

The Case Against Amnesty for Illegal Aliens

BY SEN. RICHARD SCHWEIKER (R-PA)

Mr. East. Mr. President, for almost a decade illegal immigration to our country has been out of control. Reliable estimates now place the annual influx of illegal aliens at over 1 million. Sadly, Congress has failed to act to defend our national sovereignty and the future of our citizens.

At a time when we should be acting decisively to stop illegal immigration, there is talk of granting amnesty to illegal aliens. I suspect that 8 million unemployed Americans would question the wisdom of an amnesty policy which rewards lawbreakers.

Our distinguished former colleague, Secretary of Health and Human Services Richard S. Schweiker, set forth a compelling case against amnesty four years ago. Secretary Schweiker also made a persuasive case for enacting sanctions against employers who knowingly hire illegal aliens. Mr. President, I ask that Mr. Schweiker's article from the October 1977 *Congressional Digest* be printed in the *Record*. The article follows:

Statement by Richard S. Schweiker

From a statement issued on August 29, 1977, and from remarks delivered on the floor of the U.S. Senate on May 25, 1977, on the occasion of his introduction of S. 1601, a bill designed to protect American workers from the adverse impact of illegal alien employment.

I oppose President Carter's plan to grant amnesty to illegal aliens. I believe this proposal is ill-conceived, based on erroneous assumptions, and mischievous in impact.

In his recent message to Congress, the president accurately stated the problem: "In the last several years, millions of undocumented aliens have illegally immi-

grated to the United States. They have breached our nation's immigration laws, displaced many Americans from jobs, and placed an increased financial burden on many states and local governments." The Immigration and Naturalization Service estimates that one million jobs are now held by illegal aliens. And yet, the essence of the President's plan is to reward this illegal conduct with special benefits for which aliens who have obeyed the law will be ineligible.

Although there are precedents in our history for granting an amnesty or pardon to lawbreakers to remove the adverse consequences of law enforcement, the illegal alien amnesty plan goes much further. It puts the government squarely behind the lawbreaker, and, in effect, says, "Congratulations, you have successfully violated our laws and avoided detection — here is your reward."

Millions of people throughout the world, including legal aliens temporarily in the United States and relatives of American citizens, have tried to work patiently within the confines of the immigration laws to obtain permanent status and eventually American citizenship. If the Administration's proposal is adopted, the government will be saying to them, "Sorry, we have nothing for those who obey the law." We are fond of saying America is a nation of laws. By accepting the President's plan, we would be setting a nasty precedent of putting the government on the side of the lawbreaker by rewarding his illegal conduct and undermining the efficacy of our laws.

The amnesty proposal is not only misguided in approach, but also based on erroneous assumptions. Administration spokesmen have conjured up images of massive dragnets of federal officials having to comb communities throughout the nation for illegal aliens unless amnesty is granted. Obviously, this could not and would not happen. Enforcement of the immigration laws against illegal aliens has been a very difficult task. But one of the primary reasons is that employers at present can lawfully hire illegal aliens. Easy employment in the United States is the primary attraction for illegal aliens. We need effectively to cut off this source of jobs which rightfully belong to Americans and legal immi-

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grants. When this is accomplished, I suspect many illegals would return to their homes, and others who are deported would have no incentive to return to the United States. The assumption that the only alternative to a massive round-up and deportation of millions of illegal aliens is to grant a general amnesty is simply erroneous.

Although the Administration emphasizes difficulties in enforcing the immigration laws against illegal aliens, there appears to be no adequate appreciation of the problems involved in enforcing the proposed amnesty plan. Under the President's proposal, aliens without legal status who have been in the United States since before January 1, 1977, but not as early as January 1, 1970, will be placed in a new category called "temporary resident alien." Almost certainly, the Administration contemplates that these people will in several years be granted resident status, the last step before American citizenship. Apparently, all that will be necessary to establish residency since prior to January 1, 1970, is to show rent receipts, wage records, or the like. It is unclear how the Immigration and Naturalization Service will be expected to detect fraudulent records.

The possible ease [with] which even newly arriving aliens will be able to take advantage of the amnesty [reveals] the mischief of the proposal. Recent reports from immigration officials at our southern border show a significant increase in illegal alien traffic since talk of amnesty began. Although the proposal on its face may appear not to benefit new arrivals, the lack of understanding of the limits of the plan and the difficulties in enforcing it actually aggravate this very burdensome problem.

