

"THE TARNISHED GOLDEN DOOR"

A poem by Emma Lazarus is graven on a tablet within the pedestal on which the Statue of Liberty stands:

The New Colossus

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glow world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame. "Keep
Ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"

WASHINGTON, D.C. — "The current Immigration and Nationality Act still contains discriminatory provisions" and "the current practices and procedures for the enforcement of that statute result in the denial of rights to American citizens and to documented and undocumented aliens," says the U.S. Commission on Civil Rights in its latest report, *The Tarnished Golden Door: Civil Rights Issues in Immigration*.

Released at a press conference last week, this report explores the current immigration system and how immigration law, practice and policy impact on the civil rights of citizens, legal residents and undocumented aliens in the United States. The report is the result of the Commission's 1978 national hearing, four 1978 fact-finding meetings of the Commission's state advisory committees in New York, California, and Texas, and three years of intensive background research, field investigations and interviews with representatives of community organizations and immigrant service organizations, officers of business groups and unions, attorneys, immigration experts, government officials, immigrants and employers.

Along with a discussion of past and present discrimination in the immigration laws and the immigrant selection system, the report examines problematic aspects of the immigrant admissions and expulsion processes. The report identifies two major problem areas in the immigrant admission process. One is the Department of State consular visa process which does not provide an adequate system for the review of visa denials. The other is the processing of immigration applications and petitions at INS offices where the subordination of the service function to the enforcement function, as well as the lack of personnel and resources, have contributed to poor service to the public and long delays.

Among the Commission's findings regarding the expulsion process are that area control operations have resulted in unconstitutional searches and seizures of United States citizens and residents; that some local police, in attempting to enforce the immigration laws, have violated the constitutional rights of American citizens and legal residents; and that, "notwithstanding the consequences of the penalty of deportation, aliens subject to deportation hearings receive less due process protection than defendants in criminal proceedings."

To remedy the problems arising from discriminatory immigration laws, the immigrant admissions process and the expulsion process, the Commission's recommen-

dations, which are contained in the report, call for a variety of legislative and administrative actions, including the following:

- Congress should amend the Immigration and Nationality Act to eliminate current per-country numerical limitations and colonial quotas and to provide for admissions of immigrants to the U.S. on a first-come first-served basis in accordance with the existing six preference categories;

- Congress should authorize the Secretary of State to create a Board of Visa Appeals to hear appeals of visa denials in which the actions of consular officers "are alleged to be arbitrary, capricious, and abuse of discretion or otherwise not in accordance with law;"

- Congress should create a Border Management Agency within the Department of the Treasury and transfer the INS enforcement function to that agency;

- INS should immediately cease all area control operations, as currently conducted, to prevent the continued violation of the constitutional and civil rights of individuals;

- Congress should protect the due process rights of detainees by amending the immigration laws to include provisions such as the notification of detained persons "at all crucial stages of the deportation process that they have a right to legal counsel and may be entitled to free legal counsel provided by charitable and legal organizations";

- Congress should amend the Immigration and Nationality Act to establish an immigration court which is independent of INS in order to remove the inference or appearance that the current INS deportation process does not offer the impartial adjudication of immigration cases.

Cognizant of the public perception that immigration is a major national problem affecting American economic and employment conditions, a separate section of the report examines the issue of employment of undocumented workers. Although the report points out the need for better data, it concludes that "the presence of undocumented workers in the labor market does have an adverse impact" on the job opportunities of some citizens and legal residents.

