

The Association for Diplomatic Studies and Training
Foreign Affairs Oral History Project

FRANKLIN H. BAKER

Interviewed by: William D. Morgan
Initial interview date: July 22, 1992
Copyright 1998 ADST

TABLE OF CONTENTS

Background

Raised in Washington DC area

Visa Office

1940-1990

Visa Quota System 1924 Act
McCarran-Walter Act 1952
Act of 1965
Visa issuance process
Illegal Mexican immigrants
Abba Schwartz
Visa preference system
Non-quota visas
Oversubscribed quotas
Abba Schwartz's "open society"
Country limits on visa issuance
Wayne Hayes influence
Preferences for skilled workers
Frank Auerbach
Barbara Watson
Cuban immigration
"Adjusting" quotas
"Silva" program 1980
Computerization
Lookout system
Amnesty Act
Lottery
Reform Act of 1990
Backlogs
Labor certification
Evolution of visa issuing system
Suggestions for change

INTERVIEW

SUMMARY: *Frank Baker is a member of a select group of United States government employees: for nearly twenty years he was the principle State Department official responsible for controlling all the quota numbers assigned to intending immigrants destined to our country. Far from an interview with a statistician, let along a green-eyed bureaucrat, Mr. Baker recounts story after story of what was behind congressional intent (or lack of it) and the execution by the executive branch of the Federal government of the numerical controls on immigrant visa applicants. He knew Abba Schwartz well and relates many heart-warming and personal anecdotes of the latter's days directing the State Department's consular affairs. Most helpfully, Mr. Baker walks the reader carefully and in great detail through all the principal elements of the visa laws from 1952 to present...and with considerable personal reflections and opinions. You will end up knowing, for better or worse, the real heart of the American visa quota system, and many first-hand accounts of what went on behind the scenes as American migration evolved over the last forty-plus years.*

BIOGRAPHY: *Frank Baker has lived most of his life in the Washington D.C. area. He joined the Department of State in 1946 in a clerical position in the Visa Office of the Bureau of Security and Consular Affairs. He then moved on to progressively more responsible position until he soon assumed the position of the officer in charge of numerical control of the immigrant visa operations. Over his man years in that job he was given additional responsibilities, including administrative control of the visa lookout system. Mr. Baker retired in 1978, but was called back for a several years to help out in new pressures that his old office were called upon to meet. He no maintains his interest in knowledge about visa matters as a consultant to clients needing to call on his extensive insights into visa adjudication.*

INTERVIEW: This interview is part of the Abba Schwartz foundation grant, devoted largely to the subject of migration to the United States. Of particular concern in this interview are those individuals who came in immigrant status and were subject to the quota control system. The quota allocations, as viewed over the years, have changed extensively, but behind the numerical limitations placed by congress on immigrants was the perceived need to restrict or expand the number of legal immigrants for geographical, racial, economic or family reunification reasons. The quotas imposed, or not, simply implemented quantitatively immigration policies at the time. There is one man who for years administered for the entire government this quota control: Frank Baker. Employed by the Visa Office of the Department of State (where by law rests the quota control operation), Mr. Baker, now in retirement, gave over 32 years to its service.

Q: Frank, it's a great pleasure to have you share with us some of your experiences. How about starting off by telling us how you came to the State Department.

BAKER: O.K., well first Bill I'd like to let you know that it is a distinct honor and pleasure that you selected me to participate in this program, on behalf of my late good friend, Abba Schwartz. I will try to give you my best insights on the visa functions, and a few experiences I've had over my 30 odd years in the Visa Office. First, I took a 90 day temporary appointment with the Visa Office in June of '46. This followed my World War II service in the Navy. At that time, jobs were hard to find, and I had a friend who was a courier in the State Department, and he happened to know the Personnel Officer. And, he put this Personnel Officer on to me, and which I got the 90 day temporary appointment. Well I ended up retiring in 1978, after a long, prosperous and good career in the Visa Office.

Q: Did you spend all that time in the Visa Office?

BAKER: I spent the entire time in the Visa Office. I was in the Foreign Service Personnel system, although I never served at a Foreign Service post. I might add that when I came to the Visa Office to work as a clerk, at \$1,020 a year, \$20.00 a week...

Q: 1020 is \$1,020 a year?

BAKER: Yes, \$1,020 a year, \$20.00 a week, I didn't know what a visa was.

Q: Tell us what a visa was, and that's the first thing you learned, I take it. What did you discover a visa was in 1946?

BAKER: Well, it was a permit issued by the United States to permit you to enter the United States.

Q: As immigrants?

BAKER: This is stamped on your passport, which is a passport issued by your country, to let you travel.

Q: And this is for immigrants and non-immigrants?

BAKER: Immigrants and non-immigrants. Yes.

Q: And in 1946, we didn't have the number of immigrants we have today.

BAKER: No, we had the national origin quota system at that time, which was approximately a 152,000 per year.

Q: Now who sets that figure, Frank?

BAKER: This was set by congress, and they decided that number should be one-sixth of one percent of the 1920 census, related to the national origin.

Q: *Why did they pick that involuted, to me, formula.*

BAKER: Well, I assume that there were conservatives and liberals, and the conservatives won out, and that time they wanted our immigration to come from the countries that gave us the most nationals before the quota system was set.

Q: *So these are mostly Europeans back in the 1920's...*

BAKER: For example, the British quota was 65,000 odd. The Irish quota was 17,000. The Italian quota was 5,666.

Q: *So the tilt was more to the Anglos.*

BAKER: Northern Europe. The WASP as you would know.

Q: *And you think that was the reason, was to tilt the...*

BAKER: Tilt the immigration, yes. And, ...

Q: *You said conservative. In what sense do you mean conservatives? These were people who wanted to keep our country pure? Is that what you mean? (Laugh)*

BAKER: I think so, yes. Really, that's my personal feeling, yes.

Q: *I think some historians might be able to prove that to you, too. (Laugh)*

BAKER: Right. (Laugh)

Q: *But that's what the figure was, and when was that set in 1940...*

BAKER: Well, it was set in the 1924 Act, and then was carried over into the '52 Act.

Q: *'52 was the big, the main...*

BAKER: The McCarran-Walter Act. Pat McCarran from Nevada, Francis Walter from Pennsylvania.

Q: *And this was under President Truman?*

BAKER: This was not under President Truman. He vetoed the bill, and it was overridden by congress by a big majority. However, President Truman was vindicated thirteen years later when the '65 law came into effect, that abolished the national origin's quota.

Q: *Truman vetoed it because he did not want this racist, if you will, or tilted immigration bill, or...?*

BAKER: Well, the main reason, as I understand it, was the quota system. The majority of countries had a quota of one hundred per year. And, at that time, we had what they called the barred zones. The Indians, the Asiatic, the Chinese, were unable to become citizens.

Q: *They weren't even part of the one hundred?*

BAKER: They were part of the one hundred, yes.

Q: *So that each country, other than this northern European, was given only one hundred. One hundred per year.*

BAKER: That's right. For example, the Philippines, Japan, had a hundred eighty five quota. China had a hundred and five. There were two quotas for China. One for the non-Chinese, which was one hundred per year. This included mostly missionaries that served in China, and may have had children born there. They came under the quota of one hundred. Then the Chinese quota was one hundred and five, which was exclusively for the natives of China.

Q: *And this was true in say, Latin America, as well?*

BAKER: Well in Latin American, no. Then there was non-quota for that particular area.

Q: *So there were no quotas, no numbers?*

BAKER: No quotas for the western hemisphere applicants.

Q: *Canada being part...*

BAKER: Canada, and all of the Central and South America.

Q: *And Mexico?*

BAKER: And Mexico.

Q: *Had no quotas, but how did you get into the United States as an immigrant?*

BAKER: Well, you qualified, that you were physically, mentally morally and politically straight. And, there were no quotas, and you qualified on paper, either with an affidavit support, or job offer, or invitation to come to the United States.

Q: *Sounds rather easy the for western hemisphere?*

BAKER: Yes, that's right.

Q: *Was it in fact?*

BAKER: It was, in fact, except for the Mexicans, where, because of the administrative backlog. We didn't have the personnel to serve all the applicants that wanted to obtain visas.

Q: *Are you telling us that because we didn't have staff, people didn't get immigrant visas?*

BAKER: Well, there was somewhat a defacto quota for the Mexicans.

Q: *But I would have thought that somebody would have taken this to congress and say...*

BAKER: Well, congress was aware of it, and they went along with the idea that, even though the western hemisphere was the non-quota area, we should restrict immigration from Mexico in some way or another.

Q: *And we did it literally, by not having...*

BAKER: An administrative waiting list.

Q: *Oh, for heaven's sakes. And that had some basis in law?*

BAKER: No basis in law, whatsoever.

Q: *Just everybody agreed to do it?*

BAKER: That's right.

Q: *And there was no Mexican lobby out there, obviously. Well, just pause for a moment on the Mexicans. People coming in illegally--wetbacks--I suppose we had them in the '40's and '50's?*

BAKER: Yes, that's true, the Mexicans did cross the border illegally, because there was a five to ten year wait on the processing of their immigrant visa applications.

Q: *So they just crossed over.*

BAKER: I might add, too, at this time, that there always has been a lot of talk about millions of Mexican illegals. What they don't realize is that the number of illegals that come in, are the same illegals that go back each day. They are counted each day as illegals, but they're never counted or subtracted from that list when they go back. They come and go.

Q: *Well, they come, come, come, but statistically, they never go, go, go!*

BAKER: Yes.

Q: *Which means that our statistics on them are a little bit off.*

BAKER: Right, yes.

Q: *And I do remind the reader that the man behind the numbers, again, is Frank Baker. He not only is reading off these numbers now without any reference to notes, but he managed all the numbers of the quota system, and also all of the statistical reports to congress. Every year, for example, we have an annual accounting, we must give to congress, and Frank is the one responsible for making sure those numbers jive. And I'm not sure how he counted the Mexicans that came and went, but ...*

BAKER: Well, of course, there was no way of counting the illegals, but (laugh) people made estimates as to the numbers that might be.

