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In 1942, Internment; In 1981, an Inquiry

NY TIMES
July 9, 1981
Page A23

By David Oyama

In June 1945, Eugene V. Rostow, then professor of law at Yale Law School, and now director of the Arms Control and Disarmament Agency, wrote that in the United States during World War II "100,000 persons were sent to concentration camps on a record which wouldn't support a conviction for stealing a dog."

In the spring of 1942, more than 110,000 persons of Japanese ancestry, about two-thirds of them American citizens, were forcibly removed from their homes, farms, and businesses on the West Coast and sent to internment camps in desolate interior regions where, pursuant to Executive Order 9066, most were detained for the duration of the war.

In his article, in *The Yale Law Journal*, Mr. Rostow wrote: "Time is often needed for us to recognize the great miscarriages of justice . . . As time passes, it becomes more and more plain that our wartime treatment of the Japanese and Japanese-Americans on the West Coast was a tragic and dangerous mistake. That mistake is a threat to society, and to all men."

Beginning Tuesday, in the Senate Caucus Room — 36 years after Mr. Rostow's words were published — the Federal Government will conduct its first hearings into the facts and circumstances surrounding Executive Order 9066 and its impact on those who were relocated and interned. By the end of World War II, their number had increased to 120,000.

The Commission on Wartime Relocation and Internment of Civilians, which will hold the hearings both in Washington and around the country, was established by law last July, and its membership was increased to nine by the Reagan Administration.

In addition to examining the treatment of Japanese Americans, the commission will also look into the little-known relocation and detention of some 1,000 Aleut citizens of the Aleutian and Pribilof Islands of Alaska during World War II under conditions that are as shocking as any in the long, sad history of the Government's relations with its native-American citizens.

Why an inquiry after 40 years? As Representative Robert McClory, Republican of Illinois, stated during House Judiciary Committee hearings on the bill establishing the commission: "We have gone into the subject of the injustice, and books have been written about it. We are convinced of the terrible blot on our history. We are apologetic. I don't know what more we can do outside of compensation. What can the commission do?"

In the cases of both the Japanese Americans and the Aleuts, compensa-

tion is an issue — an issue that would cost the Government about \$3 billion according to one proposal, by Representative Michael E. Lowry, Democrat of Washington, to pay each person interned in a camp \$15,000 plus \$15 for every day spent in detention. The National Council on Japanese American Redress has proposed a flat payment of \$25,000 to each individual.

No one supposes that such dollar amounts are adequate compensation for three years in detention; for the loss of life, homes, businesses, farms, and villages; for the irreparable injury to self-esteem, personal and group life, and physical and mental health. Nor is there agreement, even among Japanese Americans, that compensation should be sought. Representative Norman Y. Mineta, Democrat of California, and Senator Daniel K. Inouye, Democrat of Hawaii, both among sponsors of the bill establishing the commission, are known to feel that \$25,000 is not enough and \$3 billion is too much.

Those in favor of monetary compensation for Japanese Americans argue that the commission was set up to directly circumvent the compensation issue. William Hohri of the National Council on Japanese American Redress told the Judiciary Committee that the proposal for a study commission was a "charade." He asked: "What do you hope to accomplish by asking Japanese American victims to parade before a commission? What are we supposed to say? Are we supposed to prove that we were mistreated and humiliated? Are we supposed to prove that our constitutional rights were violated?"

Instead, Mr. Hohri's group has retained a Washington law firm that is preparing a class-action suit to seek monetary compensation for all Japanese Americans and permanent-resident aliens incarcerated in World War II detention camps.

The commission is mandated to "recommend appropriate remedies" to the Congress no later than Jan. 15, 1982. Recently, in an address to the Japanese American Bar Association, Arthur J. Goldberg, the former Supreme Court Justice and a commission member, acknowledged the difficulty of the compensation issue. "Perhaps the hearings the commission is to hold will provide answers to this and other questions," he said. But "whatever we may do will not make our fellow Americans whole."

The commission's inquiry is, nevertheless, perhaps the last opportunity in the lifetime of the Americans evacuated and interned to make good the injury done to them.

David Oyama, a Japanese American who was born in 1943 in the Rohwer, Ark., internment camp, is a writer and theater director.

THE WHITE HOUSE

WASHINGTON

July 15, 1981

MEETING WITH SENATOR PAUL LAXALT

July 15, 1981
Oval Office
10:30 a.m.

FROM: Max Friedersdorf

I. PURPOSE

To provide Laxalt an opportunity to consult with you on immigration policy.

II. BACKGROUND

The Justice Department has over the last several weeks conducted an extensive series of discussions with relevant Senators and Congressmen on immigration and refugee policy. Last week a number of Western Senators (who had previously not been directly involved) met with the AG and Senator Al Simpson (Wyoming). The Western Senators wanted to be assured that any Administration immigration policy would not adversely impact ranchers and farmers.

There was to have been an additional meeting of the Western Senators with the AG. But, given the fact that the Cabinet meeting on immigration is scheduled for tomorrow, Senator Laxalt wanted to meet with you and the AG personally on the subject.

III. PARTICIPANTS

Senator Laxalt
The Attorney General
Jim Baker
Mike Deaver
Max Friedersdorf
Martin Anderson
Frank Hodsoll

IV. PRESS PLAN No coverage.

V. SEQUENCE OF EVENTS

Informal discussion of immigration policy. Suggest you primarily listen to discussion. If the opportunity arises, you might note the urgency of making a decision (in light of South Florida situation and need to develop a comprehensive policy).

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 16, 1981

MEMORANDUM FOR MARTIN ANDERSON

FROM: EDWIN J. GRAY *EGV*

SUBJECT: ILLEGAL ALIENS

In 1971, Governor Reagan signed AB-528 (Dixon Arnett), Chapter 1442 of 1971, State of California, which said:

"No employer shall knowingly employ an alien who is not entitled to lawful residence in the United States if such employment would have an adverse effect on lawful resident workers."

The bill fixed punishment by fine of not less than \$200 and not more than \$500 for each offense.

At some point (not now known) the bill contained the following language which was stricken (I suspect it is legitimate to surmise that the language was removed as a result of Reagan Administration opposition):

"A person shall be deemed to have made a reasonable inquiry and shall not be liable under the provisions of this section if he shall have requested, obtained from such person, and inspected for purposes of verifying that such person is legally within the United States, any of the following:

- a. birth certificate
- b. document issued by the U. S. Immigration and Naturalization Service
- c. sworn statement of lawful U. S. residence
- d. registration certificate issued by the Selective Service System
- e. Social Security registration card
- f. any other evidence of lawful U. S. residence status

--Legislation will be proposed to forbid employers from knowingly hiring aliens who are not entitled to lawful residence in the U.S. The law would impose civil fines for each offense, and authorize the Justice Department to seek injunctions against employers who follow a "pattern or practice" of hiring illegal aliens.

--An employer would have a good faith defense under the proposed new law if he requests from the prospective employee and examines any two of the following:

- (a) birth certificate
- (b) documentation issued by the Immigration and Naturalization Service
- (c) sworn statement of lawful U.S. residence
- (d) registration certificate issued by the Selective Service System
- (e) Social Security card
- (f) driver's license
- (g) any other evidence of lawful U.S. residence status

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- (e) Social Security card
- (f) driver's license
- (g) any other evidence of lawful U.S. residence status

CHAPTER ____.

HIRING OF ILLEGAL ALIENS PROHIBITED

§ ____ 1. Findings.

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The Congress finds that:

(a) the hiring by private employers of aliens not entitled to lawful residence in the United States ("illegal aliens") is harmful to the national interest and should be prohibited because it (i) interferes with the purposes and enforcement of national immigration policy as established by the laws of the United States governing immigration and naturalization, (ii) encourages illegal immigration and other violations of those laws, (iii) deprives citizens and aliens lawfully resident in the United States ("legal aliens") of employment opportunities, thereby interfering with achievement of national policies favoring full employment, and (iv) interferes with the policies and purposes of the conduct of relations between the United States and foreign governments by the Executive and Legislative branches of the Federal Government;

(b) the hiring by private employers of illegal aliens should be discouraged by establishment of (i) appropriate fines and other enforcement measures, and (ii) procedures to be followed by private employers in verifying that prospective employees are either citizens or legal aliens; and

(c) establishment of any uniform system of national identi-

fication for citizens and legal aliens (whether by creation of a revised Social Security card that would include individual photographs, by institution of any "national identity card," or by other means) would violate traditional and legitimate interests in preserving individual privacy and freedom, and is hereby declared contrary to the policy of the United States.

