

The Legacy of the IRCA Amnesty

By RICK OLTMAN

November 6, 2011, marks a dubious anniversary in the history of America. On that day 25 years ago President Ronald Reagan signed into law the Immigration Reform and Control Act (IRCA). Also known as the Simpson-Mazzoli Act, it was an amnesty for illegal aliens, the effects of which we live with today.

IRCA was the most comprehensive reform of our immigration laws since 1952. In 1981 the Reagan Administration asked Congress to pass a comprehensive legislative package that included employer sanctions, other measures to increase enforcement of immigration laws, and the legalization of illegal aliens. The Employer Sanctions program was supposed to be the key element that would remove the incentive for illegal immigration by eliminating the job opportunities that were, and are, the number one reason that illegal aliens come to our country.

Whatever its intention, it is undeniable that the IRCA Amnesty of millions of illegal aliens failed to solve the problem of illegal immigration. Instead, the legalization of people who broke our laws and sneaked

into our country and were allowed to jump the line in front of legal immigrants only encouraged more illegal immigration by creating a worldwide expectation that if you could just get to the United States, that you too would eventually get amnesty.

The plan was controversial at the time. There were doubts that it would work. It was remarked by some that the bill was proceeding amid massive confusion about how it would work, how much it would cost, and how many people it would amnesty.

In June of 1984, amidst the Presidential campaign, three candidates for the Democratic Party's Presidential nomination — Walter Mondale, Gary Hart, and Jesse Jackson — opposed Simpson-Mazzoli.

Cesar Chavez, who had his union members calling the Immigration and Naturalization Service (INS) to report illegal aliens working in the fields so that they could be deported, encouraged the U.S. government to include provisions in the Immigration Reform and Control Act (1986) applying sanctions against employers who knowingly hired illegal aliens.

How many would apply for, or qualify for, amnesty was never known, nor even closely estimated. In 1981 the estimate was 1 million illegal aliens in the country. By 1984 that estimate had been raised to 1.6 million. Depending on the cutoff date, prior to which the illegal alien could apply, some estimates were raised to 2.2 million.

In 1984 it was believed that the total number of illegals in the country, not all of whom would qualify for the amnesty, was, "somewhere around 6 million." Some experts, according to *Time* (June 2, 1984), estimated that the real number of illegals in the country in 1984 could be as high as 12 million.

If the number 12 million seems familiar, it is. It is the number that is most used in discussions *today* by those who want to mask the reality of the immigration anarchy that our government's failure to enforce our laws has wrought.

This anecdotal chronicle of the 1986 IRCA Amnesty contains points of view from three men who were involved with the amnesty process and immigration enforcement during the amnesty period.

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BILL KING ran the amnesty program in the Western Region. His service to the country includes; Chief Patrol Agent of the Border Patrol Academy, Acting Chief of the Immigration Academy, and Chief Patrol Agent of the El Centro, CA sector.

He remembers that the original talk about an amnesty began in early 1981. It was determined early on that whatever the number of illegals was, they were going to need a bureaucracy to adjudicate the amnesty and people to run it. The INS reached out to retired U.S. Border Patrol (USBP) and INS supervisors, including King, who began to huddle up in 1985 to figure out how to do it.

Bill King, Ed Wildblood, Bill Zimmer, and Jim Bailey, one for each INS Region, began discussing the process in late 1985 and went to the Central Office in Washington, D.C. in early 1986 to begin planning what it would take to make it work. With an estimated 1.5 million applicants, they decided that they had to open 112 offices and hire over 2,000 people. They brought back into the Service a number of retirees and had to develop training programs and establish liaisons with cities and federal law enforcement.

By law, they had 180 days after President Reagan signed the bill on November 6 to be up and running to begin accepting amnesty applications. All the offices in the country opened on May 5, 1987. It was a Herculean effort.

The INS ran the operation. Harold Ezell, Western Region Director, and Bill King did seven press conferences in seven cities in two days on the amnesty. “The people we hired did a hell of a job,” says King. The Immigration and Naturalization Service in those days was a stepchild in the federal law enforcement community and was perennially underfunded by the Department of Justice. “It was believed to be the greatest undertaking ever by INS.”

“We were going like a group of madmen,” says King, who remembers many back-to-back-to-back 16-hour days. “Ezell was adamant that the program would work properly. The Western Region had 36 offices in five states and 15 offices in the greater Los Angeles area and we ultimately processed the most applications, 1.7 million.”

The Western Region ultimately processed more amnesty applications than was estimated for the entire country.

They allowed illegals to mail in their amnesty applications to prevent their offices from being swamped. When the applications were received, the applicant was given a date and time to appear.

