a very strong renewed sense of interest right now among the college and high-school-age populations. They are growing up in the purest multicultural environment in college, in high school, and are finding themselves bewildered and unable to understand why their contributions are disdained and unwelcome and why their own heritage is viewed as negative, evil and bad. And there is a lot of resentment and they don't bring a lot of guilt, but they do bring a lot of anger. There is a definite change in the profile out there of people who are interested.

JOHN TANTON: *As an aside, it is of interest that this year's high school debate topic is immigration policy.*

DAN STEIN: Right. Well, we're jumping very far ahead of ourselves, but it is. The issue of immigration moved as a grassroots issue in ways that we could have never anticipated, beginning about October 1991 and reaching full fruition in mid-1993. Because Congress, much to our chagrin, passed, over our objections, the Immigration Act of 1990, which increased immigration by forty percent. We successfully delayed it,

have no exposure to or knowledge about the subject of immigration, and there is no local political entry point to get involved in it intimately, unless you're an immigration lawyer, practicing in the area. It means that you are working from a field of complete ignorance. The obvious tendency when FAIR initially began was to immediately glom on to the inside the beltway negotiating-game because there was a virtual absence of any effective lever for local political activity. What else could we do?

JOHN TANTON: *File a census suit?*

DAN STEIN: File a suit, sure. Get some publicity out of it. But even understanding the dimensions of this federal/state and federal/local break, or breach, took a number of years I think for the organization to fully grasp. And it's a major structural impediment to effective grassroots activity.

JOHN TANTON: *Another aspect of the direct mail program in financing is bequests. We've had several very substantial bequests. I think the largest was a quarter million dollars. That one came from a lady who had never been more than a \$25-a-year member and whom we'd never really heard anything from. She had never written us or indicated any interest in the issue. And I also recall a dentist, I believe it was, in Texas who ended up giving us very substantial tracts of land that were worth several hundred thousand dollars and I believe that he showed up from the direct mail program as well. So you never know what you're going to turn up with that sort of thing.*

DAN STEIN: Well, readers who turn to the August 4 issue, 1985, of *The Wall Street Journal* will see a letter to the editor under my name, excoriating Al Hunt for a column he wrote.

JOHN TANTON: 1994.

DAN STEIN: 1994. What did I say?

JOHN TANTON: 1985.

DAN STEIN: Oh my. Readers of this memoir, if you can find it in the computer file, August 4, 1994, a letter that I wrote excoriating Al Hunt for a letter he wrote, or an op-ed he wrote criticizing then governor of California Pete Wilson about his immigration control positions. Al Hunt is someone who particularly bothers me because when I was working out at the National Capital YMCA at Rhode Island and 17th Streets, where I used to go when I worked out (I now work out somewhere else; I still work out, but I don't work out there), Al Hunt would always play racquetball. He would be in the locker room from time to time talking about things. And I remember one day a couple of years back when he was in the next row of lockers he was talking to someone else and he was grumbling about the battle raising in Congress over gun control. And he said something to the effect that, "I can't understand why Congress is afraid of the NRA. I mean these organizations out there, they're nothing but a bunch of lists." Nothing but a

fought it, and raised objections to it. We were the only major national group out there fighting against it visibly. We actually almost killed it but for the fact it was an unprecedented session of Congress in 1990, where it extended well into October during an election year – a lot of protracted debate about the budget battle. The budget battle that year was a protracted debate, and as a result, Congress stayed in session longer than they had anticipated. They had some time to kill on the House side, so they went ahead and passed the bill. We were very close to killing that bill, and I think we were closer to killing that bill than most people realize. But in hindsight to some extent, the fact they passed the bill was actually a blessing. The negative consequences of the '90 law, in my view, are not in the long-term sense as intractable as the '86 law's negative consequences are. The '90 law simply increased some of the already existing quota numbers, but it didn't create a huge battery of new aliens getting in line from relatives. Nor did it so irrevocably blur the distinction between legal and illegal aliens as the amnesty did and thereby erode the moral authority of those who want to see immigration laws enforced.

The '90 law, however, also had the impact of increasing immigration right as the leading economic indicators showed that we were moving into a major recession, structural recession. As a result, we had a situation in 1991 and 1992 where not for a hundred years had we seen anything similar. Congress had increased the level of new immigration workers coming into the labor market at a rate that really challenged the capacity of the national labor market to absorb them. Suddenly the issue took off. It started to heat up in late '91 when the Haiti issue took off in early November of 1991, as the result of a federal court injunction that prohibited President Bush from returning Haitians directly back to Haiti. The issue changed dimensions and dynamics from that point forward and it has never been the same; it may never be the same. But we entered a new and totally different phase for the issue, for FAIR, for the movement. I can trace it practically to the day, about the 5th of November, 1991, where the whole dynamics of the issue and our role changed.

JOHN TANTON: *What happened on that day?*

DAN STEIN: Well, it was November the 6th when a federal court judge, Judge Akins; I believe it was his name, or Atkins. Federal Court Judge Atkins from a U.S. District Court in Miami enjoined the Bush Administration policy holding shipside hearings for Haitians who were detained on leaky boats in the Windward Passage. His order required the Haitians to be brought to Guantánamo Bay. And that injunction produced, among other things, a lot of TV visuals of crowded leaky boats that seared the public consciousness and moved the issue higher up onto the agenda.

JOHN TANTON: *What would you say about the relative roles of the executive, the legislative and the judicial branches in the issue?*

DAN STEIN: Well, the relative roles ... this is an issue where the executive branch appears to have a total license for lawless behavior. There do not appear to be sufficient checks within the federal system to prevent the profligate abuse and manipulation of our immigration laws. In fact, short of denying federal funding for the department of justice, or having Congress dispatch a sergeant-of-arms to arrest the attorney general, there does not seem to be any plausible check on the attorney general admitting 200 million otherwise inadmissible aliens next year. Therefore, the role of the Congress has a somewhat limited effect. I think that there is no question that the executive branch holds all the cards in this issue. The judicial role has been confined to vindicating the rights of individual aliens without examining the longitudinal and long-term impact of various legal opinions or decisions.

JOHN TANTON: *Well, we have gotten a little bit away from our chronology, but I think we should take up these various issues as they pop into our heads here. We had talked about the formation of IRLI and then the FAIR Congressional Task Force. I guess that takes us up to, what ... about 1984?*

DAN STEIN: Uh huh.

JOHN TANTON: *And so you were head of IRLI, which lasted until you became executive director, is that correct?*

DAN STEIN: Right. I got married in 1986, in October, and Sharon went to work for USEnglish about that time. At one point, the *Binghamton Press Review*, ran a little announcement of our wedding and it, you know, mentioned both FAIR and USEnglish and the fact that we were working for both of them. So that, I mean the parallels were kind of funny, how it all evolved, although I think some of the opposition picked up that news clip as well. I've heard the fact that we were married and that each of us were working in these two organizations mentioned from time to time in a litany of the hall of horrors of the alleged conspiracy between the immigration restrictionists and the language limitationists! But anyway, Sharon really emerged at that point as a professional partner and best friend in really helping me understand the importance of how to make a public presentation, how to develop arguments and to live with them. Starting about 1986, when I was running IRLI, she started working with me intensively for the major national public appearances that we were starting to get for IRLI.

JOHN TANTON: *Working in what capacity?*

DAN STEIN: Well, essentially as an informal media advisor, as well as showing me how to use makeup when on camera and that kind of thing. She would also spend hours working with me. I remember the first *Today Show* appearance I did with Barney Frank on the issue of ideological exclusion in 1986. This was the issue of whether or

not people should be admitted to the country permanently or temporarily, who overtly espouse the violent overthrow of the U.S. government. The show was on whether or not the ideological exclusion provision should be retained, which would bar entry to people who advocated the violent overthrow of the government. Barney Frank was my opponent in the interview, the interviewer was Bryant Gumbel. I remember distinctly that she worked with me half the night to develop five or six major sound bites between 35 and 30 and 90 seconds long in order to make the presentation effective. I had not had the kind of world-class debate training that Roger Conner had had. I still tended to talk in legalese when I had the opportunity. So she would work with me and work with me. Those early appearances, and as recently as the 1992 appearance I did on the *Today Show* when I announced the moratorium immigration concept on July the third, she worked with me late into the night to develop the lines I used on TV. Having a partner who has that kind of dedication and willingness to work with you or me has been for me a professional turning point in enabling me to be as effective as I could be on television. And those in turn, produce opportunities for more appearances that get you more airtime. Anyway, that eventuality, getting married in 1986 while I was running IRLI or taking over the reigns of IRLI, was a major event for me and a major event in the path that I have ultimately chosen in working on this issue and being a part of this movement. The IRLI experience also gave some opportunities to find out what it's like to run your own little ship, and give you that command authority, in a smaller sense, that's very different than working directly under a boss. I had to make judgment calls ... probably the biggest coup we pulled, when I was still running IRLI, was ... amnesty was being implemented in 1987 and working with outside counsel, Bill Chip, we got a revenue ruling from the IRS that said that amnesty did not alleviate or relieve any eligible aliens' tax liabilities for past income tax. Using that I developed a press release and a public relations strategy and we rolled the thing out, managing to get front-page articles all across the Sun Belt and in California. It said, "Illegal Aliens Owe Back Taxes!" We did a lot of TV and radio around that. It took the opposition about a day-and-a-half to figure out what we had done. But I believe that was the single boldest stroke we pulled in causing a significant diminution in the number of applications for the amnesty. The opposition never recovered from that. One of the reasons that the amnesty population has such low income is that people with any wealth in this world, most of them don't want U.S. residency. Congress in 1990 passed investor visas and nobody wanted them. Nobody wanted them because our tax investment and savings structure is so unfavorable compared with much of the rest of the world. So, in a sense, it's becoming a self-fulfilling prophecy that most of the people who are going to be acquiring U.S. residency are going to be people that are very poor.

JOHN TANTON: *Before we leave the 1986 law, the Simpson-Mazzoli Bill, why don't we talk about the amnesty provision of it and the internal conflict it generated at FAIR. I've long felt that we lost our chance to influence the amnesty provision just because we couldn't make up our own minds what our organizational position should be. It was the conflict on one hand of not wanting to grant a benefit to persons who entered the country illegally, and on the other hand not wanting to seem hard-hearted and trying to answer the question of what would happen to these people if amnesty were denied to*

them. I think that maybe we learned something out of that about how you have to make up your mind even if you don't want to on some of these tough issues and take a stand. I think that FAIR is pretty good now at confronting new problems and being able to work their way through to a public stance on them within 24 hours. You mentioned that in our interview on the last tape.

What are your recollections of trying to fight our way through the amnesty question, trying to decide as an organization where we should come out on it?

DAN STEIN: I don't remember that the amnesty question really divided the organization between those people who felt that the political currents, the main political currents were the ones that we should adopt, and those who felt that we should run against the grain in an effort to define a new and bolder position. The amnesty itself was by definition arbitrary for those aliens who fell just on one side, the wrong side. There was the obvious equitable question; there was also the fact that Congress had not dealt with the dependents and spouses of the principal beneficiaries, the time limits, the evidentiary burdens, and all these issues awaiting implementation. Our position on those issues was influenced by the internal debate about what the amnesty meant and how we should approach it. The opposition, of course, predictably, immediately pursued litigation and legislation to broaden its application, extend the time limits, and interpret certain kinds of phrases relating to interim departures in a broad and expensive way. They sought to, and actually successfully did get an administrative extension to the spouses and children.

JOHN TANTON: *And they came back in 1990 and got a second amnesty for the relatives of the person who got the first amnesty.*

DAN STEIN: These amnesty provisions are really a case study, if anyone cares to go back and look at it, at how the various special interests operate in the area of immigration. You have a number of different levers that the proponents can push for the seemingly cost-free generosity of the Federal Government in extending benefits without considering the real cost. So, for example, Congress had specifically mandated that most of the principal aliens that got amnesty were not eligible for certain federal benefits. But, because of judicially prescribed case law, once the executive branch extended an additional benefit to their relatives, their spouses and children, we had the counter intuitive, or nonsensical position of the principal alien who had been here longer and who was eligible for the amnesty being barred from receiving certain federal programs that the spouse, having not the same legal claim to residence here, would, under judicial law, be eligible for. In other words, an absurdity was created out of this whole mess that really left a legacy that the United States is not really serious about enforcing its immigration laws. So, you know, when the decision came down, well what do you guys favor for those who don't qualify? Mass deportations? Mass deportation has become one of those phrases that nobody wants to utter. It's the specter of Operation Wetback, and these other things that the National Council of La Raza is always holding up. Everybody allegedly is against mass deportations. But if there is

mass illegal immigration, and you don't want another amnesty, what are you supposed to do? The amnesty question is something that has been resolved within FAIR as something that we simply irrevocably and irresolutely oppose now and forever again. And at this point, there doesn't appear to be any political move to overtly push for another amnesty; there has been an occasional suggestion, but there hasn't been any serious push.

JOHN TANTON: *If FAIR had had such a resolute stance back in '83 or '84, do you think it would have made a difference then?*

DAN STEIN: Well, I think that FAIR, the way in which I would have suggested ... if I knew then what I know now and I were on the staff in 1980, before the Simpson-Mazzoli Bill, I would have said that the way to handle, if you want an amnesty the way to handle it is with a very, very, very, minor modification to the existing registry provisions. The registry provisions would have provided an opportunity for discretionary amnesty to be implemented, consistent with the provisions of law which already exist for aliens who can show residency over seven or eight years of time. There was no reason to call it an amnesty or to create that kind of a political show about it.