Q: *We haven't mentioned this yet, but certainly the reader knows that our sister service, the other part of adjudicating immigration to the United States, is the Immigration and Nationality Service, INS. And, INS, of course, is responsible for any alien at the border, and after he or she enters the U.S. They're the ones that keep an eye on illegals.*

BAKER: Right.

Q: *Going back into the period, prior to 1965, picking up the period under the 1952 law-- vetoed by President Truman, and overridden--this was the period when the quota was racially biased, but also when congress added strong anti-communist conditions on entry into the U.S. The so-called McCarthy period. How did that, if at all, affect you Frank? Or were you able to hide behind your numbers?*

BAKER: Well, actually I didn't come in contact with that. I was on the quantitative end, and the communist aspect was on the qualitative end. I know that there was quite a turmoil within the Department, but fortunately for me, I never got involved.

Q: *Well you didn't directly, but you were there working with colleagues who were involved. Did you have any impressions of those days prior to the '65 Act, under the McCarran Act?*

BAKER: Well, there was a great push by the immigration and nationality lawyers and other groups to change this law. But nobody knew exactly how it should be changed.

Q: *Or maybe dared change it?*

BAKER: It could have been both. The lobbyists didn't start working on this problem until, I would say, 1960, or thereabouts.

Q: *When did Abba Schwartz join the Department?*

BAKER: Abba Schwartz came to the Department under President John F. Kennedy. He was appointed some time after the president's election.

BAKER: One or two years later.

Q: *One or two. All right, so we're talking Abba Schwartz' arrival prior to the '65 Act, but, while the McCarran Act is...*

BAKER: Still in effect, yes.

Q: *All right, so prior to Abba Schwartz' arrival, and prior to this effective change in the law, do you have any comments about some of the leaders that were around that time in the State Department or the Visa Office? Do you have any insights, or were you too far down the pecking order then?*

BAKER: Well, to be truthful with you, I was too far down the pecking line. I never got to the superiors on top, unless I went up five or six levels within the Visa Office.

Q: *Did we have some good levels then?*

BAKER: We had some good ones, and we had some bad ones. (laugh)

Q: *They were mostly foreign service, or civil service combined?*

BAKER: All of the chiefs of the Visa Office were Foreign Service officers, and today, I think that is still in effect. Every Chief of the Visa Office, or Deputy Assistant Secretary, as the title is now, was a Foreign Service officer.

Q: *O.K. So you had some good leaders, and some not so good ones?*

BAKER: Some good ones, and some very weak ones.

Q: *When did you move from a clerk's job into quota control?*

BAKER: Well, I assumed the job of quota control in the early '60's although I had worked there under the supervisor.

Q: *Who was in charge of quota control before you?*

BAKER: Under the '52 Act, it was a lady by the name of Viola E. Curry.

Q: *So you learned from her?*

BAKER: I learned from her. I learned from the cohorts that I worked with.

Q: *How many were you, in the quota control at that period, say, in the mid 50's?*

BAKER: Five people.

Q: *And you did it without computers? You did it without maybe even typewriters? Tell us something about the "green books"?*

BAKER: Yes, those were the old pen and quill days! And we had ledgers, of course, each country, foreign state country, had a limit of the number of visas that could be issued.

Q: *Tell us how the process worked?*

BAKER: Well, the system was set up where they had four preference categories. The first preference was for highly trained and skilled technicians.

Q: *And a certain percentage of the total quota for that country, went for that category.*

BAKER: Yes. That's right; 50 percent. It was fifty percent of the particular country's quota. The first preference was entitled to fifty percent of the quota. In other words, if there was a quota of one hundred, fifty numbers would go to the first preference.

Q: *And those numbers included the whole family. One number for the whole family, or each member of the family counted?*

BAKER: Each member of the family was charged against the quota.

Q: *All right, now back to the remainder of each quota. What about the remaining percent?*

BAKER: Thirty percent to the parents and unmarried sons and daughters of U.S. citizens. And twenty percent to spouses and children of resident aliens. So that took your hundred percent, and should any numbers have been left over from the first three, they would go to the fourth preference, which consisted of brothers and sisters of citizens, but only one-half of the fall down. The other half of the fall down went to the non-preference applicants who did not qualify for any of the preference categories.

Q: *But that was fall down.*

BAKER: That's right. Yes.

Q: *That's pretty hard on a hundred numbers a year, isn't it?* Not many brothers and sisters.

BAKER: Well, most of the minimum quotas of one hundred were oversubscribed, and the second and third preference categories; nothing remained for the fourth and non-preference categories. And, as a result of this, there was no so called, "new seed" from those countries that were oversubscribed in three preference categories.

Q: *How did you get these numbers? Did they come by mail, from the different posts? Did you have a little green book that you kept at the time?*

BAKER: We made our allotments based upon the monthly reports from the foreign service posts around the world. They consisted of the number of registrations. By: 1) foreign state chargeability; 2), by preference category; and 3) by registration date.

Q: *This was a monthly report that came into you?*

BAKER: Based upon these monthly reports, we would tally the demand, by country, by preference, and by registration date. You would know by the count if the demand exceeded the limit allowed by law, and if so this was what we called an oversubscribed country.

Q: *Most countries were, I would think were oversubscribed.*

BAKER: Many countries were oversubscribed. We had a few countries that weren't and what we called current quotas. In other words, the demand was less than the supply. It was a simple matter of supply and demand.

Q: *I can't imagine any country that wouldn't have a demand that was more than the number supply.*

BAKER: Well, for example, Great Britain had a quota of 65,000, they only used about 30,000 a year. The Irish had a quota of 17 some odd thousand, and they only used about eight or nine thousand numbers a year.

Q: *Which is not the case today.*

BAKER: No, no.

Q: *But you couldn't pass those numbers on to some other country?*

BAKER: No. And, whatever numbers were not used, were just lost for that fiscal year. Now the old law of immigration, at that time, as far as the quantitative controls were concerned, amounted to about a hundred thousand immigrants a year.

Q: Now the non-quota, that would be South Americans. Was there any other non-quota besides the western hemisphere?

BAKER: Well, non-quota were the spouses and children of citizens who were not charged against a quota.

Q: O.K. So anyone who married an American could come in without any reference to the numbers. And that still is the case?

BAKER: Yes. That's still the case, that's right.

Q: All right. And then, technically speaking, you literally just had log books so when you got in these reports...

BAKER: We had log books, and as I say, the pen and quill, and we entered each allotment in the books. We had books set up for each quota. We entered into these books, the number of allotments, the preference categories, the posts they went to..

Q: I envisage that maybe some of our newly appointed junior officers out in the field, and maybe some less well-trained foreign service nationals--to use the vernacular--screwed up some of these reports from time to time. How did you deal with the field on this?

BAKER: Well, there were screw ups from time to time, but I might say that there were very few. For example, when the applicant became documentarily qualified, he notified the post. The post, for some reason or another, overlooked this applicant, and failed to put his registration, priority date, or preference date, on the demand for numbers. Nine times out of ten we would hear from them, hear about that from his relatives, his lawyers, his congressman, what have you! And we would straighten it out, one way or the other.

Q: All right. Then you had enough flexibility?

BAKER: If we couldn't take care of it that particular month, we make sure it was the first thing we did the next month.

Q: So you really had the whole fiscal year to work in. To make up for any slippage like this. But come the end of the fiscal year, that was it.

BAKER: Yes. Now we did this administratively by allocating ten percent of the annual quota each month. Of course, as you say we had twelve months. How did you get a hundred and twenty percent. Well, we did this for ten months, and as things would have it, some of these numbers would go unused during a particular month, and they were

returned to us to put back into the tally, and we used these unused numbers, or return numbers during the last two months of the fiscal year.

Q: *And I'll bet that last month was chaos. I know it was. (laughs)*

BAKER: And, on an oversubscribed quota, sometimes we had to fish for posts to use up the quota.

Q: *Was this with telegraphs going around and telephone calls like we have today, or was it by mail?*

BAKER: Most of it was by air pouch: we used telegrams, and in emergency cases, we'd use the phone.

Q: *But not like today.*

BAKER: But not like today.

Q: *And no computers?*

BAKER: No computers, nothing.

Q: *All right, if you have no more comments about back in those 1952 days, Frank, then lets bring Abba Schwartz on board, via the Kennedy administration's election.*

BAKER: Yes, well my association with Abba Schwartz began in the early '60's, after he was appointed by John F. Kennedy, to the State Department as the Administrator of the Bureau of Security and Consular Affairs. It was somewhat funny how we became associated with one another. I found him to be a persistent and demanding man, in that he wanted action without all the bureaucratic double talk that he was facing from some of his underlings, where he felt he was getting nowhere fast with the mandate from the President to revise the immigration law.

Q: *The mandate was there. The President knew about it, and wanted a change.*

BAKER: He knew about it, and wanted a change. That's right.

Q: *That was Schwartz' principal assignment.*

BAKER: He didn't understand the quota system of 1952, that we were then operating under, and asked his immediate underlings to explain such. He met with little success, I suppose, and somehow got a hold of me, who at the time was somewhat far down the ladder.

Q: *At that point, when you say underlings, you are referring to the director of the Visa Office, and the deputies and...*

BAKER: Yes, and the General Counsel, and...

Q: *And of all these layers he finally discovered there was a Frank Baker. But were you then in charge of quota control?*

BAKER: Yes, I was.

Q: *So you had a good foundation.*

BAKER: Yes. Anyway, I guess my first confrontation turned out O.K., because he continued to call me with certain questions about the visa functions.

Q: *What was his first question for you? Why did he call you, Frank?*

BAKER: He called me and said, "How in the hell does this system work? And what are your viewpoints on it?"

Q: *This was on the phone?*

BAKER: No, he called me up personally. And, I might say, that was my first meeting with the Administrator of Security and Consular Affairs, and I was a little nervous about the whole situation.

Q: *Who was his immediate predecessor, do you remember?*

BAKER: A fellow named Bontempo, I think.

