II. Some effects

A. Depress wages

1. Guest worker lower wage

B.. Displace local workers

1. Shortage due to low wages

a.. low wages to stay in buisness

2. More reliable, & productive

3. Less likely to speak for themselves

4. Less likely to organize

C. Legal Strike breakers

D. Research studies

1. 2000 U.S. 10 - 15 million workers

a.foreing workers

b..to maintain economic growth

III. Who does/does not support it

A. Supporters

1. Big buisness Employers

2. Rich growers

3. These only want to get richer

B. Against it

1.. Hispanic civil rights groups

a. increase discrimination

2. Union People

a. depress wages

b.. take jobs from americans

3. Church organizations

a. remember the bracero program

4.. Legal defense groups

5. Klu Klux Klan

a.. Mexicans are taking away Americans jobs

CONCLUSION

I. Regans proposed Guest Worker Program

A. Provisions

B. Its effects

c. Who does/does not support it

II. Fruits & vegtables on Americas dinner tables

A. Countrys poorest people

B. Guest worker program

1. only legalize exploitation

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Ex-chief recalls bracero 'slavery'

By GEORGE KUEMPEL and HOWARD SWINDLE April 30, 1980

AUSTIN — Even at 72, a retired and comfortable Lee G. Williams is haunted by the memories of the bracero program he once ran, a program he says was nothing short of "legalized slavery."

Bracero.

Even the word rankles Williams. And his strong, resonant voice takes on an unexpected bitter tone as he recalls the plight of the 4 million hungry Mexicans who began flooding into the United States in 1942.

Bracero means the "strong-armed ones" in Spanish.

The thought of renewing the program, or revamping it, angers and frightens Williams, who as a U.S. Labor Department executive oversaw the day-to-day operation of the program from 1959 until its demise in 1964. Before that, he served for 20 years as general counsel and director of the Texas Employment Commission.

"I pray they don't reinstate this type program," he said.

"The bracero program was nothing but a way for big corporate farms to get a cheap labor supply from Mexico under government sponsorship," he said.

"It was purely a money-grabbing scheme by the corporate farms and the sugar interests. . . . The whole thing was supposed to be humanistic, but it was far short of what it should have been."

While he admitted the words "legalized slavery" are strong, Williams insisted they are accurate.

"They were so fearful of being away from home and not being able to send money to their families that they felt pretty much in bondage," he said.

A pledge by Gov. Bill Clements shortly after he took office in January 1979 to reinstate "a bracero-type program" to deal with the many job-seeking illegal Mexican and other foreign workers in the United States has touched off a new round of debate on the program.

Several Texas congressmen, including Rep. Jim Collins, R-Dallas, and House Majority Leader Jim Wright of Fort Worth, have advocated a return to a similar program.

Bracero.

It was a word Clements was to regret using because it aroused strong emotions among Mexican-Americans and labor and civil rights groups.

Clements now goes to great lengths to avoid the term in discussing his proposals for solving the alien problem.

The governor's plan eliminates the provision in the bracero program that forces laborers to work for a particular employer. Clements proposes the Mexican workers be mobile. If they are mistreated, they simply can quit and try to find other jobs.

Under the bracero program, Mexican workers, unable to find jobs in their own country, were allowed to enter the United States to replace the farmers who had traded their plows for rifles. In return, the Mexicans — most of them illiterate — were to receive a fair wage, decent housing, nutritious food and the protections of the law afforded American citizens.

But it didn't work out that way, Williams recalled last week.

"The braceros were hauled around like cattle in Mexico and treated like prisoners in the United States," he said.

Despite efforts by the U.S. Department of Labor, the big corporate farmers managed to keep bracero wages "unconscionably low," Williams said. And housing and diet requirements were circumvented with acquiescence of the state agencies responsible for enforcing them.

"The employment service here was notoriously in-league with the farmers," he said.

After World War II, a lot of returning GIs abandoned the farms to seek their fortunes in the cities. And the big planters, anxious to retain the ready supply of cheap, willing workers from Mexico, managed to keep the program going until 1964.

In addition to subjecting the Mexican laborers to abuse, the program hurt American workers by depressing wages along the border, Williams said.

"I personally did a wage survey beginning in California at the border to Brownsville," he said, "and I found that wages, not only of agricultural workers but of carpenters, butchers and others, were affected adversely within 200 miles of the Mexican border."

And he said the program resulted in exploitation of the Mexican worker on both sides of the border.