JOHN TANTON: *Except that there was, as far as the opposition was concerned. That's exactly what they wanted was a political show and concept.*

DAN STEIN: Well the amnesty ultimately, of course, proved to be the most unpopular provision of the bill. And it ultimately brought it down, the '86 law. The amnesty did not prove popular in either the House or the Senate. In fact, an amendment to delete the amnesty only survived, or was only defeated by, rather, a couple of votes. So, there is not a lot of evidence in my mind that the proponents of the amnesty, what is a tactical matter, want to call it an amnesty and they certainly won't want to call anything new an amnesty.

JOHN TANTON: *In your opinion, how do the employer sanction provisions of that bill work?*

DAN STEIN: Employer sanctions have been much less effective than we ever anticipated. It's unfortunate that the major pilot programs mandated and the major reports mandated by the '86 law were not aggressively followed up. There was enormous bureaucratic intransigence within the Reagan Administration. But even more in particular with the Bush Administration. The Bush Administration was not dynamic, was not aggressive, and did not have people who were ideologically committed to anything. The Bush Administration represented the most blatant example of that wing of the Republican Party; wealthy bluebloods who never had their fingernails dirty and were hanging on waiting for Bush to get elected for a decade before he was. And they were inert; they were not aggressive. They were afraid of controversy, and they never took positions on anything. One of the reasons why they were defeated. They were ...

JOHN TANTON: *They were not Teddy Roosevelt Republicans anymore.*

DAN STEIN: They were not Teddy Roosevelt Republicans. They were divided as well over the question of identification issues. And there was absolutely no support coming from Congress. The fact that everything you try to do that is effective runs into the immediate opposition of Ted Kennedy and all his groups, certainly has a discouraging effect when you control the executive apparatus to bring about positive change. I don't think any of us looking back on 1986 imagined by now that employers would still be relying on 16 different documents to determine work eligibility. The greatest single failure of the 1986 law has been that the executive branch has failed to develop a uniform work verification document for all job applicants.

JOHN TANTON: *There were experiments along those line authorized by the bill and some work was done, but it just didn't, the Bush Administration didn't pick it up as policy.*

DAN STEIN: Absolutely no question that the technology is there. The problem is not technology. The problem is political will. One thing that we did not anticipate was that there would not be on the federal level any entity or force that had any motivation to create this kind of document. The Immigration Service is only concerned with only immigration-related documents. Social Security has no interest in use of its documents or numbers for verification purposes. IRS only cares if it's to raise money. The Secret Service, their concern is with fraud and birth certificates and credit cards. So there isn't any ... there is no omnibus federal document czar, and that is partly by design, it's partly because of the historical quirk of federalism.

JOHN TANTON: *Partly because of the statute specifically prohibiting agencies from sharing information, is it not?*

DAN STEIN: Well, there is a lot of that. There are bureaucratic obstacles to sharing information. Although, whenever there are ... the IRS is involved and they want to get information for tax enforcement, there seems to be no problem sharing information. Right now, there is a pilot program going on to verify social security numbers in conjunction with withholding and tax returns. It's really that there is not, at the federal level, a force that sees immigration enforcement as a high priority. Other than the INS, which is a bastard child of the Department of Justice that nobody cares about, it's very hard to move. There does not exist a major force within the Federal Government to make document reform a priority. Now we have a new immigration commission. Once again, the first thing they rule out is a document reform effort. Barbara Jordan chairs this commission and she's just made some important recommendations on document reform. It's supported by mostly American people and immediately you get the usual complaints from the ACLU, totally irrational complaints.

JOHN TANTON: *Were there any document reform proposals in the Select Commission on Immigration?*

DAN STEIN: They recommended a work eligibility document. Sure.

JOHN TANTON: *Do you see any difference in the public acceptance of that idea now, as opposed to 1980 when they reported?*

DAN STEIN: Oh yes. The American people are more accepting of new technology because they have a lot more experience with it. Machine-readable documents are being used by Americans every day. They've got pockets full of them. There's a recognition today that the document itself is not the threat, it's how the information is used. If people believe the information is being collected for a purpose they support, and that is valid, they have no objection to it. I've spent a lot of time studying the ACLU's asserted objections to what it is that we are trying to accomplish here, and there doesn't seem to be any rational basis for what they are saying. They don't even make an argument based on any real life event that is likely to take place. They argue the equivalent that because chains were invented, we're going to have slavery. That is essentially their argument. It doesn't matter what you say about protecting the data or using the data in a different way. I have come to the conclusion, therefore, that their objection is they simply object to the use of the data to enforce immigration laws, period! Because the ACLU opposes immigration reform.

JOHN TANTON: *Perhaps it's an instance of the truism that feelings are more important than facts in this issue. They started with the conclusion that immigration reform is bad, so whatever might forward it, is to be opposed.*

DAN STEIN: There is no question that the whole documents' issue really creates a lot of emotion, more than you would think, but I think that all of us agree that until the country gets control of its birth records and gets control of its work documents, we're never going to get control of immigration.

JOHN TANTON: *On the question of whether required sanctions worked or not, the usual piece of data that's cited is that illegal immigration has gone back up again. As soon as that bill was passed, it dropped off fairly substantially for awhile and then it gradually climbed. I felt that that's not really a very fair measure because in the years since the bill was passed in 1986, world population has increased by about ninety million a year ... eighty million of it in the poorest countries. So in eight years, we've got eight times eight is sixty-four, another 640 million people on the outside, adding to the push pressure. Actually, the world population on the outside wanting to come to places like the United*

States has increased about fifteen percent just since 1986. So it's difficult to know what it would be like if the bill had not been passed.

DAN STEIN: And yet, that's a point that is almost never made by anybody. The point that you're making ought to be made by organizations like ZPG and many of the

population organizations. The pressure of more population growth on immigration into our borders is one of the most direct and salient features of the world population problem, and yet, it's not made by anybody. You routinely hear in general public debate this idea that employer sanctions have had no effect. I think that employer sanctions have had an enormous effect. I think that they've had a great deterrent effect for many people who would have come here, but for employer sanctions. I think that one of the greatest impacts FAIR has had has been in the area of international broadcast exposure, the opportunities that we get to discuss employer sanctions, or in reacting to a decision that might be misinterpreted overseas; we've done this with Haiti, with China. I can think of a recent example of where a federal court, wrongly, issued an order, which demanded, which mandated that the immigration service grant asylum to a male Chinese national based on the so-called one-child-per-family persecution of China. And as you might expect, this was being carried around the world, China Service. Well, Voice of America, China Service, calls us up, and I get an opportunity to explain that this is one decision that only applies to one person. It has no applicability generally or and more broadly, and that people should not get into boats thinking that this opportunity is now available. Don't misinterpret this kind of thing. Stay where you are. That is an important function that FAIR has played in basic international education that has helped deter people from coming here. We are probably on BBC or VOA or some other internationally recognized service several times a month. And this is a key role we've played.

JOHN TANTON: *You'd mentioned the marginal conditions at our offices at P street there. When was the move made to 16th Street?*

DAN STEIN: Roger and Patrick Burns found this building, called the Embassy, at 1424 16th Street in 1983. When our lease ran out, there was not a lot of debate about staying in the townhouse, fortunately. The townhouse was very inefficient because of the different floors we had to negotiate.

JOHN TANTON: *It had four different floors, I guess, or maybe five.*

DAN STEIN: It just wasn't an effective location. So we found this top floor that we split with USEnglish, originally, and moved sometime in August of 1983. I remember going over there with Patrick and we watched the construction as the offices were laid out. Somewhere along the way, I wound up with one of the smaller offices, Patrick and Roger ended up with big ones, and so did K.C.

JOHN TANTON: *And what did you learn from that experience?*

DAN STEIN: I learned from that experience that it is important to be on the ground floor of office design. I didn't make that mistake again when we moved the second time.

JOHN TANTON: *So how were the offices on 16th Street?*

DAN STEIN: They were ... it was a charming, renovated old building next to the Foundry Methodist Church at 16th and P Streets. The Foundry Methodist Church is one of the oldest Methodist Congregations in Washington and had these wonderful old bells. It was founded by, I believe a gentleman named Foxhall, who owned a foundry in Georgetown at the end of Foxhall Road, which is now one of the most prestigious street locations in Washington. It runs through northwest Washington. The church itself was relocated sometime in the 20s or 30s to its present position on 16th Street. The church is mostly known for the fact that Roosevelt and Churchill shared adjoining pews during a Christmas service there, sometime during the Second World War. But about noon everyday, these very dramatic bells would go off, causing absolute chaos in the office. It was absolutely impossible to hear anything on the phone or to hear yourself think or talk. These bells would go off at about twelve o'clock to about 12:05, nonstop and you would have to sit there and wait until they ended. The building itself was built about 1910 and we had the top floor, so we got the roof leaks.

JOHN TANTON: *So was there an increase in efficiency, having everybody on the same floor?*

DAN STEIN: There was a definite increase in efficiency. It was, of course, by our standards at the time, a miraculous elevation in our professional environment and certainly for the first couple of years, it seemed to be actually luxurious by those standards. It had old radiators that clanked, and you had to drain them, and then the air conditioning system didn't particularly work well. But hey, what the heck, it was better than the townhouse, and we were grateful to be there. For some reason, by the fifth year, the place was horribly beat up. We must have been excited and energetic or sloppy, or one or the other because it seemed to undergo a tremendous amount of wear during the five years that we were in it. Whereas our present space is about six years ... we've occupied that present space about six years, and it doesn't seem to be wearing quite the same way. I think that it has to do with the age of the building and the fact that the walls collect dirt and dust more quickly when they are that old and that kind of thing.

JOHN TANTON: *Another interesting person on the scene at 16th Street was Richard Estrada.*

DAN STEIN: Richard Estrada came to us from the *El Paso Herald Post*, a wonderful human being, and, of course, a friend to a lot of us; Patrick Burns in particular. Richard has since gone on to distinguish himself not only as a familiar member of the current immigration commission, but a senior editorial writer and columnist for the *Dallas Morning News*. We all learned a lot working with Richard, as an acknowledged authentic Spanish voice. He showed a lot of insight into the politics of immigration reform and ethnicity. He worked closely with David Simcox to get the Center for Immigration Studies (CIS) off the ground. They occupied a couple of offices in the back together, austere working conditions at best.

JOHN TANTON: *I'd forgotten that, but CIS did start in those same offices.*

DAN STEIN: Yes, CIS was never a project of FAIR, but it was a bit of a spin-off.

JOHN TANTON: *That was about 1985 ...*

DAN STEIN: They were back there working, and it was founded with the purpose of providing an academic basis ...

JOHN TANTON: *I remember in particular having a role in getting that group started. I had visited the Andrew Mellon Foundation in New York City. The program officer there for population things was a chap by the name of Kellam. He said they never funded public policy groups, and the message was pretty clear that if any funding would come from them for the immigration issue, it would have to go into some sort of academic think tank-type thing, and that was part of the impetus of setting up CIS. Also, FAIR had done its own publications from the beginning, and the outside world could see that as sort of self-serving, so it was really for having a fairly independent group. Also, one that would not be so much on the firing line and have to respond to emergencies that came along each day, but could have a little longer range and view of things and do books and things like monographs that would be more substantive than FAIR could put out.*

DAN STEIN: Well, yes, there has always been an important role for CIS with its research-oriented profile and greater appearance of objectivity. Its reports have been accepted by the media and some members of Congress as authentic research; it's certainly as authentic as anything that the Urban Institute or any of the Ford Foundation groups have put out. So it plays a very valuable role, and has continued to develop as an independent organization and perform much of the mission it was originally designed to carry out. There remains a certain inherent tension in one area relating to CIS and that is, despite the fact that FAIR is known as an advocacy organization, it also has an obligation to itself, to the movement and to its donors and support base to have its own research component as well, and some people think that FAIR should eschew all research entirely and let CIS occupy that role, whereas I, and some members of the board, feel that it's vital that FAIR have a very aggressive function and that FAIR should be competing as aggressively as anyone else for those research dollars, and that our reports can add things that other reports simply don't and can't. So, by the formation of CIS, I don't think that the intention was to ever take away, or it was to make FAIR just a vessel for raw activism, but rather to fill a complementary role of providing research production without the advocacy freight.

JOHN TANTON: *Now after the Simpson-Mazzoli Bill passed in 1986, this was an effort that FAIR had put eight years and eight million dollars into, did the organization founder then; did it have a loss of a sense of direction? How did it go through the process of trying to decide what to work on next, other than seeing to the implementation of that bill?*

DAN STEIN: Well, there was a natural decline in momentum after passage of the bill, because, as always, when you have a single-minded target and it happens, there's a void left. Also, the news media feels the issue has been dealt with and they move on to other things.

JOHN TANTON: *There really was a news hole for six months to a year, wasn't there?*

DAN STEIN: There was a news hole; there was a lack of interest. The media with its herd mentality focuses on other things. Members of Congress say, "Hey, we did immigration. We're not going to do it again." That always happens after legislation passes. Well, we had lobbyists like Curtis Dean, Kateri Callahan, Simin Yazdegerdi, who later married Greg Curtis, who is known to all of us and has worked on the issue for some time, as lobbyists on behalf of FAIR and each of them in turn found that lobbying the issue was a very challenging, draining, emotionally difficult thing to do on a daily basis, and they eventually went on to do other things. But each of them in turn served a vital role at varying points in the effort to help make the bill a reality. The collective sigh came when the smoke cleared and the horrid shape that had cast itself over the continent was finally removed, and we were now to proceed forward with aggressive employer sanctions and get control of legal immigration. This meant that one of the big issues on which we built our support base, illegal immigration, was effectively off the table for the next five years, and it was until 1991. So, what do you do from 1987 to 1991? Well, in addition to having a bill to worry about that increased legal immigration, we had to dwell upon the likely implementation of the bill. We tried to influence that. Legislative implementation and oversight is not as sexy a task as far as members and donors are concerned.