Q: *Bontempo. And he wasn't there to long?*

BAKER: No, he wasn't there too long.

Q: *But you had never had any contact with any Administrator. The director of the Visa Office was the highest person you've ever dealt with?*

BAKER: And I had very few contacts with them.

Q: *Maybe they didn't know what you were doing? Or maybe they didn't want to know. (laughs) Well, the thing, if I may suggest having had the deputy director job, if Frank doesn't make waves and is doing the job right, then leave him alone. If you are not being questioned by congressman, and so on, then why bother Frank?*

BAKER: Right, yes.

Q: *But all of a sudden, we have a new Administrator that is bothered.*

BAKER: So, anyway, one day he called me into his office and said that an attorney he knew in New York called about a man and wife in Tel Aviv, who were invited to a big wedding in New York City, and were being held up because of the lack of an affidavit of support for their NIV's.

Q: *Non-immigrant visas.*

BAKER: Non-immigrant visas. This was on a Wednesday, and the wedding was to take place on Saturday. The attorney said he couldn't possibly get the affidavit there on time for their scheduled flight. Abba, asked what he should do to help this family. Of course, I was in his office, and I asked, could I use your phone to call Tel Aviv, and he said sure.

Q: *Now this is when you were called over on immigrant quota matters; all of a sudden it was a non-immigrant matter?*

BAKER: No this was subsequent to my first encounter with him. And he had this problem, and instead of going to his immediate underlings, he called me on this non-immigrant problem.

Q: *Which was not normal for the work you were doing.*

BAKER: That's right. And I said, "Abba, I.."

Q: *You're already 'Abba' with him?*

BAKER: I said, "Mr. Schwartz, I'm not too familiar with the non-immigrants but I know a little bit about it. And I said, "If you don't mind, I'll call Tel Aviv, and see what we can do." So he said, sure go ahead. I got the non-immigrant officer on the phone, and fortunately he remembered this specific case.

Q: *Fortunately for him! (laugh)*

BAKER: And the consular officer said that he would require an affidavit before issuing NIV's. I explained to the consular officer that this was somewhat of a humanitarian request, that they had round trip tickets, proof of jobs, with property ownership in Tel Aviv...

Q: *And good connections in New York!*

BAKER: And good connections in New York, and wanted to stay in New York for two weeks. He insisted on the affidavit until I told him, "when was the last time you ever saw a Jew on welfare?" (Laughs) There was silence, and Abba Schwartz roared. I can still hear him laughing. And the consular officer said, "Frank I guess you're right." Needless to say, the NIV's were issued in time for them to attend the wedding. (laughs)

Q: *Your bona fides were well established, Frank! (Laughs)*

BAKER: Abba was forever grateful for that assistance, and we remained friends until his death. After he left the Department, he called on me on a regular basis, and he and I, after my retirement, consulted with each other on individual immigration cases that he relentlessly pursued.

Q: *What did Abba Schwartz do after he retired, in what, 1964? What did he do, go into immigration work?*

BAKER: Yes. Well, he wrote a book, he took a lot of time writing a book entitled, "Open Society".

Q: *Which is more about American society?*

BAKER: More about the flow of immigration, and his stint and tenure in the State Department and his ups and downs, and so forth.

Q: *How did the book do?*

BAKER: Well, I don't think it did very well.

Q: *He had his own income, I guess, didn't he?*

BAKER: Yes, I think he was independently wealthy. And...

Q: *But he got out some of this ideas as we are now doing in this oral history interview. To get our ideas out and knowing that he had a good person to contact, Frank Baker. You would talk to him straight! And, some of his underlings, as you called them, maybe weren't. Back to the substance of his tour of duty. He started with the mandate to revise the law. Tell us how he went about it?*

BAKER: Yes, to revise the law, which he did. Well...

Q: *And what the new law ended up doing?*

BAKER: O.K. We had quite a few meetings on the new aspects of the law, and what it should do and how to select the new immigrants to come to the United States. And, there were suggestions made by the Immigration and Nationality lawyers, lobbyists, the Hebrew Immigrant Aid Society, the National Catholic Welfare Conference, and other organizations, interested in immigration.

Q: *We should remind the reader, though, that the laws that we're talking about are not refugee laws. Is that correct?*

BAKER: That's correct.

Q: *O.K. I mention this because the interests of an number of these groups are more directed towards these refugees or asylum cases, not immigrants.*

BAKER: Yes.

Q: *And the same is true with the thrust of the '65 Act. Correct?*

BAKER: The 1965 Act is for people who want to move from their country and settle here in the United States.

Q: *You might say, economic ...*

BAKER: Economic, and family, and so forth.

Q: *Sorry to interrupt. Now back to the different interest groups.*

BAKER: Mike Feighan, congressman from Ohio, was on the immigration subcommittee, and, of course, Teddy Kennedy was on the Senate Immigration subcommittee. And these two committees got together and came up with a proposal, of the selection system to be used, should this law be passed. And it consisted of six different preference categories. By abolishing the national quotas, the system would be set out as twenty percent for first preference, unmarried sons and daughters of US citizens. Twenty percent, and the amount unused by the first preference, for the spouses and children of the resident aliens, ten percent to the third preference for professionals, such as doctors, lawyers...

Q: *That's the first point where an occupation came in.*

BAKER: Occupation, yes, right, yes.

Q: *The previous law, it was only family. Now we have identified a need for certain skills for which we're in short supply in the United States, supposedly?*

BAKER: Yes, short of or needed in the United States.

Q: *Was that pushed by labor unions? No. Who pushed that, who was interested in...*

BAKER: Well, I think mostly the immigration and nationality lawyers were responsible for that.

Q: *There were pressures from abroad.*

BAKER: There were pressures from abroad. Because most of these people were on, what they call a non-preference category, and there was nothing available for them to immigrate at all.

Q: So this was the first that we have, of people needed in the United States for their skills, and what was that the fourth preference?

BAKER: No, third preference, and it was strictly ten percent. No fall down from the first two preferences. The fourth preference consisted of twenty percent, and that was the married sons and daughters of citizens. And it included their children.

Q: But that's new from the old law?

BAKER: Yes, and that included also, any fall down from the first three preference categories.

Q: But that job, third preference, was kept aside and held to ten percent. O.K.

BAKER: That's right, yes. And the fifth preference category consisted of brothers and sisters of citizens.

Q: Probably the most debatable. (laughs)

BAKER: That's right.

Q: They said some brothers and sisters end up not talking together; how far can they immigrate together?

BAKER: Yes, so anyway, they were entitled to 24 percent, and plus any fall down from the first, second, third and fourth preferences. And, then the sixth preference category consisted of a small percentage, only ten percent plus any fall down from the first five preferences. And, that was for the skilled and unskilled workers in short supply. And then, the remaining six percent was for refugees. The non-preference category belonged to everyone who couldn't meet the preference criteria, and they qualified on the basis of their registration date with the Foreign Service post.

Q: But they couldn't, for example, work. They couldn't come into the United States to be employed?

BAKER: Oh, yes. They were the ones who couldn't qualify for a preference category.

Q: Even though they didn't fall under any of the categories.

BAKER: Yes. And, they used the unused portions from the first six preference categories.

Q: If there was anything left. And in the beginning, there was.

BAKER: And in the beginning there was. Yes, we had non-preference immigration. In the beginning, the '65 Act, I failed to mention, had an annual limit of 170,000 per year for Europe, Asiatic and non-western hemisphere countries. And this annual limit was used, for the most part, by the preference categories. And a goodly percentage for the non-preference, where the preferences were current, and those numbers would flow down to the non-preference categories. For example, Great Britain and Ireland never fully used their quotas and the majority of immigrants from these countries used the non-preference category.

Q: But something I think we forgot to tell the reader. The old, per country, quota has now been wiped out.

BAKER: Abolished. Yes, by the 1965 Act.

Q: And we have 20,000 per country!

BAKER: We have 20,000 limit per country. Within the preference selection system, we have a 20,000 maximum for any one country. All applicants now with each other on a preference and registration date regardless of the country of their birth, up to the maximum of 20,000 per year for any one country.

Q: And this probably, talking about Kennedy's wishes and Abba Schwartz' mandate, probably was the most important thing that they wanted changed. Is that right? The inequity by nationality?

BAKER: That's right. I believe they wanted an open society, as his book was titled.

Q: Well, now you've got both the quality of the new immigrants, and the quantity changed.

BAKER: During the initial stages of the '65 Act, we were able to take care of most of our visa applicants, as our preference categories were current, and stayed current, for the most part until somewhere in '78 or '79.

Q: With the exception of western hemisphere, then this new law took care of any of the backups, any of the administrative waiting lists.

BAKER: That's right.

Q: And did so for ten years, am I hearing?

BAKER: Yes, that's right. Just about ten years. Yes. In other words, we had a waiting list for the Italians, which numbered somewhere over a hundred thousand. And, this backlog was cleared up within a ten year period.

Q: So, really to belabor the point, with the exception of the western hemisphere, every immigrant who wished to come to the United States and who's qualified, came.

BAKER: Just about.

Q: So we had no pressures on us. We had no complaints from interested groups or individuals, even congress, I mean, congress didn't ride your back?

BAKER: No, but...

Q: Maybe a few individuals did.

BAKER: A few individual cases, I think.

Q: Since congress is omnipotent, in terms of constitutional interpretation of the right to change these laws, did you find yourself with individual congressman trying to pressure you, from time to time? To, how shall we say, juggle the numbers?

BAKER: Well, we did have quite a few requests from their staff aides, which were pushing visa cases, for expediting and so forth.

Q: Expediting versus ignore the numbers?

BAKER: That's right. In other words, if a category was oversubscribed, and we were issuing to applicants, say for example who were registered prior to January 1, 1965, and this applicant that they were interested in had a priority date of January 1966, there was just nothing that we could do. To issue that visa, would have been illegal, and that's something that we never tolerated.

Q: And you held.

BAKER: We held fast to it, and we had the law to back us up on that.