§ 2. Fines; Injunctions; Jurisdiction of District Courts.

(a) Subject to the provisions of § 3 of this Chapter, any private employer who hires an illegal alien shall be fined not less than \$500 and not more than \$1,000 for each instance of hiring an illegal alien.

(b) In addition to prosecuting actions under subsection (a) of this section, the Attorney General may seek injunctive relief against any private employer that follows a pattern or practice of hiring illegal aliens.

(c) The District Courts of the United States shall have exclusive jurisdiction of any action brought by the Attorney General in the name of the United States under subsections (a) and (b) of this section, and shall have authority to fashion appropriate injunctive remedies against any private employer found to have followed a pattern or practice of hiring illegal aliens.

§ 3. Verification Procedures; Good Faith Defense .

Any private employer prosecuted under § 2 of this Chapter shall have a good faith defense to any alleged instance of hiring an illegal alien if, with respect to that instance:

(a) the employer requested from the prospective employee and examined at least two of the following types of documentary evidence for the purpose of establishing that the prospective employee was either a citizen or a legal alien:

- (i) a valid birth certificate;
- (ii) documentation issued by the Immigration and Naturalization Service;
- (iii) a sworn statement by the prospective employee of lawful residence in the United States;
- (iv) a registration certificate issued by the Selective Service System;
- (v) a Social Security card;
- (vi) a driver's license issued by any State, the District of Columbia or United States territory;
- and
- (vii) other documentary evidence establishing lawful residence in the United States;

(b) the employer's examination of such documentary evidence reasonably supported a conclusion that the prospective employee was either a citizen or a legal alien; and

(c) it is not established that the employer either knew or should have known, notwithstanding examination of such documentary evidence, that the prospective employee was an illegal alien.

Date: July 22, 1981

MEMORANDUM FOR: SECRETARY REGAN

From: Craig Roberts *CR*
Through: Dr. Ture
Subject: U.S. Immigration Policy

In a recent meeting of the Cabinet a comprehensive U.S. immigration policy was considered. The proposed policy statement addresses four major areas:

1. Arrivals of illegal aliens by sea--provisions are made for increased deterrents to illegal entry and special logistical support for handling of political refugees.
2. The general illegal alien problem--provisions are made for
 - . greater resources for border patrol and enforcement of fair labor standards laws
 - . increased sactions against employers who hire illgal aliens
 - . international agreements to enforce immigration laws
 - . a temporary worker program for Mexican nationals
 - . providing legal states for illegal residents
3. Legal immigration--provisions are made for increased ceilings on legal immigration and a more efficient job certification system.
4. Restructured benefits for refugees--provisions are made for maintaining categorical assistance programs for all refugees except those who do not qualify for welfare.

	Initiator	Reviewer	Reviewer	Reviewer	Reviewer	Ex. Sec.
Surname	M. Johnson					
Initials / Date	<i>mjg</i> / 7/22/81	/	/	/	/	/

These policy measures deal with two separate immigration issues that each have unique characteristics. The first issue involves the problems associated with receiving and handling refugees who have been forced out of their country or have chosen to leave for political reasons. The second issue pertains to the problems associated with foreigners who enter the U.S. illegally in order to obtain temporary employment. The second issue is by far a larger and more persistent problem. Normally, the number of illegal aliens apprehended each year exceeds the number of legal immigrants. Also, authorities estimate that only about one out of ten illegal aliens is caught.

The proposed Administration policy concerning illegal aliens (point 2 above) is directed almost entirely toward the facilitation of deterrence and enforcement activity. In other words, it treats the symptoms rather than the disease. Careful consideration of the economics of illegal immigration points to a different policy approach to this issue.

The primary reason that we have illegal immigrants in this country is that economic opportunities in the U.S. greatly exceed those in Mexico (the vast majority of illegal aliens are Mexican) and other neighboring countries. If it were not for the higher paying jobs available to immigrants, there would be no reason for them to risk illegal entry into this country. After all, their illegal status makes it difficult for them to participate in our generous welfare programs or collect unemployment compensation. Mexican illegals are certainly not fleeing from a repressive government since they do not bring their families with them. The typical Mexican illegal is a young unskilled male who is supporting at least one dependent or relative.

The solution to this problem is not increased government spending for stronger enforcement and a larger bureaucracy that harrasses small businessmen in agriculture and the service sector. A permanent solution to the illegal alien issue can only result from an understanding of why attractive job opportunities exist for illegals. Large numbers of jobs are available to illegal immigrants because they go unfilled in our own domestic labor market. Most of the work performed by illegals requires few skills and is, therefore, relatively low paying. Domestic job-seekers do not compete for these positions because, normally, the work is valued below the minimum wage and it is, in fact, illegal for unskilled U.S. youth to fill them. However, in some cases, even if it were not against the law to work below the minimum wage, jobs would still remain unfilled because it is more attractive to collect welfare or unemployment benefits, or enroll in a make-work type of government youth employment program.

Evidence strongly supports the premise that illegal aliens currently serve a useful purpose in our economy by performing important functions that would otherwise not be provided. Also,

studies suggest that illegals produce a surplus for the U.S. Treasury by paying taxes through payroll deduction and not utilizing social services for fear of extradition. A paper that summarizes the literature on illegal aliens is attached.

If there is to be a viable solution to the illegal alien issue, there must be some attempt to deal with the economic incentives that make illegal employment attractive. The following alternative policy recommendations are offered for your consideration:

1. Arrivals of illegal aliens by sea

- . It is recommended that the provisions for increased enforcement in the original policy statement be eliminated. Stepped up enforcement activity will not deter illegals who are fleeing repressive governments or who are seeking job opportunities. Heavy handedness will only succeed in creating tension between governments.
- . Increased logistical support for special refugee problems is favored.

2. The general illegal alien problem

- . It is recommended that all of the increased enforcement and employer sanctions provisions be eliminated from the original policy statement. As indicated above, such efforts do not alter the incentives for illegal immigration.
- . There are two possible solutions to the illegal alien problem.
 - If the idea is to create more jobs for U.S. workers, then we should reduce minimum wages and government transfer payments; therefore, making low-skilled jobs both available and more attractive to U.S. citizens. That would reduce job opportunities for illegal Mexican immigrants and thus the incentives for illegal entry to the U.S. Such a policy would be consistent with the President's support for a youth subminimum wage.

Perhaps the illegal alien issue should be considered in conjunction with a comprehensive youth employment policy.

- If we do not wish to adopt provisions for more flexible wages and less government transfers, then we should consider legal ways for allowing aliens to perform necessary jobs for which there are no U.S. takers.

It is recommended that foreigners wishing to seek work in the U.S. be granted temporary unrestricted work permits. However, it should not be required that they receive wages above the minimum, collect welfare or unemployment benefits, or be protected by the Fair Labor Standards Act. Such requirements would defeat the purpose of an immigrant work force which is to fill jobs that U.S. workers cannot or will not accept. We must remember that foreign laborers would not be in this country illegally if they were not better off than before.

The provisions in the original policy statement concerning an experimental worker program and certification of job availability should be eliminated. These provisions would be counter productive because they take away the characteristics that make illegals attractive employees.

The proposed provisions to grant legal status to illegal residents is favored.

3. Legal immigration

- . The provisions in the original policy statement are supported.

4. Restructured benefits for Refugees

- . The provisions in the original policy statement are generally supported. However, a pilot health care program for refugees does not appear to be needed.

It is important that the President not commit himself to an immigration program that will conflict with his goals on youth employment and labor policy in general. Therefore, I would suggest that the two issues be considered together. In any event, the strict enforcement provisions contained in the current policy statement are not in the Administration's best interest. If they are adopted, the result could be increased tension with our neighboring countries as they experience rising unemployment and more border incidents. In addition, our own economy could suffer from labor shortages in the agricultural and service sectors.

Attachment

Illegal Aliens: Economic and Social Issues

by James T. Bennett and Manuel H. Johnson

The United States has historically welcomed immigrants from all parts of the world, for according to estimates made by the Immigration and Naturalization Service (INS) of the U. S. Department of Justice, more than 47 million people have immigrated to this country since 1820.¹ With the exception of the Alien Act of 1798 which permitted the President to expel "dangerous" aliens, no constraints whatever were placed on immigration until qualitative restrictions (barring convicts, prostitutes, lunatics and idiots) were imposed in the 1880's. Numerical restrictions were placed on peacetime immigration in the 1920's, when quotas were established limiting the number entering from various regions.