JOHN TANTON: *And as far as direct mail goes, there was sort of a hole there, too, once the bill passed. That was one of the reasons that we said from the beginning that FAIR needed to be a permanent organization that could last through these sags and swells of interest to stick with it when the public's attention went elsewhere.*

DAN STEIN: The perception that the issue is solved and done with is one that nearly all issues have to undergo when they're being confronted and handled by the political branches of government. I think that FAIR had a particularly difficult structural problem in 1987, because the organization so early on in its development fell into the tractor beam of first the commission recommendations, and then the Simpson-Mazzoli Bill, that the institution itself was formed around enactment of this legislation. It was its single-minded goal for most of its existence 1986, so in 1987 it presented a challenge requiring a management overhaul, a dramatic shift in priorities. It was analogous to going from the production of one vehicle (twenty-million copies of the same vehicle, if you will) and suddenly having to move from mass-produced, low value-added consumables to a high value-added flexible system, much like information technology. We had to work on a whole range of issues all at the same time.

JOHN TANTON: *So this really reflected the change from illegal immigration being the issue to legal immigration being the issue.*

DAN STEIN: Right; much more complex. Well, between 1987-'90, FAIR really evolved during those three years as an organization that was really lobbying for a single bill in Congress to being an organization that was working on a variety of levels aggressively ... regulatory litigation, some lobbying, grassroots activism; we started messing around in a serious way with local chapters, affiliates, looking at the grassroots structural challenges. The staff itself, and Barnaby, remained involved; my knowledge was increasing. We had people like Pat Burns. We started to have some staff members with institutional experience, expertise that we didn't have in 1979 or 1980 and the product of the organization reflected that, as finally in 1979 we produced ...

JOHN TANTON: *Nineteen-eighty nine ...*

DAN STEIN: I'm sorry, 1989 ... we produced "Ten Steps to Securing American Borders," and then over the subsequent years, we produced a number of bona fide, internally produced research/advocacy documents that were, I think, and I feel by far and away, more sophisticated and in many respects more useful than anything we had published during '79, '82, '86 period. In the 1979-'86 period, we had several monographs produced; one of them was particularly good, the one that Roger published under his name called "Breaking Down the Barriers," addressing welfare use and illegal immigrants. But most of them were simply republications of earlier essays. Whereas now, the publications we're doing represent, some of them represent original research and analysis at a level that did not go on before. We also are having to pick our battles more carefully. We've fought a number of battles, some of which we've won, some of which we've lost, but by bringing the experience to the table, we are not deploying resources to pursue projects that have no chance of success. Whereas, in hindsight, there were a number of things that we did from 1983 to 1986 which had absolutely no chance of success.

JOHN TANTON: *What would some of those be?*

DAN STEIN: Well, some of the litigation that we tried to pursue, some of the rule making that we pursued. We retained high-priced external lobbyists with the expectation that they could produce things that they couldn't. There were some litigation-related things we did, that in hindsight had much less of a chance of success, meaningful success, than we thought they had at the time.

JOHN TANTON: *How good is FAIR's institutional memory now, so that we can learn from the past mistakes?*

DAN STEIN: Well, institutional memory is pretty good, it's pretty good. We had a board ...

JOHN TANTON: *Most of the members have been there from the beginning or early on.*

DAN STEIN: The institutional memory at this point is at the board level. The staff's institutional memory is pretty good; we've got a number of people who've been with the organization for years. It is difficult to retain people for long periods of time. The numbers of people who have been able to continue to work for the organization and support a family have been fairly small, but I think that the institutional memory of the organization is quite good. I think we've got possession of most of the records of the organization going back. They're archived, they're stored and they eventually will be put into a library.

Our greatest impediment to growth, in my opinion, remains not financial, but in the capacity to acquire, train and, retain really good people who understand this issue and can make things happen in a meaningful way. It's complicated!

JOHN TANTON: *You mentioned the structural changes; I think that you became executive director in mid-1988, and Roger Conner was made president then, you concentrated more on fund-raising. That was your biggest administrative job to that point, is that correct? What sort of problems did you have to wrestle with initially?*

DAN STEIN: When I took over?

JOHN TANTON: *Right.*

DAN STEIN: Well, one is I had to make some people, who were not expecting to report to me, report to me. That's always a big challenge, and I'm not sure it was entirely successful. Roger moved downstairs, in part, I think, to facilitate that. But the organization had been so closely identified with Roger from the beginning, not only internally, but also externally, that an awful lot of people, I think, thought that FAIR was likely to disappear, hit the skids once he started to move out of the picture. The most common characteristic about public interest groups is that they very closely reflect the personality of the director. LULAC, League of the United Latin American Citizens, played a major role in the debate of Simpson-Mazzoli, because it was represented by a flamboyant Washington lobbyist named Arnaldo Torres. He left LULAC in 1987 and was off in Sacramento. LULAC had never since then had any kind of visible role in the immigration issue, whereas La Raza got an aggressive, articulate spokesperson names Cecelia Munoz, and as soon as she got on board they became more visible. That's true of all public interest groups. Their visibility and success depends a lot on the charisma of the front man. A lot of people expected FAIR, I think, to become less visible and less prominent, and what have you, and it was a big transition. It was probably a lot bigger than I realized at the time; I didn't think that much of it. I was trying to, when Roger talked to me about taking over, figure out what my long-term plans were going to be. I had a baby coming, and all that kind of thing. So, Claire, my daughter, was born in 1987, so I had that consideration ... you know, a mouth to feed and financial considerations, and those kinds of things. So, I had to contend with those

things, and in some cases, those things took a number of years to work themselves out. But, they did, and then I had to discover all kinds of new and novel internal political things that I was not aware of before; I guess that I had been sheltered from them. And those things take a number of years to learn and figure out. But Roger helped to some extent, and with the support of the board and over time it seemed to have worked out reasonably well.

JOHN TANTON: *Well, you're six years now as executive director. What has been the hardest part of that for you, and what has been the easiest and the part you enjoy the most?*

DAN STEIN: The hardest part about being the director is the day-to-day emotional toll that the combat takes on you psychologically. The passion of the opposition and the sheer breadth of their variety means that you are constantly going up against a fresh enemy. I think that in debates, public debates, public television and radio debates, and those kinds of things, I can count on two hands the number of times I wound up debating the same person more than once. There are a limitless supply supported by these foundations and others all around the country, whether it's libertarians, they're all out there. And they have a whole range of very cheap, but effective, debating ploys, which can psychologically wear you down. The ability to sustain a high level of momentum, to not become overly conservative, in terms of risk-taking, to be afraid of taking a chance, of trying something innovative and new, and to try ... well, it's really been a major challenge!

The other thing, of course, is trying to make a board of directors happy. They all have different opinions on everything, and they don't all share exactly the same political philosophy. Each one of them looks at the issue somewhat differently, and I get a veritable raft of advice on these things from them, and I want to try to make them all happy. And you've got to consider the donors who are always giving you advice, and members who give you advice; and then you have staff to worry about who from time to time disagree with you. It's, and the fact that you have to raise your operating income every year ...

JOHN TANTON: *Well, what resources do you call on to put up with all this tension? Have you learned some techniques for not getting bothered too badly when you're called various and sundry four-letter names?*

DAN STEIN: Well, I'm learning a lot of techniques on how to handle the stress and the tension. I have to find ways of helping to draw down the tension, that's why I'm taking off some time this month for vacation. I couldn't do the work without my wife; she has devoted a considerable amount of her time on a volunteer basis to helping me with a range of these tasks. The organization has doubled in size since I took it over.

JOHN TANTON: *This concerns both budget and employees?*

DAN STEIN: Budget, employees; it's a much larger operation now. It has a field office in California.

JOHN TANTON: *What would be the overall expenditure?*

DAN STEIN: This year it's approximately three-and-a-half million. When I came to FAIR, my first year it was like 1.8 million, and when I took it over it was maybe 1 ... it was 1.8 million in 1988 and it was 1.2 million when I came to FAIR.

JOHN TANTON: *So that's \$70,000 a week?*

DAN STEIN: Yeah, and we're running a more aggressive direct mail program now. We have bigger membership services; we do a lot more grassroots activities, and there's a lot more going on. The external demands ... last year, we had some 3,000 incoming press calls. Sometimes, I think it's too much for one person to do at this point, but the fun part comes in being able to ... after all the management hassles and the external political issues, and running around trying to make all the board members happy and answer donor requests and make sure the deadlines are met, pitching for the money and everything else, ultimately, when you get that shot to have major influence. About three weeks ago, the Haiti issue was boiling over whether we're we going to invade Haiti or not. C-Span called up and wanted to know what we were doing on it, and I sent them my testimony, and they said "Why don't you come over for the call-in show tonight? We've got a guy from Miami named Guy Victor who is going to be on the satellite with you. We're going to take calls and talk about Haiti." Well, my good fortune, the satellite was all fouled up with the O.J. Simpson murder trial, so they couldn't get the other guy in until about forty minutes into the show. So, for about thirty minutes on a truly uninterrupted basis I got to talk not only about what our immigration policy is, or what we ought to do with respect to Haiti, but also about a whole broader set of issues, like why Haiti is a disaster, population-related issues, ecological issues, the cultural issues, the issue of how governments are formed and built, the base of true democratic institutions, why the framers have a senate in our constitution, why just handing out ballots doesn't create democracy, and all of this on national television.

To get that opportunity, you've got to handle the day-to-day hassles of trying to front a national political force that, unless you're a syndicated columnist in Washington, or you happen to have just published a book, with those kinds of opportunities of access to the public. It's gratifying to feel like you're making a difference.

JOHN TANTON: *It was once said that the mass of men lead lives of quiet desperation. You never obtained a chance to really enjoy things, so had the sensation and feeling that you're working on something important and that you're making a difference.*

DAN STEIN: Well, you're making a difference. You have to have the sensation of making a difference, in part, because by doing the work itself as visibly as I'm doing now, there are obvious professional consequences down the line. The controversy itself

means that you are less likely to be nominated for the Supreme Court, for example, and other kinds of things like that. Since you're not working in the private sector, you don't have stock option possibilities or profit sharing opportunities. The compensation for a lot of that comes from the opportunity to feel as though you have made a difference.

END OF TAPE 2, SIDE B

BEGINNING OF TAPE 3, SIDE A

DAN STEIN: It's gratifying to work on such an important issue at such a critical time in our national history. Very few people are privileged to have an opportunity like this. An issue of major national importance, one of the top five issues now facing the American people, and very few people are qualified and able to talk about it competently in all different fora. So it's a great challenge and a great opportunity. I think that motivates many of the staff that work for FAIR. We also have seen the issue itself change dramatically. When I first came to FAIR, we might have gotten fifteen or twenty press clippings a week on the issue from our national clipping service, Birrelle's. Today, we receive on average of 300-400 clips a week, and the sheer volume of public attention, the subject matter, has grown exponentially.

The acceptance of the issue itself and the recognition of the basic core problems, granted at some considerable national costs, means that you can now talk about the issue in ways that you simply could not when I first came to FAIR.

JOHN TANTON: *We had this rubric about the three stages of the immigration debate. The first one we called the Statue of Liberty phase when Emma Lazarus's poem was a sufficient answer to anything. And the second one, the caveat phase, where people began to think about it but felt the need to excuse themselves, so they would say "Well, I'm not a racist, a nativist or a xenophobe, but ... ". And then we talked about the mature phase. Do you think things are pretty well into the mature phase now?*

DAN STEIN: In the mature phase, people are recognizing that by all objective standards in the high impact communities all the factors creating quality of life such as occupancy rates, congestion, commuting time, air quality, crime, average educational attainment, wages relative to the cost of housing, available housing, all those factors that really make the difference in the quality of life are deteriorating. So, the problem is that if you assume that at some point down the line Congress finally declares a moratorium on immigration, and five-ten years will go by thereafter and everyone will forget about all the arguments or find again that they are not polite to raise, and then as we did in 1920, 10, 20 or 30 years later, everybody will either be forgetting about the issue, or those who oppose it in the first place, will be pillorying the historical memory in the record of those who brought it about.

JOHN TANTON: *Well, for those of us who see the immigration problem as driven by population growth overseas, the chance that any solution that Congress comes up with will last for very long is not very great, because the solutions that Congress comes up with are static in nature, whereas the problem is dynamic. So, we haven't met the automatic, almost certainty that no matter what solutions they come up with will be obsolete in a short period of time. What we really need to solve this is some sort of flexible system that can be adjusted to the demands that are placed on it.*

You mentioned before ... we talked about the relative roles of the executive, the judicial and the legislative systems, and the lack of internal balance and control, the one thing FAIR has tried to do is advocate the citizen's right to sue. That's never gotten anywhere, either, I don't think. But wouldn't that be one sort of check and balance that could be brought into the system?

DAN STEIN: I think a check and balance of that nature, if it's properly limited, could be a very effective addition to the arsenal. Unfortunately, we haven't been able to convince a member of Congress that we can sufficiently tailor the thing. And a bill that we drafted, it's going to be introduced by Representative Bill Archer from Houston this week, this coming week. We have our first version of the citizen's standing bill being put in. This, however, only allows local instrumentalities like counties and municipalities; cities to sue if there is a strong likelihood the immigrants are going to settle in their areas. It develops a formula that enables them to show it, and we're hoping that it's narrowly tailored enough to catch on.