Morale was good at the beginning of the process, even though, “Those managers that they brought back, like myself, were not in favor of amnesty,” King says. “I don’t think any full time employee of INS thought it was a *good* idea, but we all agreed to make it work.”



**Border Patrol Agent and Western Region
Amnesty official Bill King**

King stayed with the process for 5 years into the early 1990s. “1.7 million applicants *was* surprising,” he says, “3.1 million applicants overall, blew our minds”; 2.7 million received amnesty.

“The fraud in that program was out of sight,” said King. “The biggest fraud in California was establishing the 5-year residency. Fraudulent documents, rent receipts, food receipts, anything needed was for sale on Los Angeles streets...there were document vendors all over the place and fraud was rampant,”

Some of the fraud was so obvious that 400,000 applicants were rejected during the interview. Some applicants would claim to be farm workers and would say they had picked strawberries from trees and were immediately rejected. Fraud in the agricultural program exceeded 30 percent because of a lack of investigative resources. Final decisions for approval or denial were made at the Regional Processing Offices.

The one resource King was short of was an investigative team. He told Western Region Director Ezell that they needed a “sanitized group of investigators” to work the amnesty program solely to clear up the fraud. Current investigative staff was offered to help, but never produced the kind of investigations required to deal with the fraud. King had one investigator in his regional of-

office for the 36 offices in 5 states and remarks wistfully that they currently have more people in Headquarters than he had in a sector.

“The illegals actually thought the 5-year requirement was real and at first, didn’t come,” King remembers. That thinking didn’t last long.

DAVID J. STODDARD was a USBP supervisor in the Tucson Sector in 1987. His experiences of the amnesty were from the enforcement point of view.

Stoddard remembers that the government was stunned because not many people began applying right away. The IRCA was signed on November 6 at a time when many illegal aliens, most harvests over, had returned to Mexico for the Christmas holidays. And, he believes, that many didn’t immediately return because they couldn’t prove 5 years of continuous residency as required by the Act. That means, ironically, that many of the illegal aliens actually thought that there was integrity to the process, that the United States actually would enforce the law. If that is what they thought, they soon got over it.

The Spanish language press in Central and South America began reporting sensational news stories about the United States giving amnesty to everyone without a criminal record. “It was like gasoline on a flame, it just burned up the Press,” says Stoddard. And from the Mexican border to the tip of South America people began to return to the U.S. to apply for amnesty. And, many decided to bring their wife, kids, brothers, sisters, cousins, and other relatives back to the United States to apply for the amnesty, too. As Stoddard recalls,

Prior to IRCA of ’86 I encountered illegal aliens working who gave the employer a Social Security number of 000-00-0000 and it was accepted. There were probably tens of thousands of illegal aliens who were using *that* Social Security number. When they were asked, some of them would pull up a nine digit or a five digit number, or whatever would come to mind; numbers belonging to a friend or a relative. They were obviously fictitious.... Some of them were real numbers because in the ’60s and ’70s the USA would send Social Security numbers to applicants applying from foreign countries.

In the early 1980s the Reagan Administration tasked the Social Security Administration (SSA), the Department of Labor, and the Census Bureau to estimate the number of illegals who would likely apply for amnesty. Prior to IRCA it was illegal to work in our coun-

try if you were here illegally, but it wasn’t illegal to hire illegal aliens. That double standard was erased by the Act. But those employers who paid the illegal worker on the books and reported taxes to the IRS and SSA gave these agencies a good idea of the number of workers without a valid Social Security number. The initial official estimate was that 1.1 million illegals would apply for amnesty.

What the federal government apparently didn’t take into account was that many of those 1.1 million would bring friends and relatives back to America to claim 5 years residence in the same fraudulent manner as those who came and went on a regular basis. That is one reason why the number of applications was three times higher than the original estimate.

When the knowledge of fraud got out, there was a literal stampede of people coming across the border illegally to apply for amnesty and the government was quickly overwhelmed.

Stoddard recalls that fraud was rampant in the application process. Estimates of application fraud ranged between 66 percent and 75 percent.

He also remembers that packages of counterfeit utility receipts, written receipts, and anything else that would establish a 5-year residency were for sale and only required the name to be filled in. And, these were in the days prior to personal computers. “The adjudicators started out doing a bang-up job in collaborating and investigating, but the administration came down with orders not to look too closely if on the surface the application appeared to be legitimate.”

On the line, whole groups of illegals were turning themselves into Border Patrol officers as soon as they crossed the border, saying they wanted to apply for the amnesty.

And then the Border Patrol was given orders not to interfere with an alien who was “en-route” to apply for amnesty.

The quid pro quo for the amnesty was enforcement. There were going to be employer sanctions and the promise of more resources.