The Immigration and Nationality Act of 1952, as amended, is currently the basic law governing immigration; this Act defines an alien as "any person not a citizen or national of the United States."² Further, a distinction is made between immigrants and nonimmigrants. Immigrants are aliens admitted to the U. S. for permanent residence with the privilege of taking and freely changing jobs; they may also apply for U.S. citizenship after five years of residence. Nonimmigrants are aliens granted temporary admission to the U. S. for specific purposes, e.g., tourism. It is possible for nonimmigrants to be admitted temporarily for employment purposes, but the incidence is small. The term illegal alien refers to those persons who enter the country illegally by circumventing inspection or persons entering legally as nonimmigrants, but violating

the terms of admission, e.g., overstaying a tourist visa. Since 1920, almost 10 million illegal aliens have been apprehended by INS,³ but, for obvious reasons, the total number currently in the U. S. is unknown. A subcommittee of the U. S. House of Representatives predicted the illegal population at between one and two million and estimates by the INS have ranged as high as four to five million.⁴ Because of the number of illegals believed to reside in the U. S., it is reasonable to conclude that the potential exists for significant economic and social impacts.

This paper provides an overview of the social and economic issues related to illegal aliens in the U. S. and critically examines some of the conventional wisdom that currently prevails. The second section investigates the personal characteristics of illegal aliens, for these characteristics determine the nature of the social and economic effects. Section three focuses on the role of illegals in labor markets and their influence on the competition for jobs and on wages. The impacts on taxes, social services, and the balance of payments is reviewed in the fourth section. The last section contains a summary.

The Personal Characteristics of Illegal Aliens: An Overview

Some understanding of the demographic and socioeconomic characteristics of illegal aliens is essential because these characteristics influence the de-

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¹U. S. Department of Justice, Immigration and Naturalization Service, 1975 Annual Report. (Washington, D. C.: U. S. Government Printing Office, 1976), p. 31.

²The 1952 Act is known as the McCarran-Walter Act of June 22, 1952 or Public Law 82-414.

³Immigration and Naturalization Service, *Op. cit.*, p. 91.

⁴The problem is illustrated by the following citation from Elliot Abrams and Franklin S. Abrams, "Immigration Policy — Who Gets in and Why?" *The Public Interest*, Vol. 38 (Winter, 1975), pp. 21-22.

A House subcommittee estimated the number at between one and two million, and the INS Commissioner, former Marine Corps Commandant General, Leonard Chapman, recently told Congress the total is four or five million. The unreliability of the figure was demonstrated when Chapman was asked how he arrived at it: "It is just a midpoint between the two extremes. I have heard one or two million at one end of the scale and eight or 10 million at the other. So, I am selecting a midpoint. . . just a guess, that is all. Nobody knows."

mands placed on social services by illegal aliens and the nature of their involvement in the nation's labor market. Because no reliable data are available on the total number of illegal aliens, it is not possible to take a representative sample from which inferences about the population can be made.

A recent study of illegal aliens has been prepared for the U. S. Department of Labor which provides information on the personal characteristics of a large number of illegals.⁵ This study is particularly useful because of the detailed nature of the survey and the disaggregation of the responses by region of origin of the illegal alien (Mexico, Western Hemisphere excluding Mexico, and Eastern Hemisphere). From a sample of 793 illegals, sixteen years of age or older, who had worked for wages for at least two weeks in the United States, the "typical" illegal alien was profiled as

- a young adult (78.1% of the sample was 34 years old or less);
- a male (90.8% of the sample);
- economically motivated (74.2% came to U. S. to get a job);
- supporting at least one relative or dependent in the country of origin (79.7%);
- relatively unskilled and uneducated with roughly half as much education as his counterpart in the U. S. labor force, on the average (6.7 years vs. 12.4 years of schooling);
- less likely to be married than his U. S. counterpart; and,
- unable to speak English (63.9% of the respondents).⁶

The respondents to the survey were by no means homogeneous with respect to personal characteristics, for considerable differences existed depending upon region of origin. Mexican illegals had a far lower level of education on the average (4.9 years of schooling) in comparison with Western Hemisphere (8.9 years) or Eastern Hemisphere respondents (11.9 years). The Eastern Hemisphere aliens have a level of educational attainment only slightly below the 12.4 years of schooling of the average U. S. worker. Further, less than one-fourth of the aliens from Mexico could speak English whereas 47 percent of the Western Hemisphere respondents and 84 percent of the Eastern Hemisphere respondents could speak English. Mexican aliens reported the largest average number of dependents in the country of origin and were far more likely to have at least one dependent. Overall, it is reasonable to conclude that, in comparison with the U. S. norm, the illegal alien appears to be an economically motivated, though disadvantaged, young adult male.⁷

Labor Market Impacts

Because of the economic motivation of illegal aliens in coming to the United States and the personal characteristics of these foreign nationals, it is expected that they actively compete with the U. S. workers in secondary job markets which contain the low-wage,

TABLE 1
DISTRIBUTION OF OCCUPATION OF APPREHENDED ILLEGAL ALIEN RESPONDENTS
IN THEIR COUNTRY OF ORIGIN AND IN MOST RECENT U.S. JOB,
BY REGION OF ORIGIN
(as percents of group responding)

	Total		Mexican Illegals		Western Hemisphere Illegals		Eastern Hemisphere Illegals	
	Country of Origin	U.S.	Country of Origin	U.S.	Country of Origin	U.S.	Country of Origin	U.S.
Professional, Technical & Kindred Workers	5.6	1.6	1.7	0.5	10.4	1.7	20.8	10.4
Owners, Managers, Administrators, except Farm	2.9	1.3	0.2	-	6.4	1.7	12.5	10.4
Sales workers	5.3	1.1	3.2	0.7	9.8	1.2	6.3	4.2
Clerical and Kindred Workers	3.6	1.4	1.7	-	7.5	4.1	6.3	4.2
Craft & Kindred Workers	14.8	15.3	15.0	14.3	16.0	13.3	12.5	31.2
Operatives, except Transport	13.5	24.5	6.4	21.9	22.0	36.4	27.1	4.2
Transport Equipment Operatives	4.1	0.6	4.4	0.7	4.6	0.6	-	-
Nonfarm Laborers	9.1	14.6	11.8	17.9	4.6	11.6	2.1	-
Farmers	0.3	-	0.2	-	0.6	-	-	-
Farm Laborers	35.4	18.8	49.1	27.0	12.1	4.6	2.1	-
Service workers, except Private Household	3.3	17.4	2.2	13.5	5.2	21.4	6.3	35.4
Private Household Workers	1.9	3.2	2.0	3.4	1.7	3.5	2.1	-
No. of Respondents	628	628	407	407	173	173	48	48

SOURCE: North and Houston, "The Characteristics and Role of Illegal Aliens," p. 108.

low-skill, and low-status jobs. Table 1 contains information on the distribution of employment by occupation group of illegal aliens both in the U. S. and in the country of origin of the alien, by region of origin. As is apparent from this table, more than 90 percent of all respondents were employed in the U. S. in five occupation groups: operatives (24.5%), farm laborers (18.8%), service workers (17.4%), craft and kindred workers (15.3%), and nonfarm laborers (14.8%). The distribution of the respondents across occupation groups within both the U. S. and country of origin varies by region of origin and reflects the differences in levels of educational attainment mentioned earlier. About 63 percent of the respondents in the sample for Mexico were employed as either laborers or service workers in Mexico, whereas only 10 percent of the illegal aliens from the Eastern Hemisphere had worked in these occupation groups in their home countries. Regardless of origin, illegals who were employed in professional and managerial occupations in their home countries were very likely to work in less skilled jobs in the U. S. In contrast, the workers at the lowest end of the skill scale in their native country were often able to move up the

⁵David North and Marion Houston, "The Characteristics and Role of Illegal Aliens in the U. S. Labor Market: An Exploratory Study," (Washington, D. C.: Linton & Co., Inc., March, 1976). This report was prepared

for the Employment and Training Administration of the U. S. Department of Labor.

⁶*Ibid.*, pp. S-1ff.

⁷*Ibid.*

economic ladder by coming to the U. S. Thus, the U. S. labor market performs a "leveling" function by raising those at the lowest end of the occupation scale while lowering those at the upper end.

The labor market impacts of illegal workers are felt primarily in secondsecondary labor markets where American workers may be displaced in the competition for jobs. Advocates of restrictions on the employment of illegal aliens often assert that their presence tends to depress wages and to perpetuate poor working conditions. In Table 2, a comparison is provided of average hourly and average weekly wages of illegal workers and U. S. production workers by industry. As a group, illegal aliens are paid considerably less on an hourly basis than the average U.S. production or nonsupervisory worker. Illegals obtained only 35 percent of the average hourly wage of U. S. production workers in mining and 42 percent of the average for contract construction. Similar comparisons may be made for other industry divisions.