JOHN TANTON: *Is that the sole subject of the bill?*

DAN STEIN: No, that's only one provision of about 10 titles. Now, this is another moratorium-type bill. Since we're on the subject of the moratorium versus the ceiling, no history of FAIR can be complete, I think, without a discussion of the role of the moratorium versus the ceiling in the selling of our case.

JOHN TANTON: *How did the idea of the moratorium come into being in the first place? One thing I've learned from organizational bites is that different people have different recollections about how things came up.*

DAN STEIN: Well, I'm certain it was your idea, John.

JOHN TANTON: *Well, I'm not certain that it was, but I do remember a meeting we had in Naples and a meeting with Sidney Swensrud before. Sidney was always pushing us to take stronger stands.*

DAN STEIN: Well, let me preface it by remarking that as press secretary, early on I became very acutely aware of the fact that provisions in the Simpson-Mazzoli set a cap on immigration, which was influenced by the select commission's recommendations in '79-80. Those provisions were virtually unknown to the public, and when Rodino knocked them out, there was no way to sell efficiently that concept to the public to try to rally support to retain it or restore it. It was apparent to me that the ceiling was a loser in the public relations vehicle. The reason was it didn't resonate. If you were willing to accept 300,000, well, who the hell cares if 100,000 more were added? I mean, what the heck! If you take 300,000, what's wrong with 400,000? And if you take 400,000, what's wrong with 800,000? Aren't you splitting hairs, and why don't you boys settle it amongst yourselves; don't bother me! It had absolutely no marketability as a concept.

You need a cap on immigration. Fine! We'll set the cap. It's like Congress setting the national debt cap. They just raise it every time. Fine, we'll set the cap at 20 million. Great, we've got a cap. Who the hell cares? So the cap was a loser from the beginning. I always believed that the cap was wrong, because it never enabled us to escape the burden of proof, which always rested with us to try to show that we should not become a nation of immigrants, and we should not be the world's refuge. We should not honor the Statue of Liberty. The burden of proof always fell on us to disprove the need for unlimited immigration by virtue of needing to put a cap on it.

Well, I didn't know what the way out of that was. There were board discussions and deliberations back in 1986-87. No, I'm sorry, it was later than that. When I took over as executive director, Roger had long resisted the cap expressly setting a number. I believe that was one of the things that went on. Mr. Swensrud, who from the very beginning couldn't see the need for any immigration, was pushing a cap, and so very quickly after I took over, the board meeting, March 1988, at the Embassy Row I believe it was, the board adopted quickly a ceiling number of 300,000. There had been some discussions before that where people had passed around pieces of paper at some meeting earlier what the cap ought to be, and Thad Rowland said, "a million," I think, but it was immediately after I took over that the board hammered me down into a cap number. I didn't really know what it all ultimately meant from a public relations standpoint. I could never explain the cap, even when on a radio show. Why do we need a cap? Well, we need a cap because ... immigration is unlimited and we need to limit it. It didn't provide any platform for advancing a basis on why you needed to reduce immigration.

JOHN TANTON: *So the moratorium concept would have been more understandable?*

DAN STEIN: Well, yeah, I mean, what we did was we ... there was inherently initially board resistance to what was happening in Naples in 1992 ... some board resistance to what Sidney Swensrud was pushing at the board meeting in early '92. Alan Nelson, a former INS Commissioner who worked for President Reagan, was at that meeting. He now worked for FAIR. The board was there, and everybody was listening to a paper that Mr. Swensrud had prepared basically concluding that we don't need any immigration, this ought to be our position, and he had been pushing that for a number of years. There didn't seem to be any obvious resolution to that. I think Al Nelson was against the whole idea, as I recall, and spoke earnestly against it. And I think you were the one who then came forward and suggested that we ought to think about the notion of a temporary freeze or moratorium. And there was a lot of discussion, and I don't think I participated that much at the board level in discussion until the very end. But I spent a lot of time thinking about it from a PR standpoint, and somewhere in the course of the meeting it hit me that this was really a great turn of events, that the moratorium concept really overcame the problem, the structural problem of the ceiling concept.

JOHN TANTON: *And why is that?*

DAN STEIN: Well, the reason is that the moratorium, because it's sold as a cessation of immigration and not a cap, shifts the burden of proof onto the opposition, the proponents of immigration, to prove why it's needed at all. From going suddenly from a position of having to disprove the status quo, the opposition now has to explain why it is in the national interest to keep immigration going. Why don't the proponents of the moratorium have the burden of showing why it should be ended? Because if you argue a ceiling, you are arguing for immigration but only a lesser amount. But if you are arguing, "Look, this is the end of the age of immigration. We need a moratorium, we need a time out. We don't need immigration; after all, why do we need immigration?" The opposition has to come forward to disprove the idea.

If the question then gets propounded ... it worked beautifully on the *Today Show*, July 3, 1992, where, when Katie Couric did the usual set-up job on the *Today Show*. You know, there's the Statue of Liberty and Ellis Island, on Governor's Island with the Statue of Liberty behind us, and she says, "Yes, well, we're a nation of immigrants and isn't it wonderful, but now ugly mood, ugly mood. People are saying we don't need immigration, we've had enough! What do you think, Dan Stein?" And my exact words were, "Katie, there's no question that immigration has played an important and historic role in the development of this great nation, but it's time for a change. It's time for a timeout, or a freeze, or a moratorium on immigration. Just as we've always had when we've had a large wave of immigration and a long pause, or a timeout, to absorb and assimilate those that come before, so we again need one to take a timeout or freeze; we simply don't need and can't withstand much more immigration right now." And she turned to Cecelia Munoz from LaRaza and said something to the effect of "Well, what's wrong with that?" And she's, "Well, you've got to remember who you're talking about. These are mommies and daddies, and vanilla, chocolate and strawberry" ... essentially weeping on camera. That's what they do...weep, when they're confronted with the moratorium.

So it was obviously apparent to me and it was proved there and many times since then, that you control the whole debate with a moratorium. Show me why we need it. To fill up the continent? To project across the wilderness? Tell me **why** we need immigration. Suddenly, everybody discovers "Hey, guess what! We don't need it."

JOHN TANTON: *That's part of a lawyer's training to shift the burden to the other side. Whoever has to answer the question loses; whoever gets to ask the question wins in general in debate.*

DAN STEIN: Right. And although there is still an inherent desire within the American people to want to see immigrants trying to get here, whether we are willing to admit it or not, Americans really groove on leaky boats full of desperate people trying to come here. They don't want them to get in, but they want to see them out there trying. It's a vindication of the superiority of our country and our system. It's a statement to Americans that they need not think about going anywhere to improve their life's aspirations. After all, everybody wants to come here, so why think about moving?

JOHN TANTON: *There was a recent article, I think it was in Money Magazine, about highly skilled Americans who are leaving the country. I saw a memo that you wrote on that thing. This was a very interesting development. What's the potential in that story and that movement to change American's view of their country and how desirable it is?*

DAN STEIN: I think that there is a lot of evidence that you lose the best and the brightest while you're taking in a lot of immigrants. You're cutting off yourself at the knees. It has great implications for... .

JOHN TANTON: *Well, what are its public relations, or its public perception potentials as far as the immigration debate goes?*

DAN STEIN: Well, if you can successfully tie it in, I only used it publicly once so far and that was for the International Platform Association a few weeks ago. It was an older crowd and they were very responsive to the dangers involved in that. It's bad enough that you've got an immigration policy that's out of control, you're admitting too many poor, illiterate, uneducated people, but you compile that with the fact that you're driving out the best and the brightest because they have no place to send their kids to school and they don't want to raise their kids here. It makes people realize how quickly we are hurtling towards Third World nation status.

JOHN TANTON: *Back when FAIR started up, we had this idea that coalition was one way to approach the issue. I recall the year that I spent in Washington; we had a number of meetings to which we tried to have union groups, conservation groups, anybody else we could think of who might be willing to work with us on the immigration question. That all came to naught, I think is the truth of the matter. What do you think the role of coalitions is in immigration reform?*

DAN STEIN: Well, there's no telling how the political dynamics of the issue may have changed down the line. But today the evidence is that a lot of mainstream and traditional organizations, like the Sierra Club and Veterans of Foreign Wars (VFW), have a very difficult time dealing with the subject. They sometimes will pick off a little bite of it, thinking of population growth dynamics for the Sierra Club and the law and order issue at the border for the VFW, but ultimately very few, if any, established mainstream organizations are willing to engage the subject in any meaningful way. We have the spectacle in California, the state initiative having qualified for this November's ballot. It's called Save our State, and it would primarily affect the benefits that illegal aliens are entitled to. And even though the ballot initiative qualified by some 100,000 excess signatures and was the most successful volunteer-conducted signature campaign in the history of California balloting, and showed public support as strong as Prop 13 did years back on tax-cutting, there has not been a single, regular mainstream organization in the entire state of California to endorse it.

Now there are some local immigration-related groups, some of which we helped get going, that have endorsed it, and some of the chapters of Ross Perot's fledgling grassroots activists, United We Stand, they support it. But you do not have a single mainstream entity. In fact, what you have are a lot of the institutional entities and they are very emotionally opposing it. You have the LA County Board of Supervisors voting to oppose it; you have Santa Barbara County Board of Supervisors opposing it; the NEA, the usual groups, the Catholic Church, there are some other teachers' unions, bilingual educators. They're all weighing in heavily opposed to it, along with the ethnic groups. That alignment, where the mainstream organizations are terrified from dealing with the issue, and this continues on a national scale and in Washington. It's really a national tragedy. Few issues are so universally disregarded by mainstream organizations as immigration policy is. It's complex, it has multi-dimensions, and the most important characteristic of the issue is that it frequently divides houses against themselves, because there is often internal dissension about the basic core issues within your board, so people just don't touch it, leaving much of the playing field to us.

JOHN TANTON: *So, the idea of forming coalitions is the way to approach this, which is probably a chimerical.*

DAN STEIN: It's chimerical to date. Our ability to change that dynamic will only come about through a sustained national public relations campaign, which would include a lot of paid advertisement over many years to bring basic facts to the American people. The only way you're going to change it is from the bottom up, against grassroots members like Sierra and Audubon, and the population groups to some extent, maybe some foundations down the line if those grassroots members push and demand that these organizations address the situation in some way. Certainly it's not as promising as all of us had initially hoped, and remains a continued source of frustration. In terms of coalitions and ZPG: The opposition you can understand because they are committed to a knee-jerk agenda and it's easy to see why unrelated organizations might want to take a powder on a very controversial issue. But why an organization that is supposed to be dedicated to population issues is unwilling to deal with the most direct manifestation of the consequence directly on the lives of the people who support the organization, it's not only inexcusable, it's downright unpatriotic!

JOHN TANTON: *Well, that's another study of how organizations get subverted to co-ops. It comes down to the fact that the executive director there, Susan Weber, doesn't like and can't stand the issue. She has been able to solidify her position there by getting board members to go along with that. So, the chances of doing something with it are quite slim.*

How about some of the other groups that are active in the immigration field? Is there anything you would like to put on the record about any of those, for instance Population Environment Balance needing environmental funds? It was started in 1972, seven

years before FAIR and has worked on the issue. A lot of these groups work in different ways than we do today. Do they have niches that they are fulfilling?

DAN STEIN: Well, there is a niche that they do fill. It's important that there be a bona fide and pure environmental population group out there that addresses a range of issues, including immigration, and it's important that their public profile reflect that full range of issues because of the immigration component credibility. We need those organizations to be out there. The challenge, whenever you're dealing with an issue for which there is already an ample supply of organizations, is to find money and support. Those organizations tend to be run by very young professional staffers and are primarily directed out of San Francisco by one of the board members. They've done some very important work for the cause.

JOHN TANTON: *How about a group like Negative Population Growth?*

DAN STEIN: They do regular and persistent advertising in some of the think magazines and publish important reprints of a lot of good thinking. They play a valuable role. They need to be out there. It would be nice if they were bigger; it would be nice if they were more aggressive, and it would also be nice if they spent a little more time on the issue. But ultimately the reason FAIR was able to testify and why we always get the opportunities to talk on the issue is because we've got the internal expertise to respond immediately to every issue that comes down the pike. Ninety-five percent of the immigration-related news stories are going to involve arcane enough issues, or technically complex matters and organizations that can only work on this issue two-five percent of the time are certainly not going to have the expertise to make a credible comment.

JOHN TANTON: *How about a group like the American Immigration Control Foundation? Now that's avowedly conservative and has a harder bite to its newsletter and message. On the other hand, they do put out a number of publications, hardbound publications and longer works, and so on. Any comment on the role of groups like that? They don't do the type of lobbying and work that we do. That's not what they're set up to try to do.*

DAN STEIN: Hey, there's always room for all kinds, and there's plenty of opportunities for their mail to be out there educating the public. I've always believed that the issue can be won by appealing to the common sense and self-interest of most of the American people. If we engage in rhetoric that needlessly divides groups, allows cynical, self-serving ethnic leaders to a sense of ethnic pride or ethnic insult or justice, we're needlessly giving political ground and providing them with organizing opportunities. They're going to make the task much more difficult.

Our opposition has done a lot politically to bring about the existing situation in America by working behind the scenes, by passing little-noticed, little-known amendments that have had long-range, large consequences. Much of what we need to do has to follow

the same pattern. But you also have to convince people that what we're doing is everybody's best interest. I think that some of the material today I see them send out provides fodder for the opponents to organize their troops. But they appear to be trying to temper the language in most cases so they don't get opened too much to the charge and they've sent out some fine books, publishing their books and they're out in the mails a lot. An awful lot of Americans hear about the issue who would not otherwise.

