

# The Case For Removing Amnesty from the Immigration Reform and Control Act

BY SEN. JESSE HELMS (R-NC)

*Editor's Note: Four years before the passage of the Immigration Reform and Control Act (IRCA), Sen. Helms (and Sen. East) submitted their proposed amendment to the bill that was then before the Senate (S.2222) to revise and reform the Immigration and Nationality Act, and for other purposes. Sen. Helms's remarks from the Congressional Record are reprinted below.*

**M**r. President, today I am submitting an amendment which would remove from S. 2222 the provisions for amnesty of illegal aliens. While I commend the distinguished Chairman of the Immigration and Refugee Policy Subcommittee for his perseverance in bringing a comprehensive immigration reform bill to the floor of this body, I must respectfully disagree with the decision to grant amnesty to millions of foreigners who entered our country illegally and who are living here illegally.

My amendment, therefore, would delete the amnesty provisions of S. 2222. Basically, it would delete title III in its entirety, the title that supplies the authority for legalization. References in other sections relating to amnesty would also be deleted from the bill and the titles would be renumbered appropriately.

## Millions of Illegals Currently Here

Attorney General William French Smith testified on July 21, 1981 that, "We have lost control of our borders." Under this bill, illegal aliens who arrived prior to January 31, 1982 — a mere 6 months ago — would be allowed to remain in our country. How many illegal aliens are currently here? While the exact number is impossible to calculate, estimates range from some 3.5 million to over 10 million. Some estimates even range as high as 15 million. The administration is currently using a figure of 6 million which, it would appear, is a conservative estimate. Whatever the exact figure is, it

is clear that effective measures are necessary to regain control of our borders.

## Effects of Amnesty

Mr. President, this bill would create a so-called legalization program which would give a legal right to millions of illegal aliens to remain permanently in these United States. It may well be that this amnesty proposal would create a precedent for further declarations of amnesty for those who might potentially be drawn here by the first amnesty program, drawn by the hope that the law would be set aside. The amnesty program in S. 2222 would give a legal right to millions of illegal aliens to seek any job that an American worker has or might be able to find. S. 2222 would give a legal right to millions of illegal aliens to full welfare benefits either immediately or after a 2-year wait in a temporary resident status.

Other potential effects on our society of S. 2222 as currently drafted could include a polarization between Hispanic-Americans and non-Hispanic-Americans. Additionally, polarization could well occur within the Hispanic/American community between those who have legally settled here and those involved in an amnesty program. Amnesty also creates a moral problem in that it rewards law-breakers. In a society such as ours, respect for the law is fundamental to the well being of our local communities and to our Nation as a whole. Therefore, there should be no amnesty provisions in S. 2222.

## Amnesty Could Increase Illegal Flow

Amnesty for the millions of illegal aliens currently in these United States would establish a dangerous precedent which could well encourage additional illegal immigration. Additional millions of desperate

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*Sen. Jesse Helms (1921-2008) served five terms as U.S. Senator from North Carolina (1973-2003). His memoir, Here's Where I Stand, was published in 2005.*

people could head to the United States on the heels of economic chaos or political chaos in their homelands. For example, between the Rio Grande and the Panama Canal, there are over 100 million people. If only 10 percent of these people flee economic chaos or political chaos engendered by Communist expansion in this area the illegal population could very well be doubled in this country,

An Associated Press report from Mexico City on July 14, 1982, states that American officials predict that, "One of Mexico's worst recessions since World War II probably will increase the flow of Mexicans going illegally to the United States in search of jobs and a better life." Inflation in Mexico is running at some 60 percent per year and Mexico's foreign debt could reach some \$80 billion in the near term. The Mexican peso was devalued by 40 percent in February of this year, further adding to Mexico's economic problems.



**Sen. Jesse Helms speaks to reporters in the senate press gallery.**

By the end of 1982, it is expected that some 1 million Mexicans will be unemployed. Unemployment and underemployment now total about 45 percent of the labor force in Mexico and Mexico needs to create over 850,000 new jobs every year just to keep up with its population growth which is one of the highest in the world. Mexico is a resource-rich country with oil reserves which are well known as well as mineral and potential agricultural wealth. Yet, Mexico for decades has adopted a type of socialist experimentation – including so-called land reforms — which has brought the country to its current straits. We would hope that the Mexican Government and all governments in the region would encourage policies which will lead to real economic growth. We should not adopt our immigration laws just to bail out other nations from the effects of decades of poor economic policies.

## Amnesty and U.S. Unemployment

Mr. President, there are today almost 10 million Americans out of work. Congress should be making every effort to remove illegal aliens from our work forces and should avoid voting for legislation which will grant them legal rights and benefits through an amnesty program. It should be understood that illegals are at work in a broad spectrum of fields. Attorney General William French Smith testified last July that: Only 15 percent of the illegals are estimated to work in agriculture; 50 percent are employed in service industries; and 30 percent are in blue collar jobs.