Q: Do you have any examples of a few congressman that might have tried something else?

BAKER: Well, in '52 we had a problem with Wayne Hayes from Ohio.

Q: Wayne had a very strong voice in the State Department affairs, in those days.

BAKER: That's right, he did.

Q: *He controlled our budget, I think.*

BAKER: Yes, he was a budget man. (laughs) And he was pushing a Czech case, and of course, the Czechoslovakian quota was oversubscribed at that time, and there was no way within the law that the visa could have been issued to her, outside the limitation. However, after going into the case, and doing some research, we found out that she may have been entitled to non-quota status as a returning resident alien.

Q: *She had lived in the United States.*

BAKER: She had lived in the United States before, went back to Germany, got caught there in World War II, and then fled to Czechoslovakia and then she was caught there after World War II. So she was having a problem, actually of not immigrating to the United States, but of emigrating from these countries.

Q: *She had been in motion!*

BAKER: Right, yes. So Wayne Hayes called down and figured we weren't acting too fast on the case, and raised all kind of hell with us. Finally, we got the case solved, and the gal came in as a returning resident alien, not requiring a visa number.

Q: *But it took you to say, "Yes, it's legal, and, you're going to have to do it the way we're going to do it." Despite Wayne Hayes.*

BAKER: That's right, yes. I might add that Wayne Hayes ended up later on with a lot of trouble.

Q: *Yes, he did. And there wasn't a person in the State Department that didn't cheer. (laughs)*

BAKER: Right, yes. And, right after the passage of the '65 Act, we were called upon the Hill to testify before the Immigration subcommittee. There was a member of the committee, Arch Moore, congressman from West Virginia, who was hot on some third preference cases. And he felt he wasn't getting enough action, or speedily action on those cases.

Q: *We remind the reader, third preference was that small ten percent for specially skilled individuals.*

BAKER: Specially skilled individuals. Yes.

Q: *Coming for a job, in other words.*

BAKER: In order to qualify for that, you had to have a labor certification, and in addition to that, you had to have a petition filed. Well, the labor certification approval would take two to three months. Then, in turn the visa petition would take another two or three months for processing.

Q: Just for it to flow through the bureaucracy.

BAKER: That's correct. Then, the codicil of the visa petition, would take another two or three months with the Immigration Service. And then it would take another month in travel to the foreign service post. And then it would take another month or two to process the case at the foreign service post. So, Arch Moore wasn't too happy with this. And he said these people are not given the proper priority date. So I explained to him that the priority date was established based upon the filing of the labor certification, regardless of when the petition was filed. He didn't believe me, because he said that he was over in London, and got some information from the consular officials over there that it was the petition filing date, rather than the labor filing date. He said, "you have to straighten it out." And I said, well, I tried to explain to him that the labor certification and the petition would go hand in hand, and the applicant would be given the benefit of the earlier date. Anyway, he said I didn't know what I was talking about, and I said well since I can't satisfy you, there's no use of discussing it further. And he ordered me out of the hearing room.

Q: So you were actually in the hearing? Oh!

BAKER: That's right. I was testifying. And I might add that Arch Moore came upon hard times later when he was Governor of West Virginia. And was indicted for some shenanigans that he carried on when he was Governor of West Virginia.

Q: Morally, you better treat those underlings properly! Or we'll get ya! (laughs)

BAKER: So, I felt that I was vindicated in both cases.

Q: But those are the rare exceptions, usually congressmen knew that the law was clear.

BAKER: That's right, yes. And we got along very well with the staff aides. When we told them it could be done, they thanked us, and when we told them it couldn't be done, they thanked us.

Q: And, in most cases, the staff, the congressmen are calling on the behalf of the constituents. Somebody who lives in that district who needs help.

BAKER: That's right, yes.

Q: And I'm told that the Visa Office has the largest number of queries from congress of any element in the State Department--because we can provide help to a constituent.

BAKER: And that's because, you know, this majority of congressmen, they know about immigration, but they're not up to date on the ins and outs. The various controls, the various restrictions, and the various qualitative standards that all of the applicants have to meet.

Q: I'm hearing from you, as was my own experience, that most members of congress are perfectly sane, sound people. And if you give them the answers that they can pass on to their constituents, they're happy.

BAKER: Well, it's the old adage, that if your responsive, they're satisfied. They want an answer.

Q: Abba Schwartz learned that early, fortunately for him. (laughs) Because you had the answers, and you weren't defensive, and you weren't going to break laws. At the same time, you knew every law has a degree of interpretation, and you did that. Back to Abba Schwartz' reign, or his period there: tell us about the period between his coming on board and the 1965 Act.

BAKER: He did a good job I thought as the Administrator of the Bureau of Security and Consulate Affairs. He wanted to liberalize, somewhat, some of the qualitative standards set out in law.

Q: For example?

BAKER: For example, a well known individual was invited to come here and speak before a college or group or convention, and there was some question about his ties to the communist party, or some other party or some other ideals, that didn't see eye to eye with the administration at the time, he wanted them to be able to travel and come over and explain their views to the American people. Now some of those, in, people in our advisory opinions group, that rendered opinions on some of the these decisions, as to whether or not the fellow should be able to immigrate, he didn't quite go along with.

Q: One of those things that comes to my memory, is Mr. Auerbach. Frank Auerbach, who tended to be a very strict, perhaps protective, since he himself was an immigrant.

BAKER: Yes, right.

Q: Maybe like many of the immigrants, it takes a second generation before they begin to want equal treatment.

BAKER: I might say, that he, Abba Schwartz, and Mr. Auerbach didn't see eye to eye, but I thought both of them were great people. They had their own views, they were entitled to their own views, and they spoke out on their own views.

Q: *And were intelligent.*

BAKER: And were intelligent. And, as I say, they were both great people. But Abba Schwartz was in control, so he called the shots.

Q: *What was Auerbach's position at the time?*

BAKER: He was deputy director of the Visa Office. He worked under usually a Foreign Service officer, FSO-1.

Q: *Auerbach was a civil service employee?*

BAKER: Yes.

Q: *It must have been an interesting time to watch these various contrary elements in the society itself, as well as in a microcosm in your own Visa Office. Watching the different pressure groups, and ideological tendencies, with the newly elected President but the congress still widely varied interests. Some of very conservative, I suppose, were pressing to keep out people. Also, the old act of '52 was largely against communist association and, within reason communist governments. The '65 Act, however, still had the same exclusion of communists. Didn't it?*

BAKER: Yes, it did. That's under section 212(a)28 of the 1965 Immigration and Nationality Act. And it's still there today, despite the end of the cold war.

Q: *Despite the fact we have no more communists, so to speak!*

BAKER: Well, we still have Cuba and China.

Q: *We lost Albania, though! (laughs)*

BAKER: Right! (laughs)

Q: *Back to '65: have we sort of wrapped up our views of Mr. Schwartz' involvement. Do you want to move into the post-Schwartz era?*

BAKER: The post Schwartz era involved Len Walentynowicz and Barbara Watson.

Q: *So Abba Schwartz was succeeded by Barbara Watson?*

BAKER: Yes, Barbara Watson. And after Barbara Watson, Len Walentynowicz and then...

Q: *And then Barbara back again? Do you want to start with the top? The leader? What was your impression of Barbara Watson's reigns? Both of them together, if you will, or particularly the post Abba Schwartz one?*

BAKER: Well, I didn't have any dealings with Barbara Watson or Len Walentynowicz. My few experiences with them, I found them to be very fine people. However, they had their own group that they were surrounded by. I wasn't ostracized, as such, they called in me from time to time, and ...

Q: *Well, I recollect that from time to time you became central when it came to making certain that mistakes weren't made, that the mathematics, if you will, were very important and very compelling. I have a feeling you had some roles to play there...*

BAKER: Well, I had a few roles to play, but on one of them, they didn't listen to me and they got burned.

Q: *Tell us about that.*

BAKER: This was the Cuban Refugee Relief Act.

Q: *What period was this?*

BAKER: This was prior to '65, a law was passed. At that time, the Cubans, together with all the other western hemispheres, were in non-quota status. When the '65 Act came into being, and the annual limit of 120,000 was placed upon those countries, no limit to any one particular country, but all of them competed among themselves for the 120,00 slots. This Cuban law was on the books.

Q: *Now, let me just confirm this. All countries, Canada, Mexico, Central America and South America, all had no limitation by the individual country, such as the rest of the world did, but had a total for the two hemispheres of 120,000 annually. And all they did was get in line, and meet the same criteria as before?*

BAKER: Right, yes.

Q: *O.K. The same qualitative inadmissibility questions as for the rest of the world. The only question was quotas per country.*

BAKER: There was a total number.

Q: *O.K. And then Cubans were off there becoming communists?*

BAKER: Well, this law dealt with the Cubans that were in the United States, and got here by hook or crook.

Q: *Prior to Castro?*

BAKER: Subsequent to Castro. This law dealt with the Cuban adjustment program. To adjust these Cubans to resident status, from no status.

Q: *They were in a non-status, so to speak?*

BAKER: From no status at all since most of them were paroled into the United States.

Q: *That was the legal way that immigration could put an umbrella over them of some sort.*

BAKER: This law was in effect, and when the 120,000 limit came up, there was much wrangling whether or not to charge these Cuban adjustees against the 120,000 limit.

Q: *'Cause, after all, Cuba is one of the countries.*

BAKER: Right, yes. Now I took the stand that they should not charge them against the limit, simply because the immigration law which they were going to adjust under, was similar to the Hungarian Freedom Fighters law, which did not require a visa number.

Q: *The similarity being these people fled from a communist controlled country. The Cubans found themselves in the United States and needed to be legitimized. Where, in the case of Hungary...*

BAKER: The law itself was somewhat verbatim to the Hungarian law, except that it mentioned the Cubans, rather than the Hungarians. So at that time those dealing with immigration, with their finger in the dike mentality, wanted to keep people out, and wanted to charge them to the 120,000 limit.