JOHN TANTON: *Well, the direct mail people like to call it direct mail advertising rather than fund-raising, so I suppose it is in a way like running an ad in a newspaper to which you many times don't get any response, but it does fly the flag.*

Well, looking back over the fifteen-plus years, or nearly fifteen years, I guess it is fifteen years now that FAIR's been, and in fact it's clear with first Roger and then yourself, a lot of what we've tried to do has been in the public relations, publicity-type area. How do you see the balance of what's needed in the near future? Do you think that there's any reason to change that emphasis at all? Do we need to do more work in publications, or do more substantive publications in the sense of longer works?

DAN STEIN: Well, actually, the truth of the matter is that from our budgetary standpoint the amount of the money that we invest and time we invest in public relations is not disproportionate to what we are investing now in litigation, lobbying, research publications, administration and field grassroots work. The public relations is much more successful apparently than others. I think in part that has to do with the tone that Roger set early on for ideas that have been instilled, and I think that some of it has to do with the fact that I got such intensive public relations training from such a seasoned expert early on in my career. I try to use those lessons, and I think I have the advantage.

But we are having a good deal more success lobbying in the political environment, because now suddenly members of Congress want to hear our message in the way they did not want to five years ago. They are now hearing about the issue from their constituents. For the first time, FAIR is regarded as an organization representing the preponderance of the mainstream. We have a message that is supported by voters and constituents and it has very dramatically changed the receptivity of our message. This is an environment we've never had before. We certainly didn't have it in '89 in our forlorn effort to try to stop the '90 bill and we didn't have it in '85.

FAIR has been since 1992, to a large extent for the first time in our history, advancing the agenda around a framework we have created. Because we have been trying to give shape to a broad expression of public concern, most of which we had little to do with creating. But it creates a new environment for us to deploy lobbying resources and gives us a better justification for expending those resources in lobbying. Thanks to the fine work that, well, of course, Sharon is volunteering to coordinate the lobbyists. We have Wright Andrews doing work for us, drafting legislation. We have you, Jennifer Singleton. Of course, Jim Dorcy's with us as a thirty-year veteran of the Department of

Justice and INS and lends his expertise. We are now able to draft and initiate and have introduced comprehensive, freestanding legislation of the type that we haven't seen in Congress for seventy-eighty years, and certainly didn't have in the early years of FAIR. So thanks to generous gifts by Janet Harte and some others, we've had the resources to put into the lobbying program to make these things happen. When you have no effective coalition support as FAIR does not, and have assistance only in the research end, you quickly realize that you have to become a full-service shop, a full-service operation. So there has been, and continues to be a need for FAIR to do basic research. Assembly jobs of existing data, report compilations, republication of important literary contributions, things that are of groundbreaking significance in the field of journalism.

We are reprinting this year a book by Garrett Hardin with some of his best writings, including some which have never been in print or have not been in print for years. We are producing an updated version of our groundbreaking report about securing America's borders. This one's going to be called "Ten Steps to Stopping Illegal Immigration," or "Ending Illegal Immigration," more comprehensive than the first. That's going to be a very exciting book. We're working on a book that shows the relationship between immigration and coastal crowding, and one that shows the impact of immigration on the American family.

There's much more that needs to be done. FAIR needs to double or triple the size of its basic research arm. It needs at least another one- or two-million dollars, two-million dollars a year, to document the material that we are bringing into the organization for repackaging for external use and consumption. We package information better and more effectively than anyone else in the business, and that's a standard that we need to set and keep. The area of grassroots and field has been a very interesting one through four or five years of trial and error. We've tried affiliates, we've tried paid professional staff out in the field; we've tried a number of different models, most of which have not been successful, but not having anything else really to rely upon, the only thing we can do is try. We've now gone toward the model that relies upon providing basic information to empower local groups, which we encourage to develop and then try to promote them and set them off on their way.

JOHN TANTON: *There's a story about Franklin Roosevelt being called on by a delegation who wanted some measure adopted, and Roosevelt's comment was "Well, I agree with you. Now go home and lobby me, and make it possible for it to happen." So, what's your current sense of the relative importance of the stage we're at now in terms of trying to work on the legislature and pass things, as opposed to work at the grassroots that's going to make it possible for Congress to act on these measures? What's the balance between ... we need efforts between those two areas, general public education.*

DAN STEIN: The technology of general public education is changing so rapidly that there may be ways of redeploying our resources to have a greater impact on the Congress with effective grassroots public education that might not have existed five years ago.

JOHN TANTON: *What are you thinking of, radio talk shows?*

DAN STEIN: Radio talk shows, grassroots faxing, the relationship between local activism and radio talk shows, radio advertising, some print advertising. We are seeing new ways of getting to people, various information computer networks. We are seeing a revolution in telecommunications and communications technology at a time when the public ears are opening to our message. And the balance between how we deploy those resources is probably changing all the time, and we need to be always testing the contents. To my way of thinking, the amount we are investing now in lobbying, assuming that eventually we have to replace Sharon with a paid person, we need some additional resources for lobbying, but we really need more resources for basic education in grassroots.

If we're going to win this thing, and we're going to have a victory that has real staying power, we have to convince the twenty percent of the American people whose opinion really matters in this world, that we've reached the end of the migration epoch, that immigration is really not a phenomenon that is in the national interest, that same factors that can lead to the success of a nation or an entity can also lead to its demise. That immigration was an idea that outlived itself. That has to be something that people are ready to hear. We are not pushing Simpson-Mazzoli anymore. We are pushing, trying to push a major revision on how Americans perceive themselves and the role of immigration.

JOHN TANTON: *You said that you thought the proportion of the American public that had to be reached that made a difference was twenty percent. I remember hearing the saying that in life one percent of the people makes things happen, nine percent of the people watch things happen, and ninety percent of the people look around and say, "Well, what happened?"*

DAN STEIN: Yeah, that was before radio talk shows.

JOHN TANTON: *You think radio talk shows are really making quite a difference. I never have occasion to listen to them myself, but many of my friends apparently do and feel it's a real new political force.*

DAN STEIN: Well, Sharon Barnes is always talking about how the new communications technology is flattening organizations, and making them less hierarchical. There's a lot of evidence that's happening now nationally, and you see with a greater capacity for plebiscites or a referendum that can take place when a national talk show host demands everybody call in to oppose something or support

something, there is a great deal there that is spread out more broadly. I think that helps our cause. I think that in this particular issue, unlike many other issues of importance, but in this particular issue the democratization of the process helped us. The truth helps us when people get an honest assessment of what is going on. I believe that our position is unassailable in all respects. If we can just get it out there, the common sense of the American people will prevail. That must make me an optimist! I earned my salary the week I was up in Baltimore with Sharon on a show that Kweisi Mfume

JOHN TANTON: *He's a member of Congress?*

DAN STEIN: He's the chairman of the Black Caucus. A member of Congress from Baltimore and one of the most aggressive rising young stars in Congress actually. He's very influential with the Clinton Administration, pushing their policy on Haiti. He's articulate and, in an earlier life, he was, and continues to be, a talk show host. When on the talk show, I was on a panel with five opposing people, and during a commercial break an African-American gentleman pointed to me and he pointed to someone who agreed with me in the audience and said, "You guys are racists. These are Black Muslims, followers of Louis Farrakhan." Well, my initial reaction was, first of all the camera might still be on, it doesn't matter because the mike's on, but I looked up at him and I said to him, "Look, you give me thirty minutes and I'll turn you around." And the truth is I meant it. I honestly believe that if you give me thirty minutes with anyone who is at all willing to listen to the reality, they will come around. And I see that more and more now.

I think that the greatest fear the opposition harbors is that we will be able to get our message out to the broad public over the next five to ten years. There is, as a strategic matter, a real need for us to be doing focus groups to study the psychology of how our message is received, how it is processed and viewed by different segments of the public so we can better develop our message and develop the ads for different kinds of market segments. Also, every time you are disturbing the organizing mythology of a person's lifetime, there are going to be some segments of the population that will resist your message only because you are challenging deeply held views. How you get around that is something that needs professional advice, and we need input.

JOHN TANTON: *You raised a couple of other interesting things to talk about here. One is the issues themselves, and how they've changed over the last fifteen years. FAIR came originally out of the population and the environmental movement, and we talked about those issues plus jobs, and that was really the main thing that was on the table back then. We learned after a period of time that population and the environmental issues, in particular, didn't seem to take the debate anywhere, and with the advent of the bilingual issue, as manifest by the formation of USEnglish in 1983, the whole question of culture began to come into this, and I suppose we reached some sort of apogee with Pat Buchanan's raising the issue in the presidential election last time. Where do cultural issues fit into the debate at the present time?*

DAN STEIN: There's been a lot of movement within the libertarians, neoconservatives and paleoconservatives in the last couple of years. No one who has studied this issue can fail to recognize the enormous movement that has taken place within the *National Review* and within neoconservative circles the national interest commentary, as well as in the area of what we call New Deal Democratic, Rooseveltian-type democratic thinkers, Arthur Schlesinger at one hand, Nathan Glaser, Eugene McCarthy, George Kennan, Paul Kennedy, Samuel Huntington. There has been recognition in among this group (granted they're all white men, older) that no nation can cohere if the fundamental assumptions of the population are no longer relevant. The paleocons obviously uniformly still believe that the south should have won the Civil War and that the basic principles of states' rights that prevailed in the speeches of John Calhoun ought to be restored. Pat Buchanan is probably their most articulate representative and it's a nice thought but probably one that is so backward looking that it's dismissed out of hand at this point.

The neoconservative community, which seems to be forging links with the New Deal Democrats is recognizing that multiculturalism represents a threat to the assimilationist forces of American institutions, and while immigrants might bring along a lot of nice qualities like they're pro-family, they pray ... at the same time, they say, "The institutions of our nation are so destructive of national cohesion that we really need to take a break on immigration until we get that fixed." And the *National Review* falls somewhere between those two. The *National Review* straddles the paleo-and neocon lines depending on who's doing the writing. The question of rapid demographic shifts and rapid ethnic shifts is being raised still tentatively. Nathan Glaser says that is not an appropriate basis on which to restrict immigration. Obviously, Peter Brimelow does and so does Pat Buchanan. A very influential writer, William Buckley, recently wrote a column where he said "It's not appropriate, as Pat Buchanan did, to make a distinction between Zulus and Brits, and inferring that one is more desirable than the other. But it is fair to say that if one group of immigrants speaks our language, has a good education, and a basic understanding of the framework on which our civil institutions are based, while the other group is illiterate in any language and practices animal sacrifice and voodoo, and doesn't speak the language and doesn't believe in trial by jury, ...

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... and doesn't have a firm grounding in all of the western traditions that make up our culture, then it's obviously easier to assimilate one group over the other. "

JOHN TANTON: *So they said about the same thing in a different way.*

DAN STEIN: Well, Buchanan's is a sound bite, but Buckley is concerned about tone at this point. Tone is really where it's all at. The way in which Buchanan made the remark obviously suggested that he thought Zulu culture was inferior to British, hardly a controversial proposition, but if it was made in a way that sounded insulting and is politically incorrect, it suggests that there is a difference between cultures, and he was attacked universally. So, the fact is that they're getting out there though and they're getting attention. I think that the most exciting developments have been within the neo-Democratic and neo-conservative fields, and paleo-conservative views along there and they have really shifted. It would be interesting to see whether or not either political party occupies enough space on the issue to prevent a paleo-con political wing starting to pick up votes at the polls; because that's what's happened in Europe in these cases in the last four or five years. There's no reason why that should be allowed to happen. I don't think anybody in this country is clamoring to scoop up Haitians and bring them here, or to scoop up Rwandans and Somalis or Nigerians, or anybody else for that matter.

JOHN TANTON: *Yugoslavs, ... Bosnians?*

DAN STEIN: Much of the political debate is going on through political action now. Actions speak louder than words. The forces that would criticize the American political apparatus in not bringing in all the Haitians that want to come are silent., as long as there's a possibility they might try. Once the impact of whatever problems there are have settled down and the migration forces brought back under control, then knee-jerk liberals will start attacking the Clinton Administration for its heartless policy of turning back Haitians.

JOHN TANTON: *Because they no longer have to worry about them coming?*

DAN STEIN: Exactly. It becomes an abstraction, very similar to those people who say that the Holocaust of World War II could have been prevented if Franklin Roosevelt had let all the Jews come here. It's utopian assertion based on non-reality. Unfortunately, a key part of preserving the history, movements like ours, is to try to insure that the context within which we are operating is framed and inculcated or transmitted down the line. It's easy to have a distorted view of events or decisions that were made by applying contemporary standards to individuals years later. That's one of the biggest problems with history today. So, I think that down the line, all immigration history will be written in a way that leaves you with the impression that the movements restrict

immigration – restrictionist impulses ... that all these irrational impulses were a response to nonexistent threats. The threats were all written out of history books.

JOHN TANTON: *The program by William Langwethy ... what program was that on?*

DAN STEIN: It was called *Front Line*.