The report recommends several positive steps designed to deal with this adverse impact. First, it calls for the vigorous enforcement of the Fair Labor Standards Act and other labor laws "to ensure that neither citizens nor aliens are required to work under unfair working conditions and to minimize job displacement." Second, it supports increased appropriations for law enforcement personnel and more modern law enforcement technology. And third, the Commission recommends the negotiation of "bilateral or multilateral agreements or compacts with the major source countries for undocumented workers in order to reduce and regulate the population flow between those countries and the United States." Such agreements should be carefully fashioned to protect the civil rights of all persons affected. In making this third recommendation, the Commission agreed with a "significant consensus" of immigration experts at a recent conference on the undocumented worker issue that "looking only at the impact of clandestine aliens once they are in the United States while failing to deal with the factors that have compelled them to migrate would do little or nothing to alleviate the problem or achieve equitable and effective solutions."

In assessing proposed solutions to this problem, a majority of the Commissioners oppose the enactment of an employer sanctions statute which would penalize employers who hire undocumented aliens. Such a law, a majority of the Commissioners believe, would have the undesired effect of caus-

ing employers discriminate against easily identifiable minority groups whose members although legally in the United States, might be mistaken for undocumented aliens. A majority of the Commissioners also oppose the creation of a compulsory national identity card or compulsory work permit system. The majority notes that a "fundamental objection" to such proposals "is that the availability of such a national identity card would provide a tool that could be used to violate the right to privacy of the individual."

In separate dissenting statements, Commissioners Frankie M. Freeman and Stephen Horn take issue with the report's conclusion that an employer sanctions law coupled with an employee identification system would be undesirable. In support of an employer sanctions law, Commissioner Freeman maintains that it should be made "more difficult for persons entering illegally to secure employment" by developing an identification system "which will minimize or effectively prevent discrimination against persons legally here." In her view, "it is premature for the Commission to oppose employer sanctions on this ground without a thorough analysis of the forthcoming recommendations of the Select Commission." Commissioner Horn states that he supports an employer sanctions law if it is accompanied by the creation of a "secure and counterfeit-proof social security card" which could be used by employers to prevent the inadvertent employment of undocumented aliens. Their statements



Congratulations!

BOSTON — Actress Liza Minnelli (l) visited backstage at the Charles Playhouse to congratulate her godmother, actress Linda Hopkins (r) who stars in "The Last Minstrel Show" opening night.

and views are included at the end of the report.

The final section of the report examines the procedures of the Immigration and Naturalization Service for the investigation of misconduct complaints lodged against agency employees. The report, after recounting some of the problems within the agency's internal investigation unit, recognizes steps recently taken by the agency to improve its complaint investigation procedures, including quicker response

time and better monitoring of investigations. The Commission, however, found that deficiencies still exist in the complaint investigation process and recommend further improvements, including:

- the implementation of a more comprehensive public information program on the procedure for filing and investigating complaints;
- the establishment of a Board of Review within INS or the Department of Justice to review cases where the complainant

wishes to appeal the findings of an INS investigation; and

- the careful monitoring of adherence to the new sixty-day maximum time limit for INS investigations of employee misconduct complaints.

The Commission hopes that the findings and recommendations contained in this report will prompt corrective action. Its report concludes with the observation that "By adopting these revisions in immigration law, practice, and procedure, America

can remove some of the tarnish from its symbolic golden door and move a step closer to ensuring that all Americans become full participants in the free and democratic tradition of our society."

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Colleges
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doomed. Yet, the course of events over the past two decades should serve to remind us that nothing much has changed: black success or failure is still intricately bound to the predominantly black institution.

Various standardized tests, which experts condemn as culturally biased, became popular during the integration movement of the 1960's; and these tests became barriers, which would have prevented many, now successful black professionals, from obtaining college degrees had not black institutions been there to admit them. Many black students who meet the minimum criterion of 750 on the Scholastic Aptitude Test (SAT) will eventually be turned away from the elite colleges as their numbers continue to swell.

Another important issue that should enter into the effort to save black institutions is that while 85% of black students attend predominantly white colleges, fifty per cent of black college graduates are graduating from predominantly black colleges.

When all of the facts are carefully examined, blacks will be forced to conclude that the predominantly black institution is worth saving. There is no other choice. This week's march for black colleges should force blacks to accept this reality.

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