Q: *You say those people in immigration, you mean the INS?*

BAKER: INS. Yes.

Q: *They were opposed to having them come in without a quota control on them.*

BAKER: You might say, with the exception of the General Counsel. The General Counsel sided with me. That they should not be charged to the quota limit.

Q: *He was not ideologically driven, or whatever you want to say. He was a lawyer who saw the parallel you saw, and said you must treat one situation like another.*

BAKER: Right. So, anyway....

Q: Let me just ask, numbers. How many Cubans are we talking about and how many Hungarians are we talking about, roughly?

BAKER: Well, it was somewhere in the neighborhood of 100,000 Hungarians, and the Cubans, as it turned out, measured some 240,000.

Q: We're still talking just large numbers, comparable numbers.

BAKER: Yes.

Q: Well, in any event...

BAKER: In any event, the decision was made after Ray Farrell, the commissioner of Immigration at that time.

Q: What was his position at that time?

BAKER: He was the commissioner.

Q: What was his position on this issue? What did he think about it?

BAKER: I really don't know what he thought, but my understanding is that he cut a deal with Everett Dirksen, the noted Senator from Illinois, and they decided to charge them against the 120,000 limit.

Q: Again, we remind the reader, it's congress that makes these decisions, not only writes the laws, but may enter into some decision making within the law.

BAKER: But, in this case, it was congress who wrote the law, but the Immigration, and the State Department made the decision that the law would call for charging the numbers. An administrative decision was made by both parties.

Q: Because the law was not explicit.

BAKER: Because the law was not explicit. And we continued to do these Cuban adjustments, subtracting each one from the 120,000 annual limit.

Q: But the State Department also felt the way INS did, that they should be charged against western hemisphere. Except you.

BAKER: I don't know how they really felt, but I told them to not charge them against the 120,000 limit. But they went along with the INS decision.

Q: *Dirksen was getting involved?*

BAKER: Yes.

Q: *Were you ever asked to give your opinion to, say, Barbara Watson?*

BAKER: I gave it to her, yes.

Q: *How did she take it?*

BAKER: Well, evidently she didn't take it because she went along with the INS decision.

Q: *Did she explain why to you?*

BAKER: No. So anyway we were instructed to charge these Cuban adjustees. Every Cuban adjustee from the INS came into the Visa Control Section, and we marked each one off, and sent the numbers back to INS.

Q: *And we're talking big numbers aren't we?*

BAKER: To the Immigration Service. Yes.

Q: *Of the 120,000 a year, how many Cubans a year, roughly?*

BAKER: Well, somewhere in the neighborhood of 20,000 per year. And the final total was 244 odd thousand.

Q: *Adjusted and subtracted from the western hemisphere?*

BAKER: Adjusted from the western hemisphere, over a period of, until '78 or '79. Yes, '79. And then some bright lawyers and organizations got together and sued the State Department for using these numbers.

Q: *Sued the State Department, in a sense because you were responsible for the core of the control, not the INS.*

BAKER: Right, yes. They sued the State Department for us using the numbers from the 120,000 limit. And, needless to say, after much testimony back and forth, and in the courts for two or three years, the judge finally decided for the plaintiff, and instructed the Department of State to restore these 244,000 numbers, and redistribute them among the western hemisphere applicants, who were then on an oversubscribed waiting list.

Q: *So, you took these 244,000 numbers and gave them back to all these people that were waiting, because there wasn't a number available.*

BAKER: That's right.

Q: *And this went back over a period of six or seven years?*

BAKER: Well, it started in 1980, the Silva Program, as we called it, because the lead plaintiff--it was a class action suit--was Jose Silva.

Q: *What nationality was Mr. Silva?*

BAKER: He was Mexican. And, of course, the Mexicans benefitted most from this suit.

Q: *They were the largest group that had been held back?*

BAKER: That had been denied, because of the use by the Cubans, yes.

Q: *Some of the them had probably died by then, or given up their claim to...*

BAKER: Some of them had given up hope, some of them had died, some of them had...immigrated in other ways, and were under cover, or whatever.

Q: *They might well have been in the United States.*

BAKER: So the court instructed the State Department to redistribute these numbers over a period of two years.

Q: *Well, that's not too unreasonable.*

BAKER: And it was somewhat ironic, I was retired at the time, that they called me back to administer the Silva Program. And, fortunately we finished it within the two year span, and everybody was satisfied.

Q: *And literally 240,000 numbers were handed out to non-Cubans in the western hemisphere?*

BAKER: That's right.

Q: *So it worked, but you left out something I know you were aware of--and I sure was aware of as deputy director. The Silva Program demanded a tremendous drain on resources because you just don't adjudicate 240,000 immigrant visas applications with the staff you've got. We had to hire...*

BAKER: Yes, there was a lot of retired people who were called back to duty. Clerical staff was hired, and so forth.

Q: *But the Mexican posts suffered the most?*

BAKER: Posts such as Guadalajara, Monterrey, and Mexico City, the three immigrant issuing posts, were the ones that suffered the most.

Q: Did all of the western hemisphere non-Cubans, that were in the United States needing adjustment of status, did they have to go back to their own countries to get their visa? Or could they adjust their status in the United States?

BAKER: They all had to return to their own countries to obtain visas. There was no adjustment of status for the western hemisphere at that time, except Cubans. They had to go back and pick up the visas. During my contract days with the State Department in administering the Silva Program, we received many phone calls that so and so has an appointment date on such and such, and they can't make it, can you delay this, can you do this.

Q: Or can we send them their immigrant visa up in Texas! (laughs)

BAKER: Right, yes.

Q: Well, back to what started this, which is Barbara Watson and Walentynowicz' reigns. You say you had little to do with them but you had some contact, obviously. Did you find them, from your own vantage point, good leaders of the Bureau?

BAKER: Yes, they were good leaders. Especially Barbara Watson. She was a good leader.

Q: Why do you say she was a good leader? What are the qualities that you think make good leadership?

BAKER: Well, she trusted you, she patted you on the back, she gave you the time of day, and her door was always open. And she wasn't a stuffy politician or bureaucrat.

Q: Or maybe she was a very informed politician. (laughs) A politician can be, you know, a great...

BAKER: Yes, I don't mean to say that it's one way only.

Q: But, you're, although your dealings with her were less, you did find by trickle down, or by osmosis association that she was a good leader?

BAKER: Right.

Q: One of the things that happened in that period of which I'm particularly aware, and I know you are, is that the "quills and pens" began to vanish. In fact, a few relatively

modern devices began to come in. And I can't think of a place that needed such support than in your area. Tell us about computerization, and mechanization?

BAKER: Well, we tried to computerize for many years. But, unfortunately and I couldn't see eye to eye, simply because the system that they suggested would be more cumbersome than what we had.

Q: Were these contract people, or were they people in

BAKER: They were contract people and they were computer people on the civil service end of the Department. And not until 1980, when I was back on contract, did they come up with a system that was compatible to everyone that was involved. Both them and us.

Q: That's a period of maybe ten years?

BAKER: Yes. That's right. And during that time of my contract, we were able to computerize the system.

Q: It sounds so easy to computerize.

BAKER: With the help of Seton Stapleton, who succeeded me in my job as Visa Control Board.

Q: And had been a Foreign Service Officer, who had the field experience in the Middle East. What was it, a matter of communicating between...

BAKER: Well, they didn't have the proper tools. First they wanted us to punch cards. Now, punching cards required great skill, as far as the preference was concerned, the Foreign State code was concerned, the priority date was concerned. There was too many errors. And, the people, the only people that could punch the cards, or hired, were the GS-1's and the GS-2's [lowest grades]....

Q: Who were paid accordingly, and had no background.

BAKER: And had no background experience. They came up with the Wang machine, where you could punch it in yourself, see what you got, and you had the machine right there, the personal computer.

Q: No longer punching cards?

BAKER: No longer punching cards.

Q: Now we're in front of a regular PC. O.K.

BAKER: Yes, yes. And that was acceptable, to both groups.

Q: *Again experimentally, you were trying this out?*

BAKER: And this worked out fine. Because every time you'd get a report, instead of stacking them up, and doing them on pen and quill, or punching a card, you could enter this information right into the computer, the same way the report came in.

Q: *Did you have a way of checking it, so you felt errors were not made?*

BAKER: Yes.

Q: *What year was this that the Wang actually took over?*

BAKER: 1980.

Q: *1980. So you were going maybe up to ten years, or at least a longer period than need be, without having a computer system. Your area was, I believe, one of the very first in the Visa Office to be computerized?*

BAKER: Yes, it was.

Q: *We had Lookout Systems.*

BAKER: We had the Lookout System, but that was somewhat archaic. As an ancillary job, it was my responsibility to see that the Lookout book was produced periodically and updated. And, even though...

Q: *That doesn't sound like quota control at all!*

BAKER: No, even though I was Visa Control, that was one of my ancillary jobs, the Visa Lookout book.

Q: *And why did they give you that?*

BAKER: It came under the Operations Branch, but for some reason or another, the personnel director at that time put it under my management.

Q: *I think you better tell the reader a little bit about the Lookout program. It sounds like kind of an ominous thing. You want to just give us a little summary?*

BAKER: Well, the Lookout System consisted of the names of all aliens that are ineligible for immigration, based on the qualitative standards of the law. In other words, if the post in Palermo knows of a mafia man that kills somebody, then his name, date and place of birth would go into the Lookout System, under terrorist, or otherwise.

Q: The person didn't have to be refused a visa to be put into the Lookout System?

BAKER: No, no.

Q: What it was, was a list of people, that were either ineligible, known to be, or suspected to be?

BAKER: Yes, that's right. Yes. And this was an alert to the consulate offices. Every applicant that applied for a visa had his name searched through the Lookout book, and now it's on the computer system.

Q: Now that Lookout list, the blacklist, if you will, had been going on for years, I've been told.

BAKER: That's right.

Q: And it was updated, from time to time, purged perhaps? Or maybe not! (laugh) Once a man died he probably wasn't purged!