JOHN TANTON: *Back to Mexico. One of the points he ended that program with was the old one about how immigration always worked out in the past; it always worked out in the future. That ignores the fact that when people were concerned about immigration in the 1910s and 1920s they actually took some action and changed things. They reduced the numbers that were coming by approximately eighty to eighty-five percent from about a million a year down to 150,000 a year. I thought that was rather like the pilot of a small plane heading in towards a thunderstorm. He says to his passenger "I'm afraid if we fly through this thunderstorm we're going to get the wings torn off. So I think I'll fly around it." So he changes course and flies around it and comes out the other side and the passenger says, "See, you were not real concerned about things that didn't happen. We didn't get the wings torn off." Well the reason they didn't is because they changed course. The Americans changed course in the 1920s. They cut immigration down, and then the Depression and World War II intervened and reinforced that effort, so things did work out after a fashion.*

DAN STEIN: You once told a joke about a guy who drove into town and he got a little lost and wound up not paying attention, and he hit a dog. He went into a local store [I'm not sure I remember it exactly, John] and he said, "Gee, I'm really sorry. I just came into town and I hit a dog out there in the street," and the guy asked him "Well, what did he look like?" The man made a face like he was dead. "No, no, no, what was he like before he died?" The man tried to mimic a dog with his paws waving looking like he was about to get hit and which is a great shock. Well, the past movements of immigration restriction have always been portrayed as a dog just before he was about to be hit, but the car is removed from the scene. So it portrays an irrational response to a nonexistent threat. Of course, it looks absurd and stupid.

JOHN TANTON: *And since history only has one court, like the laboratory, you can't run two parallel experiments and see how it works out.*

DAN STEIN: Except that we've now shown that if immigration had been since 1800 as high as it has been in the last five years, our current population would be about 2 billion people, so obviously there was a threat. Obviously there was something at stake. But anybody can sit back and be Monday morning quarterbacks, like the people who were criticizing Winston Churchill. It's easy forty years after the fact to sit there and second guess what should have been done. But it's also bull.

JOHN TANTON: *A minute or two ago you mentioned the question of the Holocaust and whether admitting the Jews to the United States would have avoided it. I recall a*

meeting, I guess a year or so ago, you made the offhand comment that we weren't going to win this fight without the Jews. And certainly Jewish opinion is an important opinion in this country, and I think most people would feel that in general Jewish persons have been on the opposite side of this question. Can you enlighten us at all on the whole question of Jewish opinion and how it needs to be worked with, or how important it is?

DAN STEIN: Well, it's important because it's influential. Jews are very influential in America; they're influential because they're well organized around some fairly narrow causes. They need protection and may need some help with the State of Israel and they have very single-minded objectives around which American Jews have been rallying because of the apparent state of peril Israel always finds itself in, and this constant danger can breed violence. There are great fund-raising opportunities and great possibilities for political clout. But most American Jews are convinced, in my opinion, that the door has to be held open for other Jews. And while some of the Jewish organizations are nominally formed coalitions, Islamic groups or black groups in some sympathetic bonds that are downtrodden, most American Jews are no less concerned about the future health of the United States. What good, after all, is the United States if nobody wants to live here? They are as mixed in their emotions about immigration as everybody else. But the institutional organized forces are quite jealous, and so they want to maintain current legal immigration and refugee policy in the event there were an invasion of Israel so they would have someplace to go. Senator Dole was just talking to me the other day about the fact that he met with some prominent Jewish organizations and made it quite clear that they – gratuitous comments – that they want something done about illegal immigration, but they made it abundantly clear that it was not legal immigration they wanted to see change. And I interpret that to mean refugee policy. But the only way that we're going to ultimately swing that issue around in a way that's going to be ... is to begin with basic public education about the nature of how the system has to be fixed to make it more responsive for what the American people want. Are we going to be able to forever change their views on the role of refugee policy as it relates to the Jews? I don't think so. But there's clearly a lot of room for getting the support of some of these areas like secure ID and better border control, maybe even ultimately getting them to distinguish immigration from refugee policy and arguing that refugee policy should take priority when it's set off against a reduced immigration policy. There's enormous disagreement about this and things like a big wave of Arab-related terrorism in the United States or a major terrorist incident, could have a big effect on Jewish opinion. As Muslims and Arabs gain demographic preponderances, as they are

JOHN TANTON: *In the United States.*

DAN STEIN: ... in the states like Michigan where they are becoming a political force to be dealt with. So American Jews are not much different ultimately than any other special interest groups. But they are one that can be very influential.

JOHN TANTON: *It's now Sunday morning, the 7th of August, 1994, and I'm still talking to Dan Stein about his background and about FAIR. Dan, in the twelve years you have been with the organization, there's been a substantial change in the intellectual climate surrounding the issue. Can you tell us a little bit about that?*

DAN STEIN: There's no question that the sea of change in American public opinion that has taken place in the last two-and-a-half years has been a turning point that we've not seen in, certainly in any of our lifetimes as Americans. You've got to go all the way back to 1893 when the Panic of '93 caused a very dramatic drop in immigration from Europe as a result of the loss of confidence and a multi-national economic recession to find a real, real similar parallel example of what we went through in 1991 and 1992. But, of course, back in 1891 there was no Great Society; there was no New Deal, and there were no fiscal and financial implications of immigration on state and local taxpayers.

Now immigration was brought down in 1921 and 1924, it had also been substantially reduced by the onset of the Depression. It remained low through the Depression, through most of WW II, and after WW II up until really about 1970. So, the rapid escalation, coupled with the development of the Great Society bureaucracy and apparatus led us to a very critical period by the early 1980s when the public was clamoring for something to be done about immigration. That clamoring was responded to with the Simpson-Mazzoli Bill. The Simpson-Mazzoli Bill, which should have put a cap on immigration, and did not, nevertheless created a sense, after having been enacted, that the issue had been dealt with. At the same time, between 1988 and 1991, or 1990, the very end of the Reagan years and the early Bush years, the economy went through a very extraordinary phase, fueled by high defense spending, where there was an enormous demand created for white collar employment. The complimentary blue collar and service sector employment in California and other places, coupled with the perception of having dealt with the issue, put the immigration topic on the back burner, even though the major forces which led to it emerging as a national issue in 1991, really continued unabated from 1986 all the way through 1991, and, in fact, they probably were escalating.

JOHN TANTON: *So those major forces were?*

DAN STEIN: The major forces were an increase in immigration to a level which challenged the capacity of our job markets, schools, hospitals, everything relating to our national infrastructure. They challenged the capacity of the nation to absorb them. When the recession finally hit, and we went into a return to normalcy by 1992, the forces were in place to create the largest immigration backlash that we've seen in our lifetime, and it was as a result of the artificially created distortions from 1986 to 1990 that we saw this dramatic change.

JOHN TANTON: *Part of the change there was cultural, too. I'm thinking of the language issue in particular which became a hot issue in the late 70s and grew all*

through the 1980s, and as it has turned out from our experience, language is a much more immediate concern. Even though it's an effect rather than a cause, it's the type of thing that many more people can identify with.

DAN STEIN: Absolutely right ... language and religion, and I guess the bilingual issue continued heating up through the late 80s, even though the immigration issue was not hot at that point. But between 1991-92 we saw almost ... it was as though we were watching a major shift in the future of the American destiny, to see the dramatic shift in public opinion that took place. Before 1990, early 1991, public opinion polls suggested that the American people generally wanted illegal immigration stopped. Depending on where they lived, they felt either strongly about it, or they didn't really feel strongly, but agreed that it should be done. Legal immigration, on the other hand, was something that people felt, "Well, it's been good for the country, and we probably ought to continue, but we shouldn't increase it any, certainly not."

JOHN TANTON: *And the numbers in early the 1980s were a lot smaller than they are now.*

DAN STEIN: And you saw that continue through most of the 80s. Then what you suddenly saw happen in 1991-92 was the change in the general center of the public opinion from that position to the new position today, and the current prevailing position is immigration might have been good for the country in the past; but it's not helping the country now. We need to reduce it, all immigration. And you've seen this shift in the center; you've seen poll results in the Bay Area, places not known for conservatism particularly supporting these points of view. That course shift in the American center has been the most significant event in this debate to take place in the last several years. Probably the most significant for FAIR ultimately, and in the long run for the whole movement.

JOHN TANTON: *What role have intellectuals or academics played in this switch?*

DAN STEIN: Intellectuals have played a key role in forging new ground in a range of areas. Of course, the major turnabout by the *National Review* precipitated in part by the fact that William Buckley finally began to weigh in on the subject in 1992. Having barely written on it for twenty-five years, he finally came down on the side of the angels (our side) with a very, very dramatic statement on the situation in Haiti, and has since evolved into a position where he endorses a moratorium, which had a great influence on the editorial positions of the *National Review*.

JOHN TANTON: *Who else weighed in?*

DAN STEIN: Peter Brimelow, who is a senior editor for *Forbes Magazine*. He, himself, is a British immigrant, but he brings a lot of scholarship, and certainly a willingness to wade into the issues of culture, race and ethnicity in ways that most people do not. In fact, in a book just published, or being published, his major criticism of FAIR is that it is

not willing to deal with the cultural and ethnic issues, that we have been confining ourselves to population, environmental issues, and jobs. But he says that's understandable because, after all, that's why we were founded.

But I don't think that's a fair assessment of what we have done, because we have helped play a role in development of a lot of the cultural debates and understandings, even though we ourselves haven't necessarily been at the forefront of them. Larry Auster wrote a book called *Path to National Suicide* which relied heavily on data and research that we helped him provide.

JOHN TANTON: *And was largely about cultural issues.*

DAN STEIN: It was largely about cultural issues. That was an important book. Eugene McCarthy put out a book called *The Colony of the World*, which talks a good deal about cultural hegemony, the result of international immigration, and it would be an understatement to say that we had a good deal to do with its editorial content.

JOHN TANTON: *The longest running publication, periodical publication in the United States is The Atlantic Monthly. What role has The Atlantic played in this?*

DAN STEIN: Well, *The Atlantic* has been really in the forefront of publishing groundbreaking articles beginning in 1992. There was an article by Jack Miles called "Black Versus Browns" in the wake of the now infamous L.A. riots following the Rodney King verdict ... the first verdict. That was when Jack Miles, who is an *Los Angeles Times* editorial writer and well-established liberal of unimpeachable credentials came down on the side of our moratorium. We announced the moratorium, by the way, in April, 1992, and we did so with great fanfare after having first conducted a Roper Poll to determine public opinion on the matter. The moratorium, as we discussed in some of our earlier interviews, was a major sea change in that we shifted the burden of proof to the opposition to prove why we **need** immigration. It also has proven to be the remedy of choice among most scholars and thinkers who take a serious look at the state of our legal immigration policy and system, and recognize that the moratorium is not only an appropriate and politically feasible way to go, it's probably only the practicable way if we're ever going to get control of immigration. So, we had endorsements from key environmental writers like Harold Gilliam and key scholars like Larry Harrison and Vernon Briggs, and, of course, Bill Buckley, and the *National Review* has now endorsed us ... Peter Brimelow. It has really become quite popular.

JOHN TANTON: *What about George Borjas?*

DAN STEIN: George Borjas is someone we really did not have a hand in influencing, but who through his own initiative and scholarship, has been in the forefront of showing the declining education, skills-base nature of the immigration flow.

JOHN TANTON: *You mentioned that we didn't influence George Borjas in particular;*

the same is true of Miles, at least we didn't know we were influencing Miles. His article in The Atlantic came as a complete surprise to us. It turned out he has been getting our material and reading a good deal of it, but he hasn't been calling us for information. To what extent did Brimelow do that for his article in National Review? Did he call on ... ?

DAN STEIN: Well, clearly the cover story of the *National Review*, which was groundbreaking, was titled "Tired of Immigration? Try Australia." And then I think their inside title was called "Rethinking Immigration Policy," I believe; I can't quite remember now. That was about a twenty-five-page article, which he worked on for months, and he spent quite a bit of time in interviewing Ira Mehlman and myself. We supplied him with a tremendous amount of data, and worked through with him a lot of the arguments that ultimately found their way into his article. The rebuttals to Simon and those kinds of things were ... many of them were hammered out and crafted in our workshop, and it provided a great exposition of some of the more complex arguments that we hadn't been able to publicize. It also opened up finally the question of the ethnic composition of America, and whether or not that should be an issue for Americans to be concerned about.

JOHN TANTON: *One of the things that FAIR has done to work with our colleagues is to have an information exchange. It's a compilation of some of what we consider the best articles of the past three months or so that come out periodically. Are there any other formal ways that FAIR has tried to work with the scholarly community, or do you envision any in the future? Is this an area where we've done what we need to do, or is there more that needs to be accomplished here?*

DAN STEIN: Well, we work on a daily basis with scholars around the country, plus we respond to information requests providing feedback and allow them to interview us. I don't think that we could do much more unless we set up a formal information retrieval service. Another thing that does take a lot of our time now, but is an important role of FAIR that is not much known publicly, is the role we play in visiting international guests. The USIA and the State Department routinely send representatives from government and the private sector from countries all across the world to interview me and some other members of the staff about a full range of issues. Multiculturalism is one of the most frequent ones, because those issues are quite volatile and common in their own countries. Many of the governmental guests who come from other countries want to know how we deal with illegal immigration, and want to understand the political dynamics of the issue in the United States. They come through all the time, a steady stream of visitors from all over the world.

JOHN TANTON: *Perhaps we ought to put on the record here that we have been working with our counterparts in other countries for some time now. There's a group of people in Australia and an individual in New Zealand, a couple people in Canada; a dozen or so people in European economic communities centered principally around Bamberg in Bavaria, Germany, who have come to our meetings and conferences and*

have shared information. We've been interested in their participation because we feel that if there's some sort of a united front on this issue around the world it would be a help for all of us.

DAN STEIN: That's always an important role because many of the problems we are dealing with are, as you say, the same problems they are going to be dealing with, or have been dealing with in the past. A book by Katharine Betts called *Immigration and Ideology*, someone that you found, was really a breakthrough bit of intellectual thinking for all of us who were licking our wounds after the defeat of the 1990 legislation [I shouldn't say defeat, but certainly not a victory, it was damage mitigation], but in any event, the book that she wrote provided a useful explication of why it's so difficult to get media and intellectual elites to own up to the true cost and consequences of our current immigration policies as a topic.