For the Mexican worker to get into the program, he had to pay off officials in his own country, Williams said.

"They (the officials) demanded mordida — you know, 'the bite.' " he said. "It was a chain of officials, and the bracero didn't get on that list to the U.S. unless he paid in advance."

Williams, whose job included setting the wages that the Mexicans were to receive — based on the "prevailing" wages of the area in which they were to work — said farmers complained bitterly when wages were set higher than they wanted.

Williams bristles at the contentions of farmers and businessmen who hire illegal aliens today that they have no choice because American workers refuse to take the dirty, low-paying jobs, especially when it is so easy to get on welfare instead of working.

"They could get someone to work if they would pay a fair wage," Williams said. "When they would come to me and say they couldn't find American workers, I'd say, 'Why don't you offer them some (decent) wages.' And they would say that would put them out of business."

He said he is not the least bit surprised at Clements' proposal to implement a similar plan, although the governor insists it would give the workers better protection.

"The governor of Texas seems to have an affinity for the dollar, too," Williams said.

"Look what (Gov. John) Connally did. It's that attitude toward agriculture labor. It's the same one that (Gov.) Dolph Briscoe had. It's simply: we want to make money, and it looks like we're going to have to do it on low wages."

Williams was referring to Connally's refusal to meet with a delegation walking from the Rio Grande Valley to Austin to protest the plight of migrant farm workers.

And Williams also questions Clements' and the United States' sudden interest in Mexico.

"You know, we never did give a damn about Mexico until they discovered all of that oil there," he said.

Williams said he does not have a solution, but he is confident a program like the bracero program is not the answer.

"I do have one answer: the bracero program is no answer. It would no more stop the flow of illegal aliens than they are presently being stopped."

The New York Times

NEW YORK, FRIDAY, DECEMBER 5, 1980

8 Y

Legalized Status For Most Aliens In U.S. Proposed

Federal Panel's Staff Also Backs Wide Job Permits

By JOHN M. CREWDSON
Special to The New York Times

SAN DIEGO, Dec. 4 — The staff of a Federal select commission on immigration policy has recommended that virtually all illegal aliens now in the United States eventually be made eligible for citizenship. At the same time, the staff recommended issuing work permits to all Americans and laws forbidding the employment of anyone lacking one.

In a 400-page report, the commission's staff said that issuing permits and other stiff measures that it recommended could all but eliminate illegal immigration in 10 years. The consideration of such permits has evoked concern among civil libertarians, who say they fear that the documents might, in time, become a national identity card.

The 16-member panel, known officially as the Select Commission on Immigration and Refugee Policy, will meet Saturday in Warrenton, Va., to vote on the recommendations. Nina Solarz, a commission spokesman, said that while all the recommendations might not be approved "in every detail," she believed that the commissioners agreed with most of them.

She expressed surprise that the staff report, which she said was being kept "under lock and key" until Saturday's meeting, had been made public prematurely. The report, the result of 18 months of study and public hearings, was made available here by the San Diego-based Committee on Chicano Rights, which would not say how it had been obtained.

'Guest Worker' Plan Opposed

In its report, the commission's staff also recommended against an expanded "guest worker" program that would allow foreign nationals to fill agricultural or other vacant jobs on a temporary basis, an idea that has gained currency among businessmen and conservative legislators in recent years. Labor unions have generally opposed the concept, but President-elect Ronald Reagan said in his election campaign that he generally favored this approach to allow Mexican laborers to work in the United States.

The need for such a temporary work force, the report said, could not be estimated until after some of its other recommendations, such as legalization of the aliens' status and the restrictions on employers, had been in effect for some time.

Nearly all of the major recommendations would require new legislation, and it is unclear how Republican control of the Senate in the next Congress will affect the reception the report gets there. In addition, the Reagan Administration will have an opportunity to amend the commission's findings in January before they are delivered to the House and Senate.

The report contains some 50 recommendations, touching on nearly every aspect of immigration and refugee policy. These are among the major ones:

¶A strengthening of efforts to enforce existing immigration laws, including additional funds for the United States Border Patrol, more immigration inspectors at ports of entry, more airplanes and helicopters for patrolling the border and replacement of the aging sensors that are designed to detect illegal entrants.

¶An upgrading of the operations of the Immigration and Naturalization Service, which the report said had acquired an image as "an inbred, mismanaged and, at times, corrupt agency," by improving the training of its employees, establishing a code of ethics and vigorously investigating allegations of "malfeasance" and corruption.

¶The appointment, with the consent of