BAKER: That's right, yes. No, there was some purging done on the lesser problems with the aliens, such as a non-bona fide non-immigrant, [section] 214(b) [of the 1965 Act]. His name was put in there when he was refused a non-immigrant visa.

Q: But maybe only stayed in there

BAKER: Within a year or two, his name was purged, yes.

Q: Now all of that was done mechanically, just like the quota system. The name was typed into long lists; I guess the first "modernization" was the microfiche. Tell us about what that is?

BAKER: Well, the microfiche consisted of a listing of all the names in the Lookout System, ...sort of an index or library, if you will, that the post would use on these microfiche machines. Rather than looking through a big log, or ledger, they'd look through these microfiches. If the name was Bill Morgan, they'd go directly to the M's and see if Bill Morgan's name was in there.

Q: And go slowly blind, as the hours went by. But this was considered to be a faster way. And, maybe a more updated way? How often did they send new microfiches?

BAKER: Once a month.

Q: Once a month. So that's fairly good. But you could skip through if you went quickly from one post to the other, maybe? It was a hole in the Lookout System.

BAKER: Right, yes.

Q: All right, now you went from microfiche and books to computer systems? When did that happen?

BAKER: That happened sometime in the '80s, after I'd gone.

Q: So when you were responsible for keeping it up to date, and so on. It was still a book as well as a microfiche. Frank, since you've retired, the inevitable congressional and administration desires have been manifest in ever-changing existing laws, namely the 1991 Act. I understand, as a matter of fact, that congressmen are so fed up with changes in the law, that they never want to see another change in the Immigration Law, ever! We know that won't be the case. But, even though you haven't had direct involvement with these recent bills, give us your summary views of what you understand are the principal changes to immigration law since you left, say over the last ten years, certainly since the 1965 Act.

BAKER: The biggest change, well actually it wasn't a change, but the biggest law was the Amnesty Act, which granted amnesty to all the illegals, and this Act came on board after much debate, pro and con, because actually no one knew just how many applicants it would entail. And, there were estimates anywhere from five to ten million that would compete in this, and how would they handle it with the staff that they had on hand at the time.

Q: What were the principal motives: sense of uncontrollable numbers of illegal aliens in the United States?

BAKER: With no control over them, and they were growing in numbers and the proponents of the bill, advised congress that these people were already absorbed in our communities, and they were not displacing the American citizens from jobs, to the contrary, they were helping our economy.

Q: These were largely Mexicans, and Central Americans?

BAKER: That's right, yes. And, there were a few Canadians, also. But the majority were Mexicans, and Central and South Americans.

Q: Who were, in our terms, illegally here.

BAKER: Yes, that's right. Without any status, and undocumented as the word goes!

Q: Misused by employers, perhaps, exploited, scared?

BAKER: That's right. Now the opponents of the bill estimated that they'd be some ten million of these that would come forward. And finally the bill was passed, and the results

was no where near the estimate that the majority of the people thought would qualify under this bill. And, it set out to relieve thousands of people from a worried mind, from a worried job, worried family unit, and gave them legal status. It was just like releasing them from jail.

Q: What time period are we talking about? Is this mid-80's?

BAKER: This was in the mid-80's. Yes. I was retired at the time, and I was doing immigration consulting work. And I helped some 15 or 20 applicants become regularized under this Amnesty Act.

Q: What were the terms of being regularized? What did you have to be to get such a status?

BAKER: Well, you had to be here before 1980, and you had to prove to the immigration service that you lived continuously here for that period of time, until the time of application.

Q: So you couldn't go back to Mexico to see your family?

BAKER: Right, that's right, yes. There was a waiver of that of 30 to 60 days, if you were out of the country for 30 to 60 days, that wouldn't count. But, as a result of it, I think there was close to 5 million applicants that qualified under this Amnesty Act.

Q: Were the usual terms of inadmissibility applicable?

BAKER: Yes there were the qualitative terms of the law.

Q: But there was no quota. Obviously it didn't apply.

BAKER: Right, no quota, and the law was administered completely by the Immigration Service. There were separate offices set up at the district offices for the Amnesty Program, and the applicants had to qualify at that spot.

Q: So it really didn't affect the State Department, except certain tangential foreign policy issues, but it basically was in INS. But it was, as you say, an important change in immigration policy, that had been perking over the years because of the dissatisfaction of knowing illegals were here, and having employers be a part of it, and misusing them.

BAKER: That's right. Yes.

Q: Do you think it was a success?

BAKER: I think it was a success. Yes. Very much so. And, of course, it did not interrupt our economy, it related the family units, it helped the applicants quite a bit who were

having difficulties with employers, who were not paying the proper wages, giving the proper housing or anything else, that they were entitled to.

Q: Do you understand that the controls through the employer are working? That people, in fact, are doing it correctly?

BAKER: Yes, at this stage of the game, I think they are, yes. And then after that we had what we called the lottery game.

Q: Doesn't sound like much of a State Department foreign policy question!

BAKER: No, this was for the applicants who were born in a country that were...shut off when the national origins quota system was abolished. Such as, British, Irish, Italian, a number of people that were affected when the '65 Law went into effect.

Q: For example, the British dropped from 65,000 to 20,000?

BAKER: Less than that, yes.

Q: So that, they were disadvantaged?

BAKER: Yes, that's what congress contends. That they were disadvantaged by instead of 30,000 people coming from Great Britain, only 10,000 could come.

Q: Only 10,000! Why did it not drop to 20,000?

BAKER: Well, there was only 10,000 that qualified, when they competed with everyone else around the world!

Q: Oh, I see, it's again the competition with the rest of the world. So that the British might have 20,000, but they didn't have 20,000. I see.

BAKER: That was their cap at 20,000, but the number of British that might come in, depending upon how well they competed with the other foreign states.

Q: A lot of people coming to retire, so they were disadvantaged, congress thought? Is that what stimulated this?

BAKER: Yes, that's right.

Q: I understand it's the Irish, too played a part in it?

BAKER: Yes, Irish, too played a big part in it. In fact, out of the first lottery, I think about 50 percent of the 40,000 numbers went to the Irish.

Q: Your tossing around these numbers leads me to believe that even though you weren't directly involved you certainly know what happened.

BAKER: Well, being a consultant on immigration, I try to keep my hand in. I had close contact with Seton Stapleton, who succeeded me in Visa Control, and he kept me up to date on all the comings and goings.

Q: *So, in summary, how did they reach these levels of numbers?*

BAKER: Well, congress passed a bill for 40,000 in the lottery.

Q: *Why did they come to 40,000, for example?*

BAKER: I don't know how they arrived at that figure. It may have been a compilation of visas that were not used by these countries, during the period of a pro-rata basis, which probably was the reason they came to that quota.

Q: *How many countries are we talking about, that were disadvantaged?*

BAKER: There were some 20 to 25 countries.

Q: *England, Ireland, and ...*

BAKER: England, Ireland, Albania was one.

Q: *Albania? Oh, because they couldn't get out of the country to emigrate!*

BAKER: Argentina was another one, and so forth. But these applicants were picked on a first-come-first-served basis. And the lottery started on a certain day, and the priority date consisted on the postmark on the envelope.

Q: *How did you, as an Argentine, know what was going on?*

BAKER: All of this information was assimilated by the foreign service posts, and publicized in the public papers, and...

Q: *And the word spread, obviously.*

BAKER: And the word spread.

Q: *Did approach, for example, people who had not been able previously to get visas?*

BAKER: No we didn't. No, we just publicized that fact that this lottery was open. Anybody who wanted to participate in it had to send a letter in by such and such date, up to a closing date.

Q: *Whether they had applied for a visa, or not?*

BAKER: Or whether they were on the waiting list, or whatever.

Q: *But, only from those 20 countries, or so?*

BAKER: Only from those countries.

Q: *But they had to submit a ...*

BAKER: All they had to submit was their name, date, place of birth, their address, and the foreign service post that they would apply, if they were picked.

Q: *If they were picked, then did they have to become qualified, in the sense of did they have to have a labor certificate, or relatives, or what?*

BAKER: No labor certificate, or no relative was involved. All they had to do was qualify on the qualitative standards of the law. Physically, mentally, and politically. So that, if they, a job was not involved, but they had to prove that they were not going to become a public charge. So, therefore, they probably either had to have a job, or a sponsor that would guarantee of them not becoming public charges. One way of overcoming that, was a job offer. Now this is true, in the two lotteries--the one lottery that was just completed and the new one that's coming up next fiscal year which starts October 1, 1993.

Q: *Now there will there be many annual lotteries; did the law call for them?*

BAKER: Well, so far there's been two, and the third one is coming up.

Q: *And that's it? Finished?*

BAKER: And that's it for the time being, yes?

Q: *For the time being. (laughs) In a sense, you think there'll be more lotteries. But the law itself merely covers only three lotteries, period.*

BAKER: Three lotteries, that's correct.

Q: *And this supposedly brings equity to those that were disadvantaged. Every Irish bartender in Boston is taken care of. (laugh)*

BAKER: Every New York Irish cop is taken care of. (laughs)

Q: *What have you heard through grapevine, or otherwise, on how it works?*

BAKER: Well, so far through the grapevine, and being an immigration consultant, I filed quite a few for these applicants, and there was no cap on the number of applications that you could file. They were merely picked from, at random, by a computer. So, on all my applicants, I filed twenty applications, each, and every one of them in the first go around were picked.

Q: *Oh, my.*

BAKER: On the second go round, I was lucky on only two out of ten.

Q: *And that's just by the numbers. Absolutely. Well, of course, if you picked an Irishman to file for, the chances were much better, because 50 percent went to the Irish, is that right?*

BAKER: Well, unfortunately, I didn't have any Irish applicants. It was Japanese, British, Canadians, and..

Q: *Well, now. These people filed these letters, and they went into the Visa Office, as letters?*

BAKER: They went into a sub-office, a contractor for the visa office did this and computerized everything.

Q: *Computerized in the sense that they input all the data and then threw them up into a selection system.?*

BAKER: And, then the computer went through and picked each one of them.