One of the most interesting things about FAIR that ought to be preserved for posterity is that it's one of the very few interest groups in Washington that is not allying closely with a pre-existing financial association or set of ideological interests. Some of the most common questions we are asked when a reporter shows up is "Who supports you; who are you aligned with; and do you get a lot of money from unions?" Those kinds of questions. As an organization that exists practically in thin air with its national base, but not tied strongly to tobacco or unions or steel, or something along those lines, and not being a part of the preferred so-called civil rights agenda with seven or eight humongous foundations that underwrite their work, we are a bit of an anomaly in our capacity to function. Our independence also provides us with a lot of flexibility, and a lot of leeway in moving across a broad spectrum of topics and addressing them aggressively. That's a major component of what makes it so interesting, having an advisory board and members who are Republicans and Democrats, maybe some independents and some conservative-types, and some Socialists. It really gives us the flexibility to respond very quickly and in an unbureaucratic way.

JOHN TANTON: *That brings back to mind the question of special interest organizations and narrowing one's topics. We certainly have on the board people who agree with us generally on immigration, but if we were to bring up a whole lot of other topics we'd probably find some divisions there, some of which were insuperable. So that's another reason why special interest organizations grow up. In order to put together the political social mass to make something happen, you have to limit the number of things you are working on, because you can't find people who agree on all topics.*

DAN STEIN: Yes, but there is also a clear understanding, or expectation, among the members of the board, and I think in terms of how the board establishes successions that there needs to be a sympathy with a range of sympathetic topics. Board membership would be difficult, I think, for someone who was adamantly pro-life and did not believe population was an issue of any significance and for someone who did adamantly believe that there were no environmental consequences to population

growth. There's no question that, even though these may not be directly related to immigration, the board membership for someone who is simply against illegal immigration because it's directly against the law, and did not care about the size of immigration, the numbers coming, or the significance of that would have a difficult time functioning within the board.

JOHN TANTON: *I certainly agree with that. I am afraid that there is an umbra of issues with which you absolutely must agree on any topic in order to get along, but there is a penumbra then of issues around that which don't generally come up, but which are very useful if you are sort of pointing in the same direction. And then there are issues that are more peripheral yet that don't make any difference. I suppose an example might be whether or not we should adopt the metric system. I would think that would be sufficiently peripheral and wouldn't make any difference to people working on immigration issues, and I suppose if we polled the board on that, we'd find people on both sides of the question. But, as you say, the general question of whether or not there are environmental consequences, well, that doesn't often come up directly. It's certainly very useful to have people pointed in the same direction on that topic.*

Another subject that has come up recently is the basis on which one can claim asylum or refuge in the United States. We're seeing a lot more pressure on that system because the other doors tend to become congested or closed, and given the role the legal profession plays in immigration admissions, there's always this question of what sort of a handle can you use to get in. I can imagine that immigration lawyers have a check list they can go down and say "Well, do you have a relative that lives here? Oh, no? Too bad! Well, do you have a professional skill that's on the right list? Oh, no. That's too bad. Well, what do you have that we can use?" There have been some new and novel bases for claiming refugee status. What can you tell us about those?

DAN STEIN: In preparing for our interviews this weekend, I had the opportunity to go over some of the early chronology of the issue and organization, some of it you provided, the *New York Times Index* was helpful, and some information had been prepared earlier by Gerry Mackie. There are two things that are especially noteworthy and may be a bit depressing when you read through them. One is the degree to which certain issues seem to recur, and the debate never advances beyond those seemingly same issues of San Diego, illegal crossings, those kinds of issues. The second thing is the extent to which so many of the things that we predicted earlier on have borne fruit or come true, many of which we would rather not have come true. You often say, and have said in the past, that if only refugees can be admitted, then everyone will become a refugee.

Despite our best efforts to try to maintain a narrow base for political asylum since 1979, the aggressive lobbying and litigation of these various organizations that work on these issues (we call them asylum groupies) have produced ever-broadening categories of people who might claim asylum. Today, if you knock on the door from a country overseas and ask to come in and your claim is turned down, it's essentially the end of

the process. There are no appeals; it's committed to the discretion of the administering agency overseas, usually under the auspices of the State Department. The contrary situation, however, obtains if you get physically present onto U.S. soil to make your claim. Large-scale lobbying efforts by women's groups, gay advocates, those who have a related agenda of the quality of status of women worldwide, and those kinds of causes, meritorious though many of them may be on their intrinsic level, however, don't provide an adequate or proper basis for granting asylum. These groups want to push a very broad-based, class-based asylum definition that would essentially allow anyone who wants to come here who does not like the conditions they are living under, under generalized oppressive conditions, generalized discrimination against women in Iran or in certain Islamic countries, certain African countries, certain Asian countries, generalized gay bashing, certain kinds of operations like clitorectomies. These are, in our view, more properly things that need to be objected to through multilateral institutions or cultural exchange programs or telecommunications, but there is no way that our asylum system can and should provide that kind of preferential protection.

JOHN TANTON: *We're talking about hundreds of thousands of people ...*

DAN STEIN: It's limited only by their capacity to get here physically. Why should we be surprised in 1995 when we see the boats crashing onto the beaches, when we provide such an obvious preferential opportunity if you get here to make your claim first over that which you would receive if you made that same claim overseas.

JOHN TANTON: *Aren't we really seeing here the use of immigration as the horse to ride?*

DAN STEIN: Yeah, it's the ticket to ride if you're trying to raise a larger agenda. We had a situation recently where a woman who was an illegal alien from Nigeria had her two U.S. citizen-born children; one of them was a young girl about seven years old. The mother did not want to return to Nigeria because she was afraid that her U.S. citizen-child would suffer a clitorrectomy, which is apparently quite common. The judge granted deferral of deportation partly on that basis. It later came out, however, that the attorney, who is a leading-edge baby boomer (and you can find the definition of that earlier in these proceedings), apparently was trolling through the library some years earlier and decided that the practice outraged him and shocked his own sensitive conscience. He admitted, however, that the Nigerian mother did not have any particular problem with clitorrectomy when she was sitting in his office and wasn't particularly political, but the lawyer said he couldn't figure out any other basis on which to hang her claim. So, even though the alien, herself, really had no equitable basis to argue on behalf of her daughter, and even though it later came out that the mother really had no problem with this issue and the whole thing was hyped out, the whole process got going and became a media circus. This same Nigerian mother was paraded around on major national TV news shows like *Night Line* on ABC, the *Today Show*, making a big case about this thing, and an incredible media circus was made about this question of

whether or not women should be discriminated against or should suffer clitorectomies in Nigeria.

All that's very interesting, but the immigration interest was sacrificed to a larger agenda that is ultimately compromised in our capacity to control immigration.

JOHN TANTON: *Has FAIR taken any stances on asylum and refugees that might be fairly up front, like calling for just general repeal of the thing and starting over again? How are we going to get this under some sort of control?*

DAN STEIN: Well, the whole asylum system has gotten out of control now because Senator Kennedy pushed for the creation of an asylum corps. A little aside here: I'm always fascinated by the tendency in Washington when there is ... the Democrats have controlled Congress now since the 50s. There have been periodical Republican administrations, but it is often said that because a Republican president had signed a particular bill that, therefore, the Republican president supported the bill. Well, in Washington anybody who knows anything about politics realizes that the bill you sign is usually the best you can get! And those who control the leadership in either house of Congress have the greatest influence on the content of legislation, unless you have an industrial-strength public relations advocate for president. The fact that some of these corps like your asylum corps were set up during the Reagan-Bush Era does not mean that Senator Kennedy and the Democrats in Congress were not exercising great influence on the development of these institutions. We now have in 1994 an elaborate asylum corps that has been set up over a number of years, full of all kinds of asylum adjudicators who were very ideological, who have a reason for being and that's to grant asylum.

Well, why do we need this bureaucracy? If it requires a repeal of the asylum and refugee laws and a rewrite from the ground up, well that's what it would take. But there's a lot of evidence to suggest that in Washington when a government program is created, and when these adjudicators get their job, they become a very powerful force and try to ... how are rank and file America and Americans who are interested in going to work, coming home, making dinner supposed to compete with people whose livelihoods depend on the perpetuation of this program? Obviously, the forces that created this asylum morass know that, and they're busy building it, and we're sitting here ... we're really all alone trying to raise objectives to it.

Haiti and Cuba ... these are issues that have been occupying us over the last several years. I think the Haiti issue, which as I mentioned, exploded in early November of 1991, not only catapulted FAIR to a different level of public visibility from which it has maintained a higher and more credible position, it also seared in the public mind this idea that these boats were out of control. Then we had some Chinese boats come in. The Haitian situation, courtesy of the Clinton administration's approach to handling this aspect of its foreign policy, has really helped us educate the American people, as they have been able to see over and over again graphic examples of how the messages we

send as a nation determine the migration behavior of intending immigrants. Today as we speak, there appears to be yet another crisis emerging in Cuba; the fort in Havana has been put under guard because there have been systematic escape attempts. Some 5,000 Cubans have already come through Florida this year alone, and there's a lot of evidence that this number will continue to grow. Castro is threatening to open up another Mariel-type boatlift again ... all this while the administration is on tenterhooks with Haiti threatening an invasion. I dare say that the United States is moving towards a potential loss of control and interim anarchy in its relations in the Caribbean between Haiti, the Dominican Republic, and Cuba. All this, of course, is providing the graphics and visuals that we need to make our case.

JOHN TANTON: *You used the word anarchy. That was one of the words in the title of Kaplan's article in The Atlantic called "The Coming Anarchy." Have you read that article?*

DAN STEIN: Oh sure!

JOHN TANTON: *Do you think his view is credible, and what do you think it means for the future of immigration policy, not just from that state but from the developed world and Europe in particular?*

DAN STEIN: I'll use that article in my speech at the War College in a couple of weeks, and I do believe that article was a very fine exposition of what is at stake in international population explosions. The rapid growth in the migration cohort, the cohort most likely to migrate ... ages fifteen to thirty-five ... is going to be so rapid, is now so rapid, and will continue to be so rapid, that as this cohort grows, unless the developed countries take steps to improve their entry control, they are simply going to be overwhelmed. They are in the process of it now. This idea that world population growth only has an impact on, to some extent some airborne pollutants, is simply not true. People tend to want to move to where the grass is greener, and most people are now noticing that the grass is particularly green in the United States and in many European countries.

It is a fact, however, that from the standpoint of an African nation, many African nations find themselves the recipients of a large number of refugees; many Islamic countries, Pakistan, parts of India. There are large-scale refugee movements across borders and regions. Generally, however, under conditions that we would not consider first world, and certainly not conditions that we would care to emulate in this country. The challenge now is going to be to come up with an agreed-upon definition to explain what it is that the wealthier nations are seeking to protect and preserve and why those elements are worth protecting. Obviously, if a standard of what we want to be is no

greater than what we see in the Sudan or Somalia or Rwanda, then immigration is not a problem for this country.

JOHN TANTON: *Those countries you mentioned now have large numbers of refugees*

END OF TAPE 3, SIDE B

BEGINNING OF TAPE 4, SIDE A

JOHN TANTON: *The UN High Commissioner for Refugees says that the main solution to refugee problems must be repatriation. Another thing we've talked about, Dan, is making our asylum and refugee grants temporary, rather than permanent. That would make it possible, if the people would actually go home after conditions improve, for us to help more people over a longer period of time. Has there been any discussion of that idea?*

DAN STEIN: Yes, we raise it every chance we get. Historians review FAIR's record or testimony before Congress on a variety of issues. FAIR has testified before Congress on immigration issues more times in the last fifteen years than any organization in America. The person who reviews the testimony will note that we persistently raise this issue of temporariness. It's a huge challenge in a country where the presumption owing to large number of claimants ... the presumption is now to parole aliens when they're filing asylum claims or admitted as refugees. In the absence of mandatory detention during the period they're admitted as refugees, there are obvious constitutional and procedural obstacles to quickly removing people when it's safe to go home. They buy property, they have citizen children, they develop what lawyers call equities, and these equities really do encumber and thwart the process of efficient deportation proceedings.

We watched an interesting situation in Haiti recently, when the President made an announcement on May 6, 1994, that he was going to reverse an old holdover Bush policy of returning Haitians immediately back to Haiti without a hearing, and institute a new process of holding ship-side hearings. And for those Haitians who were screened in as probable refugees, he was going to take them to Guantánamo Base and then to Miami, and those who were not, he was going to return immediately back. Well, just the sheer possibility, the sheer possible opportunity of going to Miami, produced an uncontrolled flood of boats that lasted through a good bit of the latter part of July, 1994. As soon as the president announced that, yes, the United States was going to provide safety, a safe haven, and everybody who wanted to come out could get it, but it wouldn't be in the United States; it was going to be in a camp outside Panama, in the Caicos and Turks Islands near Haiti. Immediately the numbers dropped off nearly to nothing, meaning, of course ... and there it was for all America to see ... most of the people getting on those boats and coming out of Haiti were not seeking safety; they were seeking Miami! That illustration will be used by us to explain in other contexts why refugee opportunities in this modern world, which is awash with refugees, should be provided outside the United States in camps to hold people temporarily until they can be repatriated.