TABLE 2
AVERAGE GROSS HOURLY AND WEEKLY WAGE, AND WEEKLY HOURS, OF APPREHENDED
ILLEGAL ALIEN RESPONDENTS IN THEIR MOST RECENT U. S. JOB AND OF U. S.
PRODUCTION OR NONSUPERVISORY WORKERS (PHW), BY INDUSTRY IN 1975

Industry Division	Avg. hourly wage		Avg. weekly wage		Avg. weekly hours		No. of Illegals ^a
	Illegals	U.S. PHW	Illegals	U.S. PHW	Illegals	U.S. PHW	
Agriculture, Forestry and Fisheries	\$2.07	*	\$110.57	*	53.6	*	134
Mining	2.00	55.75	120.00	\$244.92	60.0	42.3	3
Contract Construction	2.98	7.15	126.39	265.27	42.8	37.1	124
Manufacturing	2.92	4.73	121.22	184.47	41.2	39.0	259
Transportation and Public Utilities	2.77	5.75	134.00	228.28	48.6	39.7	10
Trade: Wholesale and Retail	2.57	3.71	112.89	124.66	43.4	33.6	152
Finance, Real Estate and Insurance	3.32	4.08	117.00	148.10	36.0	36.3	6
Services, except Private Households	2.79	3.96	121.75	134.13	45.0	33.7	57
Private Household Services	1.63	*	66.30	*	42.4	*	23

* Not available

^aFor comparative purposes, North and Houston excluded 134 illegals employed in agriculture and 23 in private households service; 27 were self-employed or did not respond.

SOURCE: North and Houston, "The Characteristics and Role of Illegal Aliens," p. 125.

From these data, it might appear that the presence of illegal aliens could have a depressing effect on industry wage rates. However, the geographic distribution of respondents was disproportionately weighted toward the Southwest. Of the 793 individuals in the sample, 57 percent were apprehended in either California, Texas, or Arizona. Wage rates for illegal aliens apparently vary widely from area to area. INS reported that 900 of 1,500 illegal aliens apprehended in Detroit during the period February through October 1976 held jobs and the distribution of their hourly wages was as follows:⁸

% of total	Hourly wage
31%	\$6.50 or more
39	4.50 — 6.50
22	2.50 — 4.50
9	2.50 or less

Evidence that wage rates are not depressed significantly by illegal aliens is provided in a study by Smith and Newman who concluded that

...after controlling for variations in the cost of living between regions, annual real incomes are \$648 less in the [Mexico] border area than in Houston, an approximate 8 percent differential. This clearly indicates that if migration from Mexico is having a negative impact on wages along the border it is not as severe as many have contended. In fact, this differential is of the order of magnitude that it could represent the implicit premium that individuals along the border are willing to pay for nonpecuniary advantages such as remaining close to their cultural heritage.⁹

Note from Table 2 that average weekly wages of the illegal aliens are more comparable to those of U. S. workers than are average hourly rates of pay. For example, on a hourly basis, the average illegal in the services industry group receives only 70 percent as much as his U. S. counterpart; however, the same illegal alien receives 91 percent of the average wages of U. S. workers on a weekly basis. The reason that the differences in the rates of pay between illegals and U. S. workers are more comparable on a weekly than on an hourly basis is simply that the illegal alien works more hours on the average than the U. S. workers. Smith and Newman were aware of and adjusted for the differences in income created by differences in hours worked.

Two explanations are offered by Smith and Newman for the finding that illegal aliens do not have as severe an impact on wage rates as is generally believed. First, illegal immigrants may merely be willing to take jobs that the domestic labor force shuns and, second, the high degree of mobility among resident workers and illegal aliens may prevent wage disparities from becoming too large.¹⁰ The first explanation is of particular interest, for it runs directly counter to the common belief that illegal aliens take jobs from U. S. citizens. It seems obvious that every job held by an illegal is one less job for a U.S. citizen and, therefore, illegal aliens contribute to the nation's unemployment problems. Indeed, INS has predicted that one million jobs for Americans could be created by improvements in immigration enforcement policies. More than half of these potential jobs are in the Southwest and nearly two-thirds are in agriculture and service industries.¹¹

⁸"What Illegal Aliens Cost the Economy," *Business Week*, 13 June 1977. Note that the percentages add to more than 100 percent, possibly due to rounding.

⁹Barton Smith and Robert Newman, "Depressed Wages Along the U. S. - Mexico Border: An Empirical Analysis," *Economic Inquiry*, Vol. XV (January, 1977), pp. 62-63.

¹⁰*Ibid.*, p. 63.

¹¹For the INS projection of the number of jobs which could be created by improvements in immigration enforcement programs, see U. S. Congress, House of Representatives, Committee on Government Operations, Subcommittee on Legal and Monetary Affairs, *Immigration and Naturalization Service Regional Operations*, 93d Cong., 2d sess., (13 August, 12, 17 and 18 September, and 9 October 1974), p. 579. These estimates are disaggregated by location and by industry.

In contrast to the conventional wisdom that there is a surplus of U. S. workers in secondary labor markets, a case can be developed that, in fact, there is a shortage of labor in these markets and that illegal aliens are hired to fill the gaps. One proponent of this thesis, M. J. Piore views the tremendous increase in illegal immigration into the U. S. as an integral part of the socio-economic development of an industrialized society:

... adult native workers in any industrial society tend regularly to reject secondary jobs because of low social status and the instability and lack of career opportunity which they carry. These jobs, however, tend to carry much higher relative status in the social structures of rural agricultural communities. That and the fact that rural workers who migrate to urban areas generally expect to stay only temporarily and are therefore less interested in career opportunity and work stability, make migrants an attractive source of labor for the secondary sector and they are recruited for that purpose.¹²

As shown in Table 3, Piore's assertion that migrant workers are an inherent characteristic of industrialized economics is supported by data from Western Europe.

TABLE 3
MIGRANT WORKERS IN SELECTED ECONOMIES
OF WESTERN EUROPE, 1973

Country	Total Labor Force (000's)	Migrant Workers (000's)	Migrant as a % of Labor Force
Germany	26,500	2,500	9.4%
France	21,400	1,930	9.0
Switzerland	3,100	861	28.2
Belgium	3,900	265	6.8
Holland	4,700	160	3.4
Denmark	2,400	49	2.0
Luxemburg	150	43	27.9

SOURCE: "Slamming the Door on Europe's Guest Workers," *The Economist*, August 9, 1975.

In Western Europe the migrant worker from countries such as Turkey, Greece, Spain, Portugal, and Italy is common. In 1974, it was estimated that eight to ten million migrants were working in Western Europe, primarily in menial jobs.¹³

Migrant labor has also been employed in the U. S. to relieve labor shortages. In 1942, a treaty was negotiated between the U. S. and Mexico which allowed Mexican farm workers entry on a temporary basis to relieve the manpower shortages caused by World War II. This treaty arrangement was the basis for the "Bracero Program" which survived over a 22-year

period (until December 31, 1964) and involved about 4.8 million Mexican workers. It has been asserted that "[w]ithout question, its [the Bracero Program] existence and termination are causes of the current illegal alien problem."¹⁴

The assertion that a shortage of workers exists in the secondary labor market might seem inconsistent with economic reality, given that rates of unemployment have persisted at levels of 7 percent or more in recent years. In the 1962 *Annual Report* of the Council of Economic Advisors, the "full-employment" unemployment rate was set at 4 percent and, for years, this rate was accepted as the target of public policy. However, in the 1977 *Annual Report*, the Council revised the full-employment rate upward to 4.9 percent and stated that it could be as high as 5.5 percent. The revision in the target rate was brought about by changes in the structure of the labor force and by government programs. According to Phillip Cagan, the increase is attributable principally to two factors: changes in the composition of the labor force such as the markedly increased participation of women and young people and the expansion of government programs that encourage individuals to remain unemployed or discourage employers from hiring inexperienced workers.¹⁵ These programs include increases in the minimum wage and extension and more generous coverage under unemployment benefits. Considering all factors, Cagan concludes that the full-employment rate of unemployment is more than likely around 5.6 percent.¹⁶ Thus, some questions can be raised as to whether the unemployment problem is as severe as commonly believed.