Q: *And nobody has challenged that yet? No lawyer?*

BAKER: Nobody has challenged it. They all seem to be happy, because evidentially 40,000 slots take care of a goodly amount of applicants that were applying.

Q: *Of course, when they finally got around to their applications, I assume, some got refused. So I suppose it was 40,000 plus, with replacement numbers.*

BAKER: That's right, yes. Of the 40,000 that weren't chosen, maybe at the end of the fiscal year, you had about 5,000 numbers left over, then they would choose 5,000 more.

Q: *I would argue, Frank, that when you and I worked together, some decade or so ago, if you had ever proposed to me or I to you, that there would be immigrant visas issued on the basis of a lottery, we would have laughed each other around the room for the next decade.*

BAKER: We'd have both retired sooner, too! (laughs)

Q: *Somehow the concept of a lottery, to come into this country... well, enough of that.*

BAKER: Well, this goes with the 1990's, I guess. With all of the states having these lotteries for a million dollars, you know, and...they picked up on it.

Q: I have too much respect for the immigration process. I think I do? (laughs) But now, what's the next major change in the law?

BAKER: Well, the Reform Act of 1990, which added some 90,000 more numbers of slots a year to the Immigration Law of 290,000.

Q: And that is the law that is now in effect? It increase the quantity?

BAKER: It increased the quantity, and revised, somewhat, the percentages going to different categories, and mainly it changed the selection system for the new seed applicants, such as the doctor or the nurse or the engineer.

Q: New seed? You want to tell us what that means?

BAKER: In other words, no relations to American citizens or resident aliens.

Q: Oh, a seed!

BAKER: Seed, s-e-e-d!

Q: Like a relative plants a seed! Oh, dear!

BAKER: Because immigration begets immigration! Yes?

Q: And we call it new seed?

BAKER: New seed! And the workers, I don't know exactly what their percentage is, but the categories for the doctors, dentists, nurse, anybody with a high degree, is in a current category, and numbers are immediately available for them.

Q: What do you understand, motivated this increase in skills? What brought this about? Here we are out of work, we've got a shortage, we've got professional people looking for jobs!

BAKER: Well, I don't know what motivated it, but I'm sure the immigration and nationality lawyers were behind this--because they're the ones who get the biggest fees from it! (laughs)

Q: Well, yes, all of that aside, you still have to convince not only congress but labor unions, professional groups; everyone agreed with this. Is that right?

BAKER: That's right, yes.

Q: So we do need the skills?

BAKER: The bill, itself, passed by a big majority.

Q: *Was it a trade-off for something else?*

BAKER: It may have been, for all I know, but I just can't give you an answer for it.

Q: *But, the bottom line is they have increased the number of skilled people eligible to come to the United States.*

BAKER: Right.

Q: *How about the quantity? You said was brought up by what, almost 100,000?*

BAKER: Yes, close to 90,000.

Q: *What do you think is behind that? What do you understand motivated an increase in numbers?*

BAKER: Well, the assumption that we're able to absorb more, and the fact that this Amnesty Bill came along, and took care of five million.

Q: *But didn't take care of the number that we thought it might. I mean there weren't that number out there.*

BAKER: Yes, right. And it didn't hurt us one way or the other. And here's the fact: no visible signs of it.

Q: *Did it cut back on family members? Brothers and sisters, for example?*

BAKER: No, it didn't cut back on the family selection, the first preference is still the unmarried sons and daughters of citizens, and that category, I might state, is current for all foreign states, except Mexico and the Philippines.

Q: *So, again, maybe this was some problem-solving. Where you get a building up of backlogs, and you have to settle it somehow because it isn't fair, I guess. So you pass a bill that reduces backlogs and then you can say we're down, without a backlog. Except the Philippines and...*

BAKER: Mexico. That's on the first preference only. And on the second preference that consisted of the spouses and children of the resident alien. That's oversubscribed by a year or two. And...

Q: *For all countries?*

BAKER: Yes. For all countries.

Q: *For all countries!*

BAKER: That's right. You see, they get 26%, or 23,400 slots per year, in the second preference.

Q: *And there isn't anybody that comes in that category?*

BAKER: Well, there's applicants on the waiting list, waiting their turn to be reached. There's more than 23,000 on this waiting list.

Q: *More than, yes, but 23,000 of them are coming in?*

BAKER: Oh, yes.

Q: *Then, and then there's a backlog of...*

BAKER: A backlog of others, yes. And

Q: *And then the third preference?*

BAKER: The third preference is for the married sons and daughters of citizens. That category is oversubscribed by about a year.

Q: *O.K., but still people can expect to come, right?*

BAKER: That's right.

Q: *A year is waitable.*

BAKER: Yes. They get their percentage allowed by law, and the rest of them, according to the registration dates, have to wait their turn. And then the fourth preference is for the brothers and sisters.

Q: *So that's what the old fifth preference was, brothers and sisters, and the same numbers?*

BAKER: There's a backlog, yes, the same number, and there's a backlog of about a 10 year wait on that category.

Q: *There's many a person who says they should wait forever.*

BAKER: And then separate and distinct from that, come the worker's category, which is current on all categories.

Q: *Oh, really! Is it just one category of workers? Skills and unskilled?*

BAKER: Well, no, it's three. Three different categories. The one, two, three categories, which consist of those people with high degrees, bachelor's, Ph.D.'s and so forth. Those in

the work force such as nurses, engineers, others, that's current. And then the latter categories, skilled or unskilled in short supply. That category is still oversubscribed by about five or six years.

Q: Which is more than it has been. Behind that delay is labor certification needed for third category. The first two categories need no labor certification?

BAKER: No, there's labor certification on all of them.

BAKER: On all three? Formerly, the skilled person--the doctor, for example--didn't need labor certification.

BAKER: He was called Schedule A; the Department of Labor certification was waived.

Q: But now, he is...

BAKER: Labor certification on all of them.

Q: So that is a tightening up, if you will, of the Labor Department....

BAKER: Qualitative control.

Q: Qualitative control. Let's pause there for a moment, and talk about the two principal other agencies that are affected here. Concerning input into decision-making, let's talk first about the Labor department and then INS. Labor measures the employment and unemployment around the United States. How do you look, in your experience, at how the Labor Department managed this particular issue?

BAKER: Well, frankly, Bill, I don't know much about the Labor Department, and I will say, that 90 percent of the labor certifications that are filed, are approved. Now, the only ones that they disapprove, I think, are the affected areas, where there's high unemployment. Such as might be West Virginia, for example, or parts of Kentucky, or...

Q: Which is one purpose of labor certification. Just don't go out giving jobs to people when you've got unemployed.

BAKER: Their main thrust, or reason for the labor certification, is it will not displace some American citizens from a job.

Q: From your feeling of this, does it work?

BAKER: Well, I think it's working, but I think it's just another step in paper shuffling, because they approve 90 percent of them.

Q: But approval means that we need that person in the United States.

BAKER: That's right, yes.

Q: So that sounds fair. So that paper shuffling, well if it weren't for this screening, this paper shuffling, there would be no stopping people.

BAKER: What I'm trying to say is that the labor certification, if it weren't necessary, you could approve it based upon a petition, and documents submitted by a particular individual, showing his background, education, and what his career is, and his skills and so forth.

Q: As a visa officer in Bujumbura you couldn't be certain about the job opportunities in West Virginia. So you'd get a list saying, we don't need anybody in West Virginia. What you're saying is you think it could be done without Labor Department certification, simply by the INS and the visa officer adjudicating?

BAKER: Since 90 percent of them are approved, I think it's...

Q: You see that as possible? Not these days of unemployment?

BAKER: Not in this day and age, no.

Q: What about INS now. What are your overall views of our sister service?

BAKER: Well, it's a good system, INS and visa [adjudications]; it's what we always referred to as the double check system, to get your visa from the American consular officer and then at port of entry you're inspected again and make sure that you meet all the qualitative controls. At the port of entry I think, INS does a good job.

Q: Under tremendous pressures.

BAKER: The central offices of the district, not the central but the district offices, are responsible for approving petitions, the adjustment of status, deportation and picking up illegal aliens, and so forth. I think they do a good job, also, but there are some offices, in relation to others, whether they're inundated with work or they're understaffed, I don't know which. But they take too long in adjudicating petitions, they take too long in adjudicating naturalization petitions. For example, I took a Canadian couple over in April of this year, for naturalization. They met all the requirements. The young lady at the counter accepted all the documents. Said everything was in order. "But you have to wait until April of '93 before we can give you an appointment for an interview for citizenship.

Q: The reason being?

BAKER: No particular reason other than that they're backlogged. If they're backlogged all this much, it would appear to me that there should be staff to go around, somewhere. And

consistent with that of Baltimore, I know for a fact that in New York it only takes three to six months to get your naturalization.

Q: *Is it the...*

BAKER: So it might be management, it might be leadership, or what. But my workings with the Immigration Service, have come up with the idea that the majority of the immigration officers have police mentality and their finger in the dike mentality, again, stopping this flow of immigration. They're not as gracious and nice and polite as those in the foreign service.

Q: *And that is endemic to the nature of the immigration service. Of course, we do know that it's a split service. Some are law enforcement, others are adjudicators. Visa officers are only adjudicators. We are not trained to be law enforcement officers. That means we carry out the law, but we are not cops, if you will. We're certainly not troubled with the border patrol problems.*

BAKER: The majority of the [INS] adjudicators act like law enforcement officers.

Q: *Maybe they were. A lot, we know, have not had a background.*

BAKER: It may be the training they get.

Q: *Exactly. Tell me what you understand is the type of training they get? Do you know, is it effective? Obviously it isn't.*

BAKER: I don't know anything about the training that they get, Bill. I know that each applicant has a certain right to apply to immigration. They have no right to treat them like third or fourth rate citizens. Even though they are aliens.

Q: *Not even though. (laughs)*

BAKER: Yes.