For these reasons, I oppose the Administration's amnesty plan. But I support the President's recent call for sanctions against employers who knowingly hire illegal aliens. Some months ago I introduced legislation (S. 1601) to make it unlawful to knowingly employ an illegal alien and to provide stiff fines for those who choose to violate the law. Although my bill prescribes a stronger arsenal of penalties to deter violations than the Administration proposal, I welcome this part of the President's program. Drying up employment opportunities, not rewarding illegality, should be the cornerstone of our nation's policy toward illegal aliens. We should open up the jobs illegal aliens now hold to unemployed Americans and legal immigrants, not make permanent the unfair labor competition. I believe strong employer sanctions can go far toward accomplishing this goal. I feel employer sanctions are a workable program to deal with the problem of illegal aliens without rewarding illegality.

I stated the case for such a policy as follows when I introduced S. 1601 on May 25 of this year:

Unemployment in the United States today is our most urgent domestic problem. The administration, Congress, the governments of our States, and the American people have properly focused great attention on efforts to put the economy back on track and alleviate the personal hardships of unemployment. One step we can take in the right direction is to protect American workers from the unfair competition of illegal aliens who take jobs which should be held by American citizens and those lawfully in the United States and depress prevailing wage rates and working conditions we in Congress have worked so hard to guarantee.

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Action in this area will certainly not solve all of our economic problems, but I have concluded it is a necessary step. Although we do not have reliable statistics on how many illegal aliens there now are in the United States, estimates range from four to eight million. The Commissioner of the Immigration and Naturalization Service estimates that as many as one million jobs are improperly being held by aliens not authorized to work. The adverse impact of these figures is obvious. Moreover, the magnitude of the problem illustrates a great distortion to our immigration policy, probably the most compassionate in the world. In fiscal year 1975, immigration authorities caught about twice as many illegal aliens as the number lawfully admitted that year for permanent residence.

The primary drawing card for aliens seeking to il-

legally enter the United States is the greater economic opportunity here than in the nations from which they come. These illegal alien workers can successfully compete with American workers as they will often work for lower wages and under unfavorable working conditions. There is simply no way immigration officials can adequately deal with this problem as long as the enticement of employment in the United States remains. We must, therefore, close off these attractive opportunities by first, making it unlawful for an employer to knowingly hire an illegal alien, and second, by providing effective sanctions against employers who choose to violate the law.

I would like to mention several aspects of my proposal. First, a ban on knowingly employing illegal aliens will be less than fully effective without strong and efficient sanctions for violations. Although I share the fear of some that a flat rate civil penalty will not effectively deter some employers, I do not advocate criminal penalties, primarily due to several problems of practical application. I propose that the legislation provide an arsenal of civil penalties, increasing in severity with each additional violation.

A second aspect of this bill I wish to highlight deals with the issue of whether we wish to allow states to also legislate in this field. I believe Congress should not preempt the field, and should say so in the act. Although the adverse impact of illegal alien employment is national in scope, it certainly is more serious in some areas of the country than in others, and is manifested in different job markets in varying geographical areas. Not only can state legislatures better deal with the nuances of the problem within their state, the states can also provide needed enforcement personnel resources to deal

with the overall problem. Of course, no state legislation may conflict or be inconsistent with the congressional enactment.

A third aspect of this bill I wish to highlight is one which creates a private course of action for enjoining violations of the ban, in addition to power [for] the government to seek injunction. In view of the enormity of the effort required by the government to deal with the problem which exists, I feel the government should welcome the cooperation of the private sector. Such plaintiffs could include competing businesses, labor unions, private individuals, and others adversely affected by illegal alien employment.

A fourth point I wish to note is a proposal aimed at easing the direct expense to the taxpayer for enforcement of these and other provisions of the Immigration and Nationality Act. It has been estimated that any effective attack on illegal alien employment will cost an additional \$12 million each year. As a means of attempting to partially hold down the appropriations for the Immigration and Naturalization Service, I suggest that all administrative and civil penalties, such as those assessed for knowingly employing illegal aliens, paid into the Treasury under the act be counted as a credit under the Service's appropriation for that year.

I hope my colleagues will seriously consider this and other proposals which have been made to make available to American workers jobs which have been illegally taken by violators of our immigration laws. ■

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