

*An Open Letter to Sen. Kennedy*

## Key Questions for Your Guest Worker Program

Sen. Edward M. Kennedy  
317 Russell Senate Building  
Washington, DC 20510

Dear Sen. Kennedy:

As the founding chairman of the Federation for American Immigration Reform (FAIR), I have been at odds with you on your proposed guest worker program. However, I am willing to be persuaded. I hope you will consent to answer a few key questions to clarify your proposal.

1. How will the number of visas to be issued be determined? Will it be based on demand from the United States' side, or supply from the applicants' side? If the supply is greater than the demand, how will the visas be apportioned?

2. Will employers be required to pay the proposed federal minimum wage of \$7.25 per hour? Or will competing workers be permitted to bid the wage per hour downward?

3. Will guest workers be covered by health insurance? How will this be arranged, and at what level of coverage?

4. Will the guest workers be covered by unemployment insurance, disability insurance, and Workman's Compensation? How will this be arranged, especially if the workers change employer from time to time?

5. Will Social Security taxes be collected? U.S. legal residents must pay in for 40 quarters to be eligible for benefits. Will these same rules apply to guest workers? How do Social Security totalization agreements fit into this picture?

6. Will guest workers pay federal, state, and local income and other taxes at the usual rates? Since rates often depend on the number of dependents claimed, how will this number be verified in foreign lands?

7. Will guest workers be eligible for the Earned Income Tax Credit? Since the credit permitted is also heavily dependent on the number of dependents claimed, again, I ask how will this number be verified, presumably in the home country?

8. Will guest workers be able to bring their spouses and children? If the answer is yes, who will pay their

medical and educational expenses?

9. How will the guest workers (and their families if they are permitted to come) be housed and fed? In barracks and cafeterias? Will our domestic workers have to do the same to compete on a cost basis?

10. Concerning guest workers running afoul of the law: who will bear their representation, incarceration, and related expenses?

11. Will children born in the United States to guest workers be granted full U.S. citizenship, with all that implies?

12. Will the denizens of some countries be favored over others in the issuance of visas, to the disadvantage of those from less-favored countries? This would seem to run afoul of the Civil Rights Act of 1964, which specifically prohibits discrimination based on "national origin." Recall with me the 40-year campaign to get rid of the National Origins immigration system instituted by the immigration legislation of 1924. Please give assurances that you do not propose taking us back to the era of "barred zones," and that all nationalities will be treated fairly and equally.

13. Will guest workers accrue paid vacation and sick leave? If the answer is yes, how will this expense be apportioned among serial employers?

14. Will guest workers be permitted to unionize, or otherwise have collective bargaining rights?

15. If our system of justice is not readily accessible by groups of guest workers segregated by language barriers, how will we avoid the risk of their abuse by labor contractors and employers to whom the guest workers will be beholden?

Finally, to give us a sense of how this program might work, would you please outline in some detail how a resident of China or India, or perhaps Ecuador or Nigeria, might apply for one of these visas? What would be the steps involved?

Thank you for your efforts to solve the vexing migration problems that our country faces.

Cordially,

John H. Tanton, M.D.  
Publisher, *The Social Contract*