Q: *If it weren't for aliens, INS wouldn't have a business!*

BAKER: That's correct, yes. The many fees that they have on all these applications, and the high price and the increase of such fees recently, would lead me to believe that they are somewhat able to subsidize their own operations with all these fees, and they should have adequate staff.

Q: *I think the fees are levied--I went through this with the visa fees--based upon how much it costs to produce the service. INS faces the same thing as we do, namely, our services are so labor intensive and performed under pressure. Computers sure help. We*

have discovered tremendous assistance that computers give us in the whole consular field. INS doesn't seem to have computers that work to its advantage as effectively.

BAKER: No, they don't. In fact, they have the I-94 card for everybody that comes into the United States, that's filled in at the port of entry. And I don't believe if you searched anywhere in the Immigration Service, they would come up with the number of people that are in the United States right now, on non-immigrant visas.

Q: Never able to, and apparently still can't.

BAKER: It's almost a hopeless...

Q: And that must be discouraging to the professional INS officer who comes on as a young, management trained officer. So you don't see much hope?

BAKER: No, not at the present time, I don't.

Q: Well, before we ask you to sum up, Frank, are there any other things we haven't touched on that you'd like to?

BAKER: I'd just like to mention that the visa/immigration system has come a long way since the '52 Act, which was enacted over President Truman's veto. The '65 Immigration Law was revised with the abolishment of the national origin quota. This was a great tribute to Abba Schwartz who worked so diligently with congress, and somewhat set in motion a fair system of selecting who our immigrants would be. And I have a suggestion if they ever change the law again. The Reform Act of 1990 revised, to some extent, the system and increased the overall limit by approximately 90,000 per year. To my way of thinking, this is a fair law, but not the fairest of all systems. An example: the law gives unmarried sons and daughters 21 years of age and over, as defined, of citizens first preference of 23,000 slots a year. And married sons and daughters of citizens, third preference of 23,000 slots a year. This, to me, is somewhat of a farce. Because a son or daughter is just that. Whether they're married or not. And they should be given the same status, or the non-quota status which will not delay the inevitable. The first preference category is currently available except for Mexico and the Philippines. And the third is slightly oversubscribed for all countries. But these applicants will be processed in a year or two, anyway. So, why make them wait. Why delay the inevitable? In this particular time, both Republicans and Democrats alike, are stressing family ties, and family unity. What's wrong with an immigration law, stressing the same sentiments? If such were done, you could allot these 46,000 slots saved to the brothers and sisters of adult citizens, in the hopelessly oversubscribed fourth preference category. It would go along way to reunite families, and give some hope that these brothers and sisters can eventually reach their dream of immigrating to the good old USA, instead of vegetating on the waiting list for ten years or more. If we can't absorb them in our communities, then we shouldn't tease them with saying you can immigrate in another ten years. If anyone in congress happens

to hear this, let's get with it and right a great wrong that has been with us for the last forty years.

Q: *What I hear, Frank, is "do away with any quota requirements on family members." Anyone in the world who has a family reunification claim should be given a visa, assuming they're otherwise qualified, period.*

BAKER: No, a citizen of the family. Not a resident alien.

Q: *But, of course, a resident alien just has to wait five years, in principal, and then they're a citizen.*

BAKER: That's right.

Q: *But what you're saying is forget the numbers, when it comes to relatives of Americans, we're talking about small numbers?*

BAKER: Well, eventually, it's 46,000. Eventually these people are going to get here sooner or later.

Q: *Sounds like they need an amnesty?*

BAKER: That's right, yes.

Q: *We're talking about what kind of numbers then?*

BAKER: So...46,000.

Q: *Is all we're talking about?*

BAKER: That's right.

Q: *And we're holding these people back up to ten years, just because of the numbers. Why do we have a quota system on relatives of Americans?*

BAKER: Well, it's been in effect since 1924.

Q: *Well, because we always did it that way. Abba Schwartz wouldn't agree with that!*

BAKER: Yes, and it was incorporated into the '52 Act, and it's been carried forward ever since! And nobody, I think, has the insight, or cares one way or the other, whether...

Q: *But you've got the numbers!*

BAKER: That's right.

Q: *You know that we're talking about, no more than 50,000 people. And you know that the mathematics say, it will increase as more American citizens can bring over relatives. But we're not talking about huge hoards of people.*

BAKER: That's right. That's correct!

Q: *And you are one of the few people who is equipped--although it isn't very hard to come to these figures, anyone that reads the annual report, read the figures--knows that we're not talking about large sums of people.*

BAKER: That's right. Yes.

Q: *But you don't feel that way on the other categories? You feel we should still have limitations by numbers, on...*

BAKER: Well, there should be a limitation. I don't think I'm not advocating a free ride at all. But I'm stressing justice for what might be those who are caught in a catch 22 situation.

Q: *But you are talking about, for example, a worker. If he appears to the consular officer qualified, based on the facts he shows, you're telling me he is going to be approved 90% of the time anyway. So, it looks like we have an enormous system out there...hit the mouse with an elephant. Have I misinterpreted this? Is our immigration system aimed at the wrong controls?*

BAKER: I think it's sort of slanted, yes, Bill.

Q: *We're afraid of being inundated, because we have golden streets, in many people's minds. And we understand why the Ethiopian desperately needs to get to some place.*

BAKER: That's right.

Q: *Ignoring the refugee part of the immigration system, you feel the process is still antiquated. Inequitable. And impracticable.*

BAKER: Yes, right.

Q: *Am I putting words in your mouth?*

BAKER: You're putting the right words in, yes. The fact that this, just this change of these two categories, would go a long way to clear up a lot of problems.

Q: *But there's no hope of that today?*

BAKER: No, I don't think so.

Q: *What other ideas do you have on future immigration? Sweeping, general, or specific?*

BAKER: There's another section in the law that I would like to address, which I've never had a part of, the non-immigrant section of the law. And that is Section 214 (B), which states all applicants for visas shall be deemed to be immigrants unless proven otherwise.

Q: *Better know as the Napoleonic Law. Guilty until proven innocent.*

BAKER: Yes, in other words, these applicants are guilty until proven innocent, which is contrary to our basic democratic philosophy, that all souls are innocent until proven guilty.

Q: *Gee, I took the words out of your mouth! (laughs)*

BAKER: Yes. I don't think there's any need for this kind of rule, in our immigration policy, and the decision to determine who or who is not a potential visitor, should be left to the issuing officer, who with the use of common sense, should be able to determine the bona fides of applicants based upon the facts presented. This section of law, I think, is used as a crutch for many offices, who with their finger in the dike mentality, believe that the USA will be overrun with illegal aliens, and are unable, for the most part, to make reasonable and equitable decisions. Take a look at our refusal statistics, and you will see what I mean. One and a half million were refused in 1990. I am sure that in this group, there were many bona fide applicants that will never have the chance of visiting the USA. Again, I'm not advocating a free ride to all, but am stressing justice for those who might happen to be in a catch 22 situation.

Q: *Let me supplement that by not only agreeing with you but putting myself in the role of the visa officer it would remove some of the tremendous anguish, frustration, anger that goes through the visa officer when faced with this requirement. Battles between colleagues, and so on, all because we're under a Napoleonic law. But we seem to be in agreement on this, Frank.*

BAKER: Right, yes. I think that section of law should be eradicated forthwith.

Q: *Done! Frank, you've given some explicit recommended changes to the law, any other points that you want to make about where we're going in the way of immigration to the United States, or not going?*

BAKER: I don't have any comments, one way or the other on that, Bill, but I'd like to say that I feel somewhat responsible for a few changes in the immigration law. I made comments before on suggestions, and changes to the immigration law. And, fortunately a few of them were made. For example, In late '70, before I retired, I was requested by the director of the Visa Office, then Julio Arias, to appear before an audience of mothers who were interested in adopting foreign children. Of course, being a Visa Control officer, I

didn't know the first thing about adoptions. But he gave me enough time, where I could do some research on this. And, I took with me about ten bills that congress had introduced on the adoption of orphans. At that time, there was a limit of two children to be adopted by American families. No more than two children. And, I looked at that, and I said, "I think this is crazy!" There were ten bills which were introduced to remove that restriction.

Q: *On the individual laws.*

BAKER: That's right. On the individual.

Q: *These are relief bills.*

BAKER: Yes. And they were going nowhere in congress. So I said this might be a good time to take this before my audience. There were about 200 women in the audience.

Q: *What was the group called?*

BAKER: I forget the name of the group, but it was headquartered in Detroit.

Q: *And there were people interested in adoption?*

BAKER: And there were women from all over the United States who were interested in adopting foreign children. So I explained to them that, you, the individual make the immigration law. You go to your congressman. Go to him and tell him that Joe Blow from Georgia wants this restriction lifted. Vote for that bill! Believe it or not, the day of my retirement party, staff aides up on the Hill, came to me and said, "Frank, we just passed that bill to lift that restriction on adoption of children."

Q: *We call it the Baker Bill?*

BAKER: Right. (laughs)

Q: *That's beautiful. That is democracy at work.*

BAKER: Right, yes. And I got a beautiful letter from the executive director of this adoption council, and that went into my personnel file, and it went a long way to get me a raise before I retired.

Q: *Well, the mistake was that your leader picked you to speak on a subject you weren't qualified...and it got the law changed. We should ask you to do more things you're not qualified to do!*

BAKER: Not qualified to do, yes, right.

Q: Any other things you want to share with our readers?

BAKER: Only to say, if you ever go into the foreign service and end up doing consular work such as issuing visas and passports, remember, for many people in foreign countries, their coming to the American consul is the first contact with the US. A polite and courteous reception by the consul, and fair and reasonable treatment for all applicants, requesting information, will serve to create an atmosphere of good will and go a long way in promoting our foreign relations. Also, I think it will go a long way in your career. In administering our immigration laws, use everyday ordinary common sense. And, above all, be responsive. This will give you a long and productive and prosperous career.

Q: May everyone hear that, may everyone hear that Frank, but I'm afraid they all don't! But thank you for telling them once more how vital it is, and thanks very much for giving your time to us.

End of interview