The Federation for American Immigration Reform (FAIR) has pointed out that, "Half of all new jobs created in the late 1970s went to legal and illegal immigrants." FAIR also has pointed out that "There is not a single labor market that immigrants enter in which the majority of workers are not Americans." Marvin Stone, editor of *U.S. News & World Report*, has pointed out in this regard that, "If newcomers show skill and initiative as workers and entrepreneurs, they often cut in on the livelihood of local people and arouse hostility; if not, they lean heavily on the public purse."

As the Attorney General has said, only 15 percent of the illegals are in agricultural jobs. It is a myth that illegal aliens seek and obtain only low-paying jobs. For example, the *Phoenix Gazette* of December 9, 1981 in reference to a nuclear reactor plant in Arizona stated that, "Immigration officials said they believe the relatively high wage scale, which begins at about \$10.50 per hour, has attracted a large population of illegal workers." *Human Events* ran a story on December 12, 1981 which described a case in Elgin, Ill., in which Immigration and Naturalization Service officers "arrested 69 aliens who earned between \$4.50 and \$13 an hour." Within hours, the *Human Events* story reported, "hundreds of local residents had applied for these jobs, all of which were filled within 3 days."

Prof. Donald L. Huddle of the Department of Economics at Rice University has written a report on "Undocumented Workers in Houston Non-Residential and Highway Construction: Local and National Implications of a Field Survey." Professor Huddle has estimated, for example, that one-third, and possibly more, of the workers in the construction industry in the Houston area are illegals. He notes that "residential construction is more heavily infiltrated by illegals than is commercial construction." This is because unions "still act as a partial barrier" in the commercial construction field. The wages earned by illegals ranged from \$4 to \$9.50 per

hour. A study by Frank Bean and Allan King at the University of Texas for Governor Clement's task force on immigration was quoted in *The Houston Post* of April 7, 1982 and estimated that 1 in every 5 Texas Hispanics is illegal.

From his research, Professor Huddle extrapolates that, "For the United States as a whole, the number of illegals working in construction may reach an estimated 1 million or more." He then goes on to state that "The wages collected by the illegals in construction nationally probably exceed \$7 billion per year and could well be over \$9.5 billion."

Former Secretary of Labor, Ray Marshall, has stated that removing illegal aliens from the work force could cut our unemployment rate in half. According to Professor Huddle's research:

The amnesty provisions of the Simpson Maz-zoli bill are too generous...giving amnesty to illegals...will be costly in terms of implementation, will cost unemployed American citizens hundreds of thousands if not millions of jobs, and lead to many more millions of relatives of illegals not now in the United States becoming legalized in the future.

It is important to consider a report by the Congressional Budget Office which shows that each unemployed American received \$7,000 annually in unemployment benefits and other public assistance. Thus, 10 million unemployed Americans cost the taxpayers a minimum of \$70 billion annually. This does not include the loss of revenues to the Federal Government from tax payments generated by working Americans.

Where there is a genuine need for seasonal foreign workers, for example, in the agricultural field, the answer is a temporary guest worker program. Amnesty is not the answer. In fact, by giving permanent resident status and access to our generous welfare programs to millions of illegals currently in low-paying agricultural jobs encourages them to move away from this type of work and into the welfare system.

## Amnesty Will Increase Welfare Costs

Mr. President, amnesty would increase welfare costs dramatically. Many millions of illegal aliens would qualify for various welfare programs — AFDC, SSO, Medicaid, food stamps, State, and local assistance, and public housing. A number of factors currently are holding the use of welfare programs by illegal aliens down. These include the fear of discovery by authorities and the percentage of illegal aliens who are working males with their families across the border. Amnesty would change the situation significantly.

The National Association of Counties, in their newsletter *County News* of June 7, 1982, state that:

Such a legalization program would constitute a costly new Federal mandate which would require State and localities to provide increased services and assistance to illegal aliens granted residency status. As legal residents, they would become eligible for cash and medical assistance not available to illegal aliens. NACo estimates that the total cost to State and local governments for providing such assistance would exceed one-half billion dollars in the first year of legalization alone.

The association is opposing legislation giving amnesty to illegal aliens if the Federal Government is not willing to pick up the added billions of dollars of local and State welfare and service costs.

The administration has just released figures which assume an illegal population of 6 million aliens. As noted earlier, this is a conservative estimate. Yet, the administration's cost figures based upon this conservative estimate show that the increased costs in welfare payments under this bill would be some \$10 billion in the first 4 years alone. ■

*Congressional Record – Senate*  
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S 9075, 9076