Impact on Taxes, Social Programs and the Balance of Payments

It is often alleged that illegal aliens place a burden on the taxpayer by abusing government social programs such as welfare, food stamps, and medical assistance. Social programs, however, have eligibility requirements which frequently exclude the young adult male who has left his family and dependents in his home country and come to the U. S. to seek employment. For example, some programs are restricted to female heads of households, the elderly, the disabled, or dependent children. In fact, very little is known about either the use of social services by illegals or the resulting tax burden. Table 4 reports the findings from the survey of apprehended aliens regarding tax payments and the use of public programs by illegal aliens.

¹²Michael J. Piore, "Impact of Immigration on the Labor Force," *Monthly Labor Review*, Vol. 98 (May, 1975), pp. 41-43.

¹³"What Happens Now to Europe's 10 million 'Guest Workers'?" *U. S. News and World Report*, 19 August 1974.

¹⁴U. S. Congress, House, Committee on the Judiciary, *Illegal Aliens: Analysis and Background* (Washington, D. C.: U. S. Government Printing Office, 1977), p. 57.

¹⁵Phillip Cagan, "The Reduction of Inflation and the Magnitude of Unemployment," in William Fellner, ed., *Contemporary Economic Problems 1977* (Washington, D. C.: American Enterprise Institute for Public Policy Research, 1977), pp. 15-52.

¹⁶*Ibid.*, pp. 38-39.

TABLE 4
SURVEY FINDINGS REGARDING TAX PAYMENTS AND
USE OF PUBLIC PROGRAMS BY ILLEGAL ALIENS

Program Activity	Percentage of Respondent Participation
<u>Output</u>	
Used Hospitals or Clinics	27.4%
Collected one or more weeks of unemployment insurance	3.9
Have children in U. S. schools	3.7
Participated in U. S.-funded job training programs	1.4
Secured food stamps	1.3
Secured welfare payments	0.5
<u>Input</u>	
Social Security Taxes Withheld	77.3%
Federal Income Taxes Withheld	73.2
Hospitalization Payments Withheld	44.0
Filed U.S. Income Tax Returns	31.5

SOURCE: North and Houston, "The Characteristics and Role of Illegal Aliens," p. 142.

The participation of illegals in tax-supported public programs was, with the exception of the use of hospitals or clinics, relatively infrequent. Less than 2 percent of the survey respondents obtained welfare payments, secured food stamps, or enrolled in federal job-training programs. Less than 4 percent reported having children in U. S. schools or collecting one or more weeks of unemployment insurance, despite the fact that the respondents had an average unemployment rate of 10.2 percent.¹⁷ In contrast, more than three-fourths of the aliens surveyed had social security taxes withheld and almost as large a percentage reported that federal income taxes were withheld. Almost half of the respondents had hospitalization payments deducted and nearly one-third filed federal income tax forms.

In addition to the fact that the typical illegal alien is ineligible for many of the public-assistance social programs, another reason that illegals participate so infrequently is that participation increases the risk of detection. With rare exception, detection results in deportation. From the information shown in Table 4, a reasonable case can be made that, contrary to popular belief, the typical illegal alien is a net contributor to the nation's social programs and pays more in taxes than is received in benefits. Although it appears that illegals are not active participants in tax supported programs *directly*, they may cause increased indirect use of public assistance by U. S. workers who have been displaced from the labor market. The extent to which this occurs is currently unknown and would be extremely difficult to ascertain.

As mentioned in the second section, almost 80 percent of the aliens surveyed were supporting at least one dependent in the country of origin. It is, therefore, not surprising to find that illegal aliens sent substantial sums abroad each year to support these dependents. Although the total amount involved is unknown and

would be very difficult to estimate, an argument can be made that at least several billion dollars are involved. Such remittances worsen the unfavorable balance of payments in the U. S.; however, the payments may also be regarded as a form of foreign aid and any significant reduction in these payments could have highly undesirable consequences, particularly for Mexico.

Arguments made by proponents of more active enforcement of immigration laws are often based on "social impacts" of illegal aliens rather than on economic considerations. Such arguments include the assertion that illegals contribute to the nation's crime and drug problems. In the 1975 *Annual Report*, INS indicates that 134 tons of marijuana and 3,659 ounces of hard drugs were seized. Whether a marked reduction in drug traffic would occur if illegal aliens seeking employment were reduced in numbers can only be conjectured. Generally speaking, illegal aliens as a group may be characterized as law-abiding individuals — only 202 of 766,600 deportable aliens located in 1975 were armed. An encounter with legal authorities, which typically culminates in deportation, is highly undesirable for an illegal.

Summary

This paper has attempted to provide a discussion of social and economic issues related to the problem of illegal aliens. In order to understand the impacts of illegal aliens in the U. S. economy, it was first necessary to determine the personal characteristics of a typical illegal alien. Because the typical illegal is a young, poorly-educated male, the labor market impacts of illegal aliens is concentrated largely in the secondary labor market. It is commonly believed that illegal aliens displace American workers from jobs which contributes to high unemployment rates. There is evidence, however, that the unemployment rate taken as the full-employment benchmark in the past may now be too low and that the nation's unemployment problems are less severe than generally thought. Moreover, data from the industrialized countries of Western Europe indicate that the use of migrant labor to fill low-paying, low-status jobs is prevalent. Thus, labor market impacts of illegal aliens appear to have been exaggerated.

Survey responses indicated that, while participation by illegal aliens in social programs was relatively rare, contributions to such social programs through taxes and Social Security payments were the rule rather than the exception. Participation was infrequent because it increased the risk of detection and deportation and because the typical illegal is not eligible for many social programs. Remittances to dependents in the country of origin of illegal aliens exacerbate the U. S. balance of payments problem, but such payments

¹⁷North and Houston, "The Characteristics and Role of Illegal Aliens," p. 88.

may be considered a form of foreign aid, particularly to Mexico where the bulk of these remittances is sent.

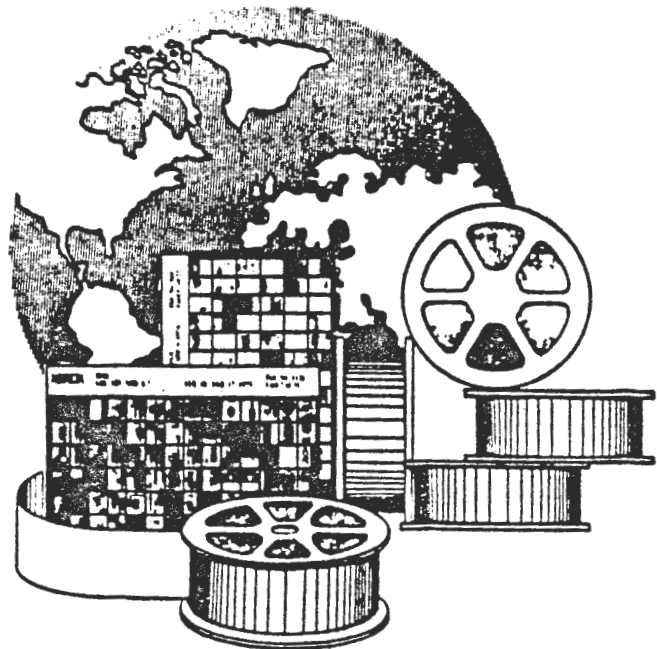
There are economic benefits resulting from illegal aliens. When illegals fill jobs which U.S. workers refuse and when illegals are willing to work for lower wages, the consumer benefits. Higher wages needed to attract domestic workers would likely be passed on to the consumer in the form of higher prices which would contribute to the problem of inflation. Price increases would be particularly significant in areas of the economy where illegals cluster, e.g., agricultural products and services. The presence of illegal aliens may well preserve the jobs of some U.S. citizens, for

there are cases in which higher wages could result in plant closures due to competition from either less expensive foreign products or more efficient domestic firms. In such cases, the "dampening" effects on the wages of U.S. workers resulting from the employment of illegals at low wages may save jobs.

It is not possible to estimate with any degree of accuracy the total number or, consequently, the total economic and social impacts of illegal aliens. In the public policy debate about illegal aliens, however, a more balanced perspective should be taken of the costs and benefits of illegal aliens and their role in the nation's economy.

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THE WHITE HOUSE

WASHINGTON

28 July 1981

MEMORANDUM

TO: ED MEESE
FROM: MARTIN ANDERSON *MCA*
SUBJECT: ILLEGAL ALIEN POLICY

In order to more accurately reflect the sense of the decision regarding employer sanctions, I would suggest the following changes in the last paragraph on page 4 of the Justice Department's proposed immigration paper, "U.S. Immigration and Refugee Policy."