JOHN TANTON: *Also, so that the children they have while they are there don't become U.S. citizens.*

DAN STEIN: Exactly. There is a huge problem with anchor babies now, people flying in, running across the border, and having babies. We had a situation recently where a

woman from Hong Kong was seeking, with her wealthy husband, an opportunity for the child to get a green card, or actually U.S. citizenship. She, in anticipation of the Chinese taking over in 1997, sought to have the child here just to have the citizenship and then was going to go back home. Now, the father was more than able to pay for the medical costs and the delivery, but when they got to the Honolulu airport, the Immigration Service had set up a sting operation to catch people who had these phony entry visas, and she had one. So, she got caught in a sting.

For some reason, instead of putting her on the next plane back to Hong Kong, the U.S. attorney there decided he had to prosecute, and then the prosecution wound up taking place in New York. So, she was flown to New York and put into federal detention facilities. She then started having some complications and wound up having labor problems. She delivered a rather premature infant, several months premature, and ran up a hospital bill of about half a million dollars!

Now, all this might not be such a big deal, except for the fact that when she finally got to trial, she pled guilty and, as part of the plea, she conceded deportability and got on the next plane with her kid and went home. Well, the U.S. taxpayer ended up footing the tab for the whole thing. She went home and the kid's a citizen. What's wrong with this picture? This is just no way to run a railroad.

These are the kinds of things that if we had a serious level of Congressional oversight...you see, I blame ninety-eight percent of responsibility for this country's immigration crisis on Ted Kennedy and his political allies, who decided some time back in 1958, earlier perhaps, that immigration was a great way to retaliate against Anglo-Saxon dominance and hubris, and that the immigration laws from the 1920s were just this symbol of that, and it's a form of *revengism*, or revenge, that these forces continue to push the immigration policy that they know full well are creating chaos and will continue to create chaos down the line. Unfortunately, there aren't a lot of people in this country who recognize the true dimensions of the part that the Kennedys have taken this country in its policy, even though virtually every prediction that they have made in the course of introducing legislation has proven to be wrong, and grossly underestimating the consequences under his tutelage (Senator Kennedy's) and leadership, we have virtually no effective oversight of our immigration system.

Now, Wayne Lutton likes to point out that the major turning point was when the Department of Justice was given supervision over the INS in 1940 in response to the Smith Act. And while that was an important event, it's also important to recognize that that event, in and of itself, would not have been so traumatic but for the fact that the Kennedys in the 60s put in place a form of immigration policy that went on automatic pilot, and then abdicated their responsibility to conduct an effective oversight to make sure that the system remained under effective regulation. So, Congress could have undertaken the jurisdictional responsibility to insure that the proper consideration of population, crowding, density, development pressures, education, health care, job markets, and cultural and ethnic balances ... all of those factors could have been

brought into proper consideration if Congress earlier on had expanded jurisdiction, given the relevant committees the proper charge, and hauled the Department of Justice and the INS before them for an explanation of these things. But that isn't the way that Senator Kennedy wanted it.

JOHN TANTON: *Another big player in the immigration debate, or the immigration lawyers ... I think they renamed themselves several years ago. They were going to call it the American Immigration and Nationality Lawyers, but that acronym came out AINL, so they thought they would change it a little bit and now it's the American Immigration Lawyers Association (AILA). What's the role of the attorneys in all of this, given the fact that there are about 258 attorneys sitting in Congress?*

DAN STEIN: There are, and AILA is a significant player, because they make their living through immigration. They've expanded very dramatically in the last twenty-five years; they probably admit five or six new people a month. They are people who are oftentimes ideologically committed to the unlimited basket of philanthropic opportunities that immigrants provide. AILA is not that visible a player, but certainly working in Congress, they do a lot of legislative drafting and they get their things introduced.

JOHN TANTON: *Well, there is a certain sense of fraternity amongst physicians, for instance, and I suppose amongst bricklayers and steamfitters, and certainly amongst lawyers, too. So, one of the anomalies here is that it's the Judiciary Committees that consider immigration legislation, and I believe it's a rule of the House that you have to be a lawyer to sit on the Judiciary Committee. So, the committee is made up entirely of lawyers; I don't think that's true of the Senate side of the Judiciary Committee. Do you happen to know on that point?*

DAN STEIN: Yes, I think you're right.

JOHN TANTON: *Certainly, there are a good many lawyers there, and you have members of the same fraternity talking to each other, and it's one other reason why immigration law has grown to be the second longest title in the U.S. Code. Has FAIR ever tried to publicize the role of the immigration bar in all of this? Is there any purpose in doing that?*

DAN STEIN: Well, the immigration bar is a mixed bag, and much of their material is very dry and mechanical, and provides technical assistance for lawyers who are trying to figure out how to bring in cooks and bakers and candlestick makers. Their ideological wing mostly works through the Immigration Project of the National Lawyers Guild and the National Immigration Forum. The current director of the American Immigration Lawyers Association is Warren Leiden; he's also a National Lawyers Guild member, works closely with the National Forum and the National Council of LaRaza and the Ford Foundation – funded groups. So, he gives a certain technical expertise to the various forces that want to radicalize this debate. But they're certainly not the most aggressive players, and there are a lot of internal disputes because a lot of members,

particularly the more successful members financially, are not interested in the ideological component of the immigration debate. They believe AILA should be spending all of its resources cracking down on unauthorized practice of law by so-called *noteros* and immigration specialists out there who steal a lot of their business. Any good immigration lawyer who understands the business realizes that FAIR is their best friend.

JOHN TANTON: *Isn't there confusion as far as the immigrants are concerned on this word "notary?" In the Mexican sense, a notary is more of a lawyer; a more technically qualified person, whereas in the United States, a notary is just a person who authorizes signatures.*

DAN STEIN: Yes. There's a tremendous amount of abuse there, and that's one of the reasons why we have 6,000 asylum claims filed by Mexican nationals this year alone.

JOHN TANTON: *There's also quite a bit of advertising that goes on for this in international publications, for instance in publications in Russia; there are ads for immigration services. At one point, in immigration law, solicitation of immigration was illegal. Is that still on the books, do you happen to know? It would be an interesting point to look into.*

DAN STEIN: I don't know.

JOHN TANTON: *You mentioned before the National Lawyers Guild. Is that the correct name, and the National Immigration Forum? You want to put anything on the record here about either of those groups?*

DAN STEIN: I think there is little to be said about either group that hasn't already been said. I think the great tragedy for our side of this issue is that these organizations are able to receive fifty to sixty percent of their operating income from the same foundation.

JOHN TANTON: *Namely?*

DAN STEIN: The Ford Foundation. And yet, they all work separately and are networked together by these hub networks that Ford set up, like the National Forum. They so grossly skew the media debate around this issue to the prejudice of the average American that it's really pathetic. Our side, though, is intimidated from working together, so we wind up working with these Chinese walls set up between our closest, so-called kindred spirits, and it is a debilitating and frankly suicidal problem.

JOHN TANTON: *You think that perhaps the foundations could be called the fifth estate? You remember from English politics they talked about the press as the fourth estate.*

DAN STEIN: Foundations that get beyond a certain size, and that are managed by

professional staffs, regardless of the limitations on direct campaign activity, in fact even **because** of the limitation on direct campaign activity, become even more significant players in controlling legislative policy. There are hundreds of millions of dollars now spent a year on organizations that actively engage in legislative activity. And if ninety percent of that foundation money is going to organizations that have a particular political agenda, it's going to skew the debate. And it's a factor that has to be considered in campaign reform, because clearly, to the extent that campaign contributions are limited, the influence of these so-called charitable foundations, like Ford, are going to increase.

JOHN TANTON: *You mentioned that you are going to be speaking to the War College in a few weeks. It seems that with our inevitable pattern of United States military adventures overseas, there is a rush of refugees who follow at some point. Certainly, that was true of our involvement in Korea. It was true in Southeast Asia, not only with the Asians themselves, but with the Amerasian children who were generated and left behind there. There's been a little-publicized influx from Iran; maybe you know something about that. I haven't heard too much about what came out of our involvement in Somalia, but where do we seem to go? Militarily, we seem to end up with a bunch of people whom we seem to feel we have to absorb afterwards. Is that an invariable association?*

DAN STEIN: We haven't seen that association with Somalia at this point, but an awful lot of times we seem to walk out with gum on our shoes. The general tendency to ascribe blame and responsibility to the United States every time we try to play policeman of the world surely is fueling the tendency among the general public to become more isolationist. Why, after all, should the American people support the Asians overseas if, in addition to young Americans getting killed, the price we have to pay is a seemingly limitless supply of refugees following to join? That consequence of Vietnam, the situation in Haiti, Cuba ... the general public's taste for global leadership is souring at just the right time.

JOHN TANTON: *Surely, if we go into Cuba militarily, some reason will develop why we have to take more people out of there because of the bad things we are doing.*

DAN STEIN: Well, I say we are souring at the right time because our capacity to exercise world leadership is obviously diminishing. We have seen in the last year the Clinton Administration preside over the demise of constructive multilateralism with the apparent failure of the United Nations with an apparatus to prosecute any kind of effective conflict management strategy. We now see that, unless we are underwriting everything and taking the lead hits in everything else, the Clinton administration's effort to subordinate U.S. sovereignty and the will of Congress and the American people to what I would call multilateral world institutions, is taking a hit. Maybe Bertram Russell was right about one world government. It lacks the center of gravity to cohere.

JOHN TANTON: *Well, our minutes are running down to a precious few here. Do you have any closing thoughts or ideas you want to put on the record?*

DAN STEIN: Senator Simpson once said that "Immigration was a lot like bear meat, the more you chew it, the bigger it gets!" And there certainly are few issues which not only expand in their scope and dimension the more you understand them and explore them, but it's also an issue that, as I've been involved with it, has itself expanded and risen on the national agenda. Those two components have provided a once-in-a-lifetime opportunity to have a window on the emergence of one of the great national debates of this century. The opportunities of working with people who are able to see down the line, who have the scope and vision to see the trends, project those trends and try to prepare for them, is a really stimulating and wonderful opportunity.

The great challenge for FAIR in the future will be, and continues to be, to not only recruit staff, but also future board members who are possessed of the same kind of eclectic horizons and vision who can continue the arduous task of providing leadership into the next century. If we are to avoid making the mistakes of earlier movements and efforts of seeming to declare victory and then walking away, we have to institutionalize the bases by which we examine these issues and reach the consensus and take some steps to try to insure its perpetuation. I have watched as some of the board members have gotten older, some of them have retired, and one realizes that even great thinkers are mere mortals, but I'm confident that over the next ten years, the commitment of those people who are on the board and who make up the base of the organization, are going to continue the fight fully cognizant of the fact that these are the "good old days," that many of the greatest challenges on this issue will lie between the years 2000 and 2030 or 2035.

JOHN TANTON: *So in those years, we will look back to 1995, and say "Gee, there wasn't much of a problem then."*

DAN STEIN: Well, as I look back to 1979 and when I came to FAIR in 1982, I think to myself, "Boy, things were quiet and things were tame back then, and we had an environment that seemed much more easy to manage." And I also remember the sense of self-confidence of the staff, of Barnaby and Roger, and Gary Imhoff, and others that this was something that was going to be resolved, or debated and resolved, in a matter of a couple of years.

JOHN TANTON: *And on a rational basis.*

DAN STEIN: Certainly on a rational basis. It doesn't appear to be that way at this point, and although there has been a lot of progress in the last several years, the American consciousness has been raised on this issue in ways that, other than perhaps during the very brief Mariel Boatlift of 1980, we simply have not seen before. There are challenges that lie ahead for our little movement that dwarf anything that we have tried to deal with today.

JOHN TANTON: *You mentioned that in the 1920s, the proponents of immigration reform then sort of melted away into the night, and that actually worked for awhile, because there weren't the tremendous population pressures back then pushing it. Nor was there the ease of transportation, nor was there the expanded communications we have today. In fact, worldwide depression came along, which took care of the jobs for them, and then World War II followed. We really don't now see any of those factors in the future, do we? We're being told in preparation for the Population Conference in Cairo next month that world population under the best of circumstances is going to increase by many billions of people over the coming decades. We know the situation of communication and transportation if anything is going to get easier and less expensive than it has been in the past, and we certainly hope there is going to be no worldwide depression or worldwide war to take care of the problem for us. So it doesn't look like FAIR is going to be faced with the ultimate organizational disaster, having your issue go away, like the National Foundation did when the cure for poliomyelitis was discovered. Does that seem like a fair description of the future we are facing?*

DAN STEIN: That's definitely a fair description of the future. There isn't any way to know which institutions will become more involved in the issue. There may be a very rapid change in the dynamics of the interests that are pushing for immigration restriction that we can't foresee right now. But having people on our board like Otis Graham, who has a good sense of history and is committed to it, and Garrett Hardin, who has a profound understanding of biology and competition, and you, with your understanding of a broad range of issues and how they're likely to interact in the future; Governor Lamm with his experience and actually trying to manage the financing of state affairs and infrastructure; Sharon Barnes, with her broad experience in the organizational demands for a public interest organization like this, and, of course, Mr. Swensrud with his business experience and understanding of the true source of wealth, how national wealth is created, as well as a disciplined understanding of how societies are competitive and succeed; and there are others as well. There is a balance to this enterprise that helps explain why it's had an impact and why it has played such a visible role. Also, I would like to thank my wonderful wife, who has been a tremendous source of support and is my best friend and helps me in all these endeavors as well.

JOHN TANTON: *Well, I'm glad I was able to put you in touch with her.*

DAN STEIN: Good, and I will always remember that and be eternally grateful, John. It's been a pleasure.

JOHN TANTON: *Well, I guess at that point we'll sign off here and leave FAIR's efforts to the judgment of history. Thanks very much for coming up this weekend.*

DAN STEIN: Thank you. It was a pleasure.

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END OF INTERVIEW