

The Employment Case Against Amnesty

The American Legion warned of employment impact of illegals in the workforce

BY PAUL S. EGAN

The American Legion appreciates this opportunity to present its views on the desirability of amnestying or legalizing the status of undocumented aliens residing in the United States. It is our opinion that amnesty or legalization is undesirable and we strongly oppose the idea as unworkable, impractical, and unjustifiable for a variety of reasons.

As a veterans service organization dedicated to the well-being of those having defended the nation, the American Legion is particularly concerned about the impact of both legal and illegal immigration on the nation's veterans. In that regard we are alarmed about the employment prospects of unemployed veterans, especially younger and minority veterans with unemployment rates in excess of national averages. This organization has reason to believe that very large percentages of illegals in some regions of the nation are currently displacing not only veterans but able and willing unemployed Americans generally. The American Legion regards the supplanting of veterans and other Americans with illegals as unconscionable.

In the years 1978 and 1979 the Immigration and Naturalization Service (INS) reported that of all illegals arrested, more than half were employed outside the agricultural sector and three out of five earned more than minimum wages. In late 1979 several aliens arrested in Chicago were found to be making over \$9,000.00 per year in heavy industries. Also in late 1979, an INS survey indicated that aliens arrested in Los Angeles averaged 2.4 years on the job with earnings averaging \$5.25 per hour. In mid-summer of 1979, a foundry in Elgin, Illinois, was raided netting 69 illegals earning between \$4.50 and \$13.00 per hour. According to one report, it was found that illegals employed at a construction site in

Virginia were making \$16,000.00 per year with a foreman making even more.

These instances are startling. They are startling not only because they dispute commonly held beliefs that illegals are exploited in low paying jobs, but also because they debunk the notion that illegals are not employed in economic sectors other than exclusively agricultural sectors. Moreover, these reports still fail to adequately address the important question of how many illegals actually supplant Americans in the job market. The answer to that question is elusive in the absence of accurate figures on the number of illegals in the United States or in the absence of broad regional samples of the total economy.

However, in a recently concluded study that this organization discovered, it was found in the Houston metropolitan area that fully one third of all employees at work on construction sites are illegals. What is even more alarming, much of that construction is contracted out by the federal government. The implication of this study by Rice University Economics Professor Donald C. Huddle are remarkable if one first considers that the U.S. government is inadvertently subsidizing illegal alien employment and second that government construction sites must provide wages in accordance with the Davis-Bacon Act. Indeed, Huddle found illegals working for between \$4.00 and \$9.50 per hour in a city with minority and youth unemployment ranging around 20 percent.

We have not reviewed the merits of Professor Huddle's research design, but we understand that his sampling of construction sites was random, including nearly 2,000 of the estimated 150,000 construction workers in that area. The consistency of Huddles's findings with other reports from around the country suggests to us that it is credible at the very least.

In the face of all of this evidence taken together, it is clear to this organization that illegals have a profound impact on the job market in all sectors of the economy. It is also clear that very large numbers of illegals are em-

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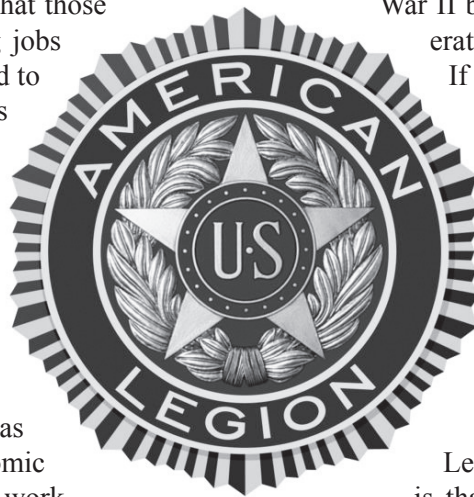
ployed in jobs making far more than minimum wages. We believe, in most of these instances, that many Americans would gladly stand in line to apply for these jobs. Moreover, the argument that illegals are only occupied in jobs deemed undesirable by American does not appear to stand up.

We raise these points because they constitute perhaps the most salient reason for opposing amnesty. Jobs held by illegals should and could be held by Americans.

At a time in our history when the entire nation is experiencing strains associated with slow economic growth and attendant high unemployment rates, it is in the U.S. national interest to take whatever steps necessary to assure Americans the best possible economic relief. To say to Americans, instead, that those illegally in the country and holding jobs desired by Americans will be allowed to retain them while American workers must fend for themselves is patently unfair.

It occurs to the American Legion that with the recent passage of tax and spending cut legislation to spur the rebuilding of the American economy, consistency of policy requires every effort to address American unemployment problems as the President's program for economic recovery is given an opportunity to work. Importantly, consistency of policy in this regard is appropriate whether or not the Administration's program works and whether or not we agree with its premises.

A second reason that we oppose amnesty or legalization is that it creates an injustice for those wishing to immigrate legally. For those having waited long periods of time as a consequence of pursuing proper channels in efforts to immigrate legally, amnesty can only be seen as a signal that the U.S., electing to repudiate its own laws, is willing to reward the undocumented at the expense of the law abiding. Our estimation, in this event, is that further waves of illegal immigration subsequent to an amnesty would be encouraged. The sense of betrayal by those legal having waited patiently as illegals have reaped the economic rewards of U.S. residency will undoubtedly resemble that of many Americans having been drafted into the military during the Vietnam War. The sense of betrayal by Vietnam veterans having served their obligation in the face of amnesty for those who refused is undeniable and may yet cause serious problems in the event of another national emergency requiring mobilization.