In addition, the new hire and the employer ~~would sign a form certifying, respectively, that~~ would certify, through the utilization of any existing standard employment form, that (i) the new hire is either a U.S. citizen, a lawful permanent resident alien, or a foreign temporary worker authorized to work in the U.S., and (ii) the employer has ~~inspected~~ examined the above identifiers and has no reason to believe the employee is not ~~entitled to a lawful residence, resident.~~ a lawful residence, resident.

The White House
Office of the Press Secretary

FOR RELEASE AT 9:00 A.M. EDT
THURSDAY, JULY 30, 1981

STATEMENT BY THE PRESIDENT

Our nation is a nation of immigrants. More than any other country, our strength comes from our own immigrant heritage and our capacity to welcome those from other lands. No free and prosperous nation can by itself accommodate all those who seek a better life or flee persecution. We must share this responsibility with other countries.

The bipartisan Select Commission which reported this Spring concluded that the Cuban influx to Florida made the United States sharply aware of the need for more effective immigration policies, and the need for legislation to support those policies.

For these reasons, I asked the Attorney General last March to chair a Task Force on Immigration and Refugee Policy. We discussed the matter when President Lopez Portillo visited me last month, and we have carefully considered the views of our Mexican friends. In addition, the Attorney General has consulted with those concerned in Congress, and in affected States and localities, and with interested members of the public.

The Attorney General is undertaking administrative actions, and submitting to Congress, on behalf of the Administration, a legislative package, based on eight principles. These principles are designed to preserve our tradition of accepting foreigners to our shores, but to accept them in a controlled and orderly fashion:

- o We shall continue America's tradition as a land that welcomes peoples from other countries. We shall also, with other countries, continue to share in the responsibility of welcoming and resettling those who flee oppression.
- o At the same time, we must ensure adequate legal authority to establish control over immigration: to enable us, when sudden influxes of foreigners occur, to decide to whom we grant the status of refugee or asylee; to improve

our border control; to expedite (consistent with fair procedures and our Constitution) return of those coming here illegally; to strengthen enforcement of our fair labor standards and laws; and to penalize those who would knowingly encourage violation of our laws. The steps we take to further these objectives, however, must also be consistent with our values of individual privacy and freedom.

- o We have a special relationship with our closest neighbors, Canada and Mexico. Our immigration policy should reflect this relationship.
- o We must also recognize that both the United States and Mexico have historically benefitted from Mexicans obtaining employment in the United States. A number of our States have special labor needs, and we should take these into account.
- o Illegal immigrants in considerable numbers have become productive members of our society and are a basic part of our work force. Those who have established equities in the United States should be recognized and accorded legal status. At the same time, in so doing, we must not encourage illegal immigration.
- o We shall strive to distribute fairly, among the various localities of this country, the impacts of our national immigration and refugee policy; and we shall improve the capability of those agencies of the federal government which deal with these matters.
- o We shall seek new ways to integrate refugees into our society without nurturing their dependence on welfare.
- o Finally, we recognize that immigration and refugee problems require international solutions; we will seek greater international cooperation in the resettlement of refugees, and, in the Caribbean basin, international cooperation to assist accelerated economic development to reduce motivations for illegal immigration.

Immigration and refugee policy is an important part of our past and fundamental to our national interest. With the help of the Congress and the American people, we will work towards a new and realistic immigration policy, a policy that will be fair to our own citizens while it opens the door of opportunity for those who seek a new life in America.



Department of Justice

EMBARGOED FOR RELEASE AT 9:00 A.M. EDT
THURSDAY, JULY 30, 1981

U.S. IMMIGRATION AND REFUGEE POLICY

The Problem

The time for a clear U.S. immigration and refugee policy is long overdue.

- o Current laws and enforcement procedures are inadequate -- particularly with regard to illegal aliens and mass requests for asylum.
 - The Immigration and Nationality Act of 1965 and its 1976 amendments do not provide effective means for controlling illegal immigration.
 - The magnitude of illegal immigration seriously handicaps the Immigration and Naturalization Service's ability to enforce the law.
 - Current procedures regarding deportation are often too lengthy and complicated, thereby inhibiting effective and timely enforcement of our immigration laws.
 - The laws do not provide for enforcement against those who would knowingly hire illegal aliens.
 - There are inadequate guidelines and legislative authority for dealing with mass immigration (e.g., the Cuban influx in 1980).
 - There is a great need for increased cooperation between the U.S. and other countries regarding immigration policies.
- o Immigrants -- both legal and illegal -- are entering the U.S. in greater numbers than at any time since the early 1900s.
 - Largely because of the Cuban and Haitian influx and a large refugee admissions program, more than 800,000 persons were allowed to enter the U.S. in 1980 -- about a 300,000 increase from the previous year.

-- The Census Bureau has estimated that 3.5 million to 6 million people are in the U.S. illegally -- at least 50% from Mexico. About 1-1.5 million entered illegally in 1980.

o Immigrants who enter the U.S. illegally are creating problems for themselves, as well as for the country.

-- Since they are afraid to seek the protection of U.S. labor laws, many work in "sweatshop" conditions for less than legal minimum wages.

-- An uncontrolled influx of illegal aliens can strain community services and create potential problems for some American job seekers.

The Reagan Administration Proposals

On March 6, President Reagan established a Task Force on Immigration and Refugee Policy to review existing practices and recommend ways to strengthen U.S. immigration laws and programs. Chaired by the Attorney General, the Cabinet-level Task Force presented its recommendations to the President in three full Cabinet meetings July 1, 13 and 16.

As a result, the Administration has formulated a comprehensive U.S. immigration and refugee policy to deal with:

- A. Arrivals of Undocumented Aliens by Sea
- B. The General Illegal Alien Problem
- C. Legal Immigration
- D. Refugee and Asylee Benefits

The Administration will implement these policies through administrative action and legislation proposed to Congress.

A. Arrivals of Undocumented Aliens by Sea

o Increased Enforcement

-- Legislation to prohibit bringing undocumented aliens to the U.S., and to strengthen existing authority for the interdiction, seizure and forfeiture of vessels used in violation of our laws.

-- Legislation to prohibit, in Presidentially declared emergencies, U.S. residents and U.S. registered vessels from travelling to designated foreign countries for the suspected purpose of transporting illegal aliens to the U.S.

-- Legislation to authorize the President to direct the Coast Guard to interdict unregistered vessels and to assist foreign governments that request such assistance to interdict on the high seas their flag vessels, suspected of attempting to violate U.S. law.

-- Increased resources for the development of additional permanent facilities in which temporarily to detain illegal aliens upon arrival pending exclusion or granting of asylum, to prevent heavy impacts on local areas.

o Reform of Exclusion Proceedings

-- Legislation to reform and expedite exclusion proceedings; applications for asylum would be heard before newly established asylum officers in the Immigration and Naturalization Service (with review by the Attorney General).

o International Measures

-- To secure the return to Cuba of those Cubans (currently at Ft. Chaffee, the Atlanta Federal Prison and certain other facilities) who would be excludable under U.S. law.

-- To seek additional resettlement opportunities for Haitians in Western Hemisphere countries.

-- To obtain Haitian cooperation in restraining illegal immigration of its nationals to the U.S. and accepting the return of Haitians attempting to enter the U.S. illegally.

o Contingency Planning for Mass Immigration

-- Legislation to provide the President with special authority to direct Federal agencies to take necessary actions in a Presidentially declared emergency, including the establishment of holding centers, and to reimburse state and local governments for authorized expenditures resulting from an emergency.

-- Legislation to establish an emergency mass migration fund for domestic crises of \$35 million, and to provide, in an emergency, for reprogramming of existing immigration and refugee and other funds.

o Legalization of Cubans and Haitians Already in the U.S.

-- Legislation to repeal the Cuban Adjustment Act of 1966, but provide for Cubans and Haitians in this country prior to January 1, 1981, to apply for a renewable term entry card which could be rolled over every three years indefinitely; after 5 years, such Cubans and Haitians could apply for permanent resident status, providing they were not otherwise excludable and could demonstrate English language capability.

B. The General Illegal Alien Problem

o Increased enforcement of existing immigration statutes

-- Increased resources for Border Patrol and other Immigration and Naturalization Service enforcement;

-- Increased resources for Labor Department enforcement of fair labor standards and laws.

o Sanctions against employers who knowingly hire illegal aliens

-- Legislation to prohibit employers from knowingly hiring one or more aliens who are not entitled to lawful residence in the U.S. The law would impose civil fines (\$500-1,000) for each offense on employers of at least four employees, and authorize the Justice Department to seek injunctions against employers who follow a "pattern or practice" of hiring illegal aliens.