Regarding the amnesty and the promise of Employer Sanctions, Stoddard remembers, “I thought, OK, I can live with this if we can prevent the employers from enticing more illegal aliens into the country. I don’t like it, but I can live with it.”

And then...

As a supervisor I took my men to training sessions where they were being trained on the Employer Sanctions provisions. And I

sent people out on instructions. I sent people out to visit employers in the area to educate employers on how to fill out an I-9 and what to look for. Then one day that all turned around. The training was cancelled and we were told not to worry about the Employer Sanctions provisions.

GEORGE Z. (ZACH) TAYLOR was working in the McAllen, TX Sector in 1986 and was told by supervisors that he actually wrote up the very first amnesty case. As he recalls,

It was Christmas Eve 1986 and a woman and her three sons aged 7, 5 and 4 were picked up in the McAllen Floodway walking south towards Mexico. She had had a fight with her husband who had ripped the door and window out of the shack they were living in. It was so cold it was sleeting and when they were picked up all four were suffering from hypothermia. They were seven miles from the border and never would have made it.

Taylor listened to her story as he wrote up the case and realized that she qualified for the Amnesty and prepared the paperwork. Then, he took her and the boys to a local church where they were all fed and well taken care of. Taylor saw her again when she returned to thank him for helping her and her sons.

Helping the woman and her sons is the best memory Taylor has of the IRCA. He too knew of the massive fraud in the application process. He too had heard the stories of picking strawberries off of trees as well as picking okra off a vine.

Taylor was a sign cutter, a tracker, and remembers, "All of a sudden there were no tracks, nobody was going north...when the Employer Sanctions went into effect." Further, "Nobody was going north, but they *were* going south. And they (his supervisors) made me stop picking these south-bounders up because I was documenting the fact that it was *working*. Employer Sanctions was *working*. The aliens were actually walking back to Mexico, they were self removing themselves. And, there was a real fear within the immigration service that the illegal alien problem had been solved."

Success, it seemed, was a threat to their reason for being.

"They didn't want to document that the employer sanctions was working," Taylor says. "At risk was the budget for the whole program of investigations, detentions, deportations; the whole thing."

"The real fear at that time," Taylor repeated, "Was

that the system was working." He also recalls that USBP officers were, "...not allowed to go within a block of the amnesty office."

Once the wave of people began heading north and got into the process, in some offices up to 75 percent of the applications were fraudulent on their face.

Taylor knew many working in the Dallas Adjudication Center and was told that they got chewed out for denying an amnesty application. They were just supposed to stamp it "Approved." Some wouldn't do it and sent the obviously fraudulent applications on as "denied." And, many times they would come back with a waiver, and the applicant received amnesty.

One agent from another sector said he heard that only "Approved" rubber stamps were issued.

Another agent described how he and a co-worker went to their supervisor to report that they needed more help to do a credible job with the amnesty applications. They were told to go back and just do the best they could. Shortly thereafter they returned to the supervisor and told him again that they really needed more help if they were going to it right and were told, "Look, this is the job. If you can't do it, then go back to enforcement."

In implementing the IRCA in 1987-88, the INS determined that illegal aliens who received welfare assistance were ineligible for amnesty. The Courts later overruled the INS, and told the agency to accept amnesty applications from unauthorized foreigners who had received welfare.

Drenched with fraud, the amnesty raised expectations around the world, and in the 25 years since IRCA there have been millions of illegal entries into the U.S.

Today, estimates vary on the number of illegal aliens currently in the country. The 11 to 12 million number is laughable. It is used because if the American people knew the real number they would demand enforcement and accountability at the ballot box.

In 2005 the investment banking firm of Bear Stearns estimated the number of illegal aliens in the country to be 20 to 22 million, based on analysis of remittances (payments to Mexico), school enrollment in Mexican communities, and other factors.

The "official" number in 2008 was 12.5 million, only half a million more than what some experts had estimated 24 years prior in 1984.

Then the estimate dropped to 11 million.

What is the real number of illegal aliens in the U.S.? The truth is, nobody knows. And the federal government surely wouldn't say if it did know. All estimates are really guesses or made up for political reasons.

One way to estimate the number of illegal entries is what Border Patrol officers call the “got-away-rate.” Trackers in the Border Patrol pride themselves in the ability to “cut sign” and would find the trail of a group walking through the desert. They would estimate the size of the group from the number of footprints and follow the tracks until they caught and arrested them. Based on the estimate of the group size, the number they caught and how many got away, they would calculate “the got-away-rate.” For years the Border Patrol estimated that on a good day they caught one in five, on a bad day one in seven. If it’s a good day and you catch one in five, that means four got away. Border Patrol officers and supervisors used this calculation for years, and while not precise, they believed it to be a good estimate of enforcement at the border.



to worry. It’s pandering by proxy.