In that regard we hear on occasion the question of whether the amnesty for draft evaders of the Vietnam War worked. If the answer is yes, then it is assumed that amnesty for illegals is justifiable. We submit that this type of rationale confuses prospective policy success with appropriate policy wisdom. The question properly asked is whether or not in the face of potential future mobilization problems resulting from the Vietnam amnesty experience it is advisable to create the same incentive for would-be illegals to violate our immigration laws in a post amnesty period.

While it is impossible to predict what if any problem would arise in the event of a mobilization in the future, it should be kept in mind that the post World War II baby boom became the Vietnam generation and are the parents of tomorrow.

If mobilization becomes necessary or if the nation returns to conscription, what will the children of this generation be advised? The correlatives of this question are what will would-be legal immigrants advise their children and what will legalized undocumented advise their relatives and friends outside of the U.S.?

Yet another reason the American Legion opposes amnesty or legalization is that it would naively legitimize transgressions of U.S. law. In our view the merits of amnesty proposals beg the question of long range solutions to the problem of illegal immigration. Amnesty for illegals makes no more sense to us than solving problems of prison overcrowding by releasing all prisoners with a view toward starting with a clean slate. Illegals will continue to enter the country as long as potent economic incentives exist and for as long as they are permitted to get away with it just as the criminally disposed will continue to prey on society for as long as they are free to do so with impunity.

Importantly, we employ this analogy not for the purpose of comparing the seriousness of one transgression with another. The force of our analogy rests instead with what we regard as axiomatic of civilized democratic societies. As citizens under laws promulgated by legitimate representative government, we voluntarily bend de jure compliance. Necessarily as citizens we have a right to expect reciprocal de facto enforcement. Anything less in our view is a dangerous breach of faith in fundamental relationships of citizen to state and state to citizen. We are well advised to impart the seriousness

with which we as a nation regard these relationships to would-be immigrants.

In a more practical sense, we believe the INS to be incapable at present to handle the administration of an amnesty. Even if amnesty were a good idea, the record keeping and management of such a program would create nearly impossible problems for INS--already hard pressed to adequately handle current responsibilities.

In summary, the American Legion opposes amnesty because jobs held by illegals should be made available to Americans, because new waves of illegals will be encouraged, because amnesty is unfair to those would-be immigrants having abided the law and waited their turn, because it is bad public policy to repudiate U.S. law by legitimizing the transgressions of those having violated U.S. law, and because the administrative burden on INS would be too great even if amnesty were a good idea. For the above reasons, The American Legion opposes amnesty in all forms however truncated.

Thus far we have outlined our objections to amnesty. These objections are based in both principle and what we regard as sound public policy. It is our belief that immigration policies regarding the legals or illegals should stem from a sound assessment of U.S. national interests. Many of the arguments employed to justify amnesty fail either to properly define or recognize the importance of the national interest.

One such argument bemoans the cost of finding and repatriating illegals. It is said that the dollar and social cost of finding and repatriating illegals is so great as to justify amnesty. We submit that the dollar and social costs of criminal law enforcement, for example are also great, but not so great as to justify ceasing to enforce criminal laws altogether. Moreover the dollar and social cost to Americans in the absence of immigration law enforcement are at least as great as those in the absence of criminal law enforcement. The number of well-paid jobs held by illegals but desirable by American workers is satisfactory proof in our judgment. A similar argument that since all illegals cannot be found and that the problem is therefore unsolvable fails equally as a justification for amnesty.

Perhaps the most appealing argument favoring amnesty postulates that illegals are exploited and since they are exploited legalization is necessary in the interest of justice. It is difficult to counter the emotionalism and sense of fair play in which this argument is couched. Nevertheless, it is necessary in the national interest to look with equal compassion upon the plight of supplanted Americans desiring to work.

It is undeniable that illegals are exploited. What is perhaps a revelation to some, however, is that the kind of exploitation is different from what is stereotypically portrayed. With large numbers of illegals employed in all economic sectors making much more than minimum wages, the emotional power of the exploitation argument loses much of its force. In the Huddle study cited earlier, illegals on construction sites in Houston were exploited, but not in the same fashion as one might expect. Illegals there were paid using the same salary scales as Americans. They were exploited by foremen exacting fees in exchange for jobs. The point here is not that some types of exploitation are acceptable as against others. The American Legion simply takes the position that our greatest policy concerns ought to employ greater compassion for Americans than for those having violated our immigration laws. In our judgment the same reasoning ought to apply to those illegals having been in violation of the law for so long that they have even become productive members of their respective communities.

The American Legion takes the view that policing U.S. borders is a sovereign right. As a nation we must seriously regard immigration, legal or illegal, with a sense of national interest. Where immigration is concerned, this nation has always been and can continue to be the most generous in the world. We submit that American immigration generosity is something this nation has given the world, a gift which we can all be proud of. To adopt amnesty or some other form of legalization for the undocumented, however, is an unsupportable forfeiture of sovereign control over precisely how generous we as a nation can afford to be.

The subject of this statement has been confined to our position on amnesty. This statement, however, would be incomplete if some alternative were not offered. We have an alternative which we submitted to this Subcommittee in the form of a statement on the subject of employer sanctions and worker identification. It is our conclusion that even in the absence of accurate estimates on the number of illegals in this country, a preponderance of evidence exists suggesting that the problem is large enough to justify the severity of a nationwide employer sanction/tamper-proof identification system. Importantly, we regard the employer sanction/identification program as a policy appropriately adopted instead of amnesty, rather than along with amnesty. ■

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