-- The Administration is explicitly opposed to the creation of a national identity card. But, given employer sanctions, the Administration recognizes the need for a means of compliance with the law that would provide an employer with a good faith defense if he requests from the prospective employee and examines:

(a) documentation issued by the Immigration and Naturalization Service,

or any two of the following:

(b) birth certificate

(c) driver's license

(d) Social Security card

(e) registration certificate issued by the Selective Service System

In addition, the new hire and the employer would certify, through the utilization of an employment form, that (i) the new hire is either a U.S. citizen, a lawful permanent resident alien, or a foreign temporary worker authorized to work in the U.S., and (ii) the employer has examined the above identifiers and has no reason to believe the employee is not a lawful resident.

o International cooperation within the Americas to enforce immigration laws

-- The U.S. would continue discussions with Mexico and other countries to achieve:

- Joint prevention of third country nationals crossing Mexico to enter the U.S. illegally;
- Increased cooperation in the border areas, particularly against smugglers.

o A new experimental temporary worker program for Mexican nationals (2 year trial period)

-- Legislation to provide for up to 50,000 workers to be admitted annually on a temporary basis.

- Allow temporary stays for up to 9-12 months.
- Normal wage and working standards would apply, but the foreign worker would not be eligible for unemployment compensation.
- Spouses and minor children would remain in Mexico.
- Would not be eligible for welfare, food stamps, unemployment insurance, and Federally assisted housing.
- Exclusion of jobs in a state where the state certifies there is an adequate supply of American workers.
- The Labor Department would allocate the national ceiling among affected states.

Legal status for certain illegal aliens currently residing in the U.S.

-- Permit illegal aliens, present in the U.S. prior to January 1, 1980, and not otherwise excludable, to apply for a new status of "renewable term temporary resident", in which they would be permitted employment.

-- These residents:

- would pay Social Security, income, and other taxes;
- would not have access to welfare, Federally assisted housing, food stamps, or unemployment insurance;
- would not be able to bring in spouses and minor children.

-- The renewable term residency could be rolled over every three years indefinitely.

-- After residing in the U.S. ten years, the renewable term resident could apply for permanent resident alien status, providing he or she was not otherwise excludable and could demonstrate English language capability. Permanent residents can under existing law eventually apply for U.S. citizenship.

C. Legal Immigration

-- Legislation to provide an increase of 20,000 each in the separate annual country ceilings for permanent immigration from Mexico and Canada, including a compensating increase in the global limit (with allotments not used by one of these countries being transferrable to the other) -- to provide for the special needs of neighbors.

-- Streamline the procedures for admitting "independent" (i.e., non-family) immigrants with needed skills by providing for lists of occupations for which adequate domestic workers are not available (as opposed to individual certification of labor need on a case-by-case basis).

D. Restructured Benefits for Refugees and Those Seeking Asylum

-- Continue existing categorical refugee benefit programs (i.e., cash assistance, medical benefits, English language instruction, and employment services), but reduce levels of cash assistance payments to the many refugees who do not qualify for welfare programs.

THE WHITE HOUSE
WASHINGTON

July 27, 1981

NOTE FOR EDWIN MEESE III
MARTIN ANDERSON ✓
CRAIG L. FULLER

FROM: KENNETH CRIBB, JR. TKC/h

SUBJECT: Immigration Policy

Attached is the final draft of the Immigration Paper, supplied by Frank Hodson.

The White House
Office of the Press Secretary

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U.S. DEPARTMENT OF JUSTICE
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- Legislation to authorize the President to direct the Coast Guard to interdict unregistered vessels and to assist foreign governments that request such assistance to interdict on the high seas their flag vessels, suspected of attempting to violate U.S. law.
- Increased resources for the development of additional permanent facilities in which temporarily to detain illegal aliens upon arrival pending exclusion or granting of asylum, to prevent heavy impacts on local areas.

- o Reform of Exclusion Proceedings
 - Legislation to reform and expedite exclusion proceedings; applications for asylum would be heard before newly established asylum officers in the Immigration and Naturalization Service (with right of appeal to the Attorney General).
- o International Measures
 - To secure the return to Cuba of those Cubans (currently at Ft. Chaffee, the Atlanta Federal Prison and certain other facilities) who would be excludable under U.S. law.
 - To seek additional resettlement opportunities for Haitians in Western Hemisphere countries.
 - To obtain Haitian cooperation in restraining illegal immigration of its nationals to the U.S. and accepting the return of Haitians attempting to enter the U.S. illegally.
- o Contingency Planning for Mass Immigration
 - Legislation to provide the President with special authority to direct Federal agencies to take necessary actions in a Presidentially declared emergency, including the establishment of holding centers, and to reimburse state and local governments for authorized expenditures resulting from an emergency.
 - Legislation to establish an emergency mass migration fund for domestic crises of \$35 million, and to provide, in an emergency, for reprogramming of existing immigration and refugee and other funds.
- o Legalization of Cubans and Haitians Already in the U.S.
 - Legislation to repeal the Cuban Adjustment Act of 1966, but provide for Cubans and Haitians in this country prior to January 1, 1981, to apply for a renewable term entry card which could be rolled over every three years indefinitely; after 5 years, such Cubans and Haitians could apply for permanent resident status, providing they were not otherwise excludable and could demonstrate English language capability.

B. The General Illegal Alien Problem

- o Increased enforcement of existing immigration statutes
 - Increased resources for Border Patrol and other Immigration and Naturalization Service enforcement;
 - Increased resources for Labor Department enforcement of fair labor standards and laws.
- o Sanctions against employers who knowingly hire illegal aliens
 - Legislation to prohibit employers from knowingly hiring one or more aliens who are not entitled to lawful residence in the U.S. The law would impose civil fines (\$500-1,000) for each offense on employers of at least four employees, and authorize the Justice Department to seek injunctions against employers who follow a "pattern or practice" of hiring illegal aliens.
 - The Administration is explicitly opposed to the creation of a national identity card. But, given employer sanctions, the Administration recognizes the need for a means of compliance with the law that would provide an employer with a good faith defense if he requests from the prospective employee and examines:
 - (a) documentation issued by the Immigration and Naturalization Service,
 - or any two of the following:
 - (b) birth certificate
 - (c) driver's license
 - (d) Social Security card
 - (e) registration certificate issued by the Selective Service System

In addition, the new hire and the employer would sign a form certifying, respectively, that (i) the new hire is either a U.S. citizen, a lawful permanent resident alien, or a foreign temporary worker authorized to work in the U.S., and (ii) the employer has ~~inspected~~ ~~two of the above identifiers~~ and has no reason to believe the employee is not ~~entitled to~~ lawful residence.

- o International cooperation within the Americas to enforce immigration laws
- The U.S. would continue discussions with Mexico and other countries to achieve:

- Joint prevention of third country nationals crossing Mexico to enter the U.S. illegally;
- Increased cooperation in the border areas, particularly against smugglers.

- o A new experimental temporary worker program for Mexican nationals (2 year trial period)

-- Legislation to provide for up to 50,000 workers to be admitted annually on a temporary basis.

- Allow temporary stays for up to 9-12 months.
- Normal wage and working standards would apply, but the foreign worker would not be eligible for unemployment compensation.
- Spouses and minor children would remain in Mexico.
- Would not be eligible for welfare, food stamps, unemployment insurance, and Federally assisted housing.
- Exclusion of jobs in a state where the state certifies there is an adequate supply of American workers.
- The Labor Department would allocate the national ceiling among affected states.

Legal status for certain illegal aliens currently residing in the U.S.

-- Permit illegal aliens, present in the U.S. prior to January 1, 1980, and not otherwise excludable, to apply for a new status of "renewable term temporary resident", in which they would be permitted employment.

-- These residents:

- would pay Social Security, income, and other taxes;
- would not have access to welfare, Federally assisted housing, food stamps, or unemployment insurance;
- would not be able to bring in spouses and minor children.

-- The renewable term residency could be rolled over every three years indefinitely.

-- After residing in the U.S. ten years, the renewable term resident could apply for permanent resident alien status, providing he or she was not otherwise excludable and could demonstrate English language capability. Permanent residents can under existing law eventually apply for U.S. citizenship.

C. Legal Immigration

-- Legislation to provide an increase of 20,000 each in the separate annual country ceilings for permanent immigration from Mexico and Canada, including a compensating increase in the global limit (with allotments not used by one of these countries being transferrable to the other) -- to provide for the special needs of neighbors.