However, any seemingly off-the-cuff remark by a President or a high administration official about a “path to legalization” is really meant as an encouragement to come. The third world ear hears that there is going to be another amnesty, and today with modern technology, the Internet, social media, and many governments happy to see their young men leave for America and ultimately send money back home, any kind of talk of amnesty perks up ears around the world.

Alan C. Nelson, Commissioner of the INS for President Reagan, remarked about eight years after the '86 Act, “We believed in the amnesty, we thought it would work. I thought it [would] work. It didn’t. It should never be done again.”

And there are about 5 billion people on the planet who have it worse off than the poor souls enduring the slaughter in Mexico, as incredible as that sounds. If they believe they can make it, they will do anything they can to flee the brutal grinding poverty that oppresses them and try to get here,

because they look forward to getting that amnesty.

Expectation is the worst legacy of the 1986 IRCA. It fuels all movement toward our borders because of the continuous talk of *another* amnesty.

If Congress does get serious about another amnesty, not wanting to alarm the American people or motivate them to respond at the ballot box, the government probably won’t call it an “amnesty.” It will be some Orwellian Newspeak term, like the Dream Act, but everyone in the world will know the Oldspeak word: amnesty. And it would be devastating for America.

It would also be impossible to administer. Compared to the 3 million they dealt with in 1986, the number seeking amnesty today could be over 30 million people. Bill King suggests it could go as high as 50 million because of fraud. It would simply be impossible.

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Since 1986 the IRCA amnesty has encouraged millions of illegal aliens to come to our country, and they have had an impact on crime, education, healthcare, employment, and the environment.

With the exception of the last couple of years, the Border Patrol and INS/ICE have, over the past two decades, arrested over 1 million illegal aliens a year. That means that if every day was a “good day,” the United States has had over 80 million illegal entries in the past 20 years. Many of them were multiple entries by one individual, of course. Nobody believes there are 80 million illegal aliens in the country. However, given several different demographic studies using different techniques, it is possible that 30-35 million illegal aliens live in America today.

And illegal aliens are still coming...to get an amnesty.

The “third world ear” is a term used to explain how the talking heads in the U.S. government are heard outside our country when they talk about immigration and amnesty. What we hear is pandering to the business community, letting the end users of illegal aliens know that nothing will be done to secure the border that will cut off their steady supply of cheap labor and new customers. The comments are usually made to a Hispanic audience, or supporters of open borders. Phrases about “coming out of the shadows” or “jobs Americans won’t do” are really messages to the business community not

Crime is higher today than it otherwise would be without the amnesty. The birthrate to illegal aliens and those amnestied has added to the number of young men who make up the cohort of the prime crime age group, 14 – 24 year olds. We already have crime. The result of the amnesty is that we have *more* crime.

The education system is overburdened with students as a result of the amnesty, and taxes have gone up and literacy has gone down as schools struggle to deal with the situation.

Hospital emergency rooms are now doctors' offices for illegal aliens receiving non-emergency health-care that is cost shifted to the taxpayer and healthcare insurance companies, who pass those increased costs on to the insured.

Over 8 million illegal aliens that the government knows about because of Social Security number no-matches are working in America. That's 8 million jobs that should be available to American workers.

The environment is impacted as our population rapidly grows as a result of illegal and legal immigration and their birth rate. In 39 years, at the current rate of population increase, there will be 500 million people in America with the corresponding ecological footprint.

Bill King echoes Al Nelson. He and Hal Ezell both said, "We thought it would work and we should never ever do it again."

King also adds, "Everyone was sold a bill of goods

on the program....Arrests in '86 were 1,767,400 brought on by the amnesty program, encouraging people to come... Amnesty, in general is a p*%# poor idea and I would hold all the people in Washington criminally responsible for passing the last one.... If I went back today, I would get fired the first day.... I couldn't work under conditions today. If any of us went back today we would be fired."

The Chief Enforcement Agent of the INS Western Region commented in the early '90s about his main problem with the amnesty. Besides the illegals being allowed to stay, he observed, those who were amnestied would soon have permanent resident status, some would apply for citizenship, and some would apply and be accepted to work for the INS and the Border Patrol. And then we would have a situation where illegal aliens who had broken our immigration laws would be in positions to enforce, or not, our immigration laws.

The IRCA Amnesty and the illegal immigration it encouraged haven't created all the problems that we have in America today. But what is true is that every problem America has is made *worse* by that amnesty and the illegal immigration that followed.

Considering everything we have experienced in the past 25 years, it's fair to say that no event other than war has done more to transform, some would say mutate, American culture and our country than the 1986 IRCA Amnesty. ■