-- Streamline the procedures for admitting "independent" (i.e., non-family) immigrants with needed skills by providing for lists of occupations for which adequate domestic workers are not available (as opposed to individual certification of labor need on a case-by-case basis).

D. Restructured Benefits for Refugees and Those Seeking Asylum

-- Continue existing categorical refugee benefit programs (i.e., cash assistance, medical benefits, English language instruction, and employment services), but reduce levels of cash assistance payments to the many refugees who do not qualify for welfare programs.

WHITE HOUSE STAFFING MEMORANDUM

DATE: July 27, 1981 ACTION/CONCURRENCE/COMMENT DUE BY: _____

SUBJECT: IMMIGRATION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input type="checkbox"/>	NOFZIGER	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMSON	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
ALLEN	<input type="checkbox"/>	<input type="checkbox"/>	CANZERI	<input type="checkbox"/>	<input type="checkbox"/>
ANDERSON → X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FULLER (<i>For Cabinet</i>)	<input type="checkbox"/>	<input type="checkbox"/>
BRADY	<input type="checkbox"/>	<input type="checkbox"/>	HICKEY	<input type="checkbox"/>	<input type="checkbox"/>
DOLE	<input type="checkbox"/>	<input type="checkbox"/>	HODSOLL	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input type="checkbox"/>	<input type="checkbox"/>	MC COY	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDERSDORF	<input type="checkbox"/>	<input type="checkbox"/>	CEQ	<input type="checkbox"/>	<input type="checkbox"/>
GARRICK	<input type="checkbox"/>	<input type="checkbox"/>	OSTP	<input type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input type="checkbox"/>	<input type="checkbox"/>	USTR	<input type="checkbox"/>	<input type="checkbox"/>
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

This is what I understand to be the "final" version (per Hodsoll).

Richard G. Darman
 Deputy Assistant to the President
 and Staff Secretary
 (x-2702)

The White House
Office of the Press Secretary

STATEMENT BY THE PRESIDENT

Our nation is a nation of immigrants. More than any other country, our strength comes from our own immigrant heritage and our capacity to welcome those from other lands. No free and prosperous nation can by itself accommodate all those who seek a better life or flee persecution. We must share this responsibility with other countries.

The bipartisan Select Commission which reported this Spring concluded that the Cuban influx to Florida made the United States sharply aware of the need for more effective immigration policies, and the need for legislation to support those policies.

For these reasons, I asked the Attorney General last March to chair a Task Force on Immigration and Refugee Policy. We discussed the matter when President Lopez Portillo visited me last month, and we have carefully considered the views of our Mexican friends. In addition, the Attorney General has consulted with those concerned in Congress, and in affected States and localities, and with interested members of the public.

The Attorney General is undertaking administrative actions, and submitting to Congress, on behalf of the Administration, a legislative package, based on eight principles. These principles are designed to preserve our tradition of accepting foreigners to our shores, but to accept them in a controlled and orderly fashion:

- o We shall continue America's tradition as a land that welcomes peoples from other countries. We shall also, with other countries, continue to share in the responsibility of welcoming and resettling those who flee oppression.
- o At the same time, we must ensure adequate legal authority to establish control over immigration: to enable us, when sudden influxes of foreigners occur, to decide to whom we grant the status of refugee or asylee; to improve

our border control; to expedite (consistent with fair procedures and our Constitution) return of those coming here illegally; to strengthen enforcement of our fair labor standards and laws; and to penalize those who would knowingly encourage violation of our laws. The steps we take to further these objectives, however, must also be consistent with our values of individual privacy and freedom.

- o We have a special relationship with our closest neighbors, Canada and Mexico. Our immigration policy should reflect this relationship.
- o We must also recognize that both the United States and Mexico have historically benefitted from Mexicans obtaining employment in the United States. A number of our States have special labor needs, and we should take these into account.
- o Illegal immigrants in considerable numbers have become productive members of our society and are a basic part of our work force. Those who have established equities in the United States should be recognized and accorded legal status. At the same time, in so doing, we must not encourage illegal immigration.
- o We shall strive to distribute fairly, among the various localities of this country, the impacts of our national immigration and refugee policy; and we shall improve the capability of those agencies of the federal government which deal with these matters.
- o We shall seek new ways to integrate refugees into our society without nurturing their dependence on welfare.
- o Finally, we recognize that immigration and refugee problems require international solutions; we will seek greater international cooperation in the resettlement of refugees, and, in the Caribbean basin, international cooperation to assist accelerated economic development to reduce motivations for illegal immigration.

Immigration and refugee policy is an important part of our past and fundamental to our national interest. With the help of the Congress and the American people, we will work towards a new and realistic immigration policy, a policy that will be fair to our own citizens while it opens the door of opportunity for those who seek a new life in America.

U.S. DEPARTMENT OF JUSTICE
U.S. IMMIGRATION AND REFUGEE POLICY

The Problem

The time for a clear U.S. immigration and refugee policy is long overdue.

- o Current laws and enforcement procedures are inadequate -- particularly with regard to illegal aliens and mass requests for asylum.
 - The Immigration and Nationality Act of 1965 and its 1976 amendments do not provide effective means for controlling illegal immigration.
 - The magnitude of illegal immigration seriously handicaps the Immigration and Naturalization Service's ability to enforce the law.
 - Current procedures regarding deportation are often too lengthy and complicated, thereby inhibiting effective and timely enforcement of our immigration laws.
 - The laws do not provide for enforcement against those who would knowingly hire illegal aliens.
 - There are inadequate guidelines and legislative authority for dealing with mass immigration (e.g., the Cuban influx in 1980).
 - There is a great need for increased cooperation between the U.S. and other countries regarding immigration policies.
- o Immigrants -- both legal and illegal -- are entering the U.S. in greater numbers than at any time since the early 1900s.
 - Largely because of the Cuban and Haitian influx and a large refugee admissions program, more than 800,000 persons were allowed to enter the U.S. in 1980 -- about a 300,000 increase from the previous year.
 - The Census Bureau has estimated that 3.5 million to 6 million people are in the U.S. illegally -- at least 50% from Mexico. About 500,000 to 1 million entered illegally in 1980.
- o Immigrants who enter the U.S. illegally are creating problems for themselves, as well as for the country.

- Since they are afraid to seek the protection of U.S. labor laws, many work in "sweatshop" conditions for less than legal minimum wages.
- An uncontrolled influx of illegal aliens can strain community services and create potential problems for some American job seekers.

The Reagan Administration Proposals

On March 6, President Reagan established a Task Force on Immigration and Refugee Policy to review existing practices and recommend ways to strengthen U.S. immigration laws and programs. Chaired by the Attorney General, the Cabinet-level Task Force presented its recommendations to the President in two full Cabinet meetings July 1, 13 and 16.

As a result, the Administration has formulated a comprehensive U.S. immigration and refugee policy to deal with:

- A. Arrivals of Undocumented Aliens by Sea
- B. The General Illegal Alien Problem
- C. Legal Immigration
- D. Refugee and Asylee Benefits

The Administration will implement these policies through administrative action and legislation proposed to Congress.

A. Arrivals of Undocumented Aliens by Sea

o Increased Enforcement

- Legislation to prohibit bringing undocumented aliens to the U.S., and to strengthen existing authority for the interdiction, seizure and forfeiture of vessels used in violation of our laws.
- Legislation to prohibit, in Presidentially declared emergencies, U.S. residents and U.S. registered vessels from travelling to designated foreign countries for the suspected purpose of transporting illegal aliens to the U.S.
- Legislation to authorize the President to direct the Coast Guard to interdict unregistered vessels and to assist foreign governments that request such assistance to interdict on the high seas their flag vessels, suspected of attempting to violate U.S. law.
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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

February 11, 1982

FOR: MARTIN ANDERSON
FROM: MICHAEL M. UHLMANN 
SUBJECT: Cuban Stowaways

I do not believe that the issue merits CCLP consideration at this time.

The Attorney General's memorandum of February 5 correctly describes the general law applicable to such situations (which no one really quarrels with) and provides a glimpse into the confusing real-world circumstances in which these episodes occur. The worst that appears to have happened is that Rodriguez' plight was not brought to the attention of Main Justice/INS.

As an internal inquiry is now underway, all that we need do, I think, is to ask for the results of that inquiry and some assurance that procedures have been established to preclude a similar recurrence. I can put it on a "tickler" list for a report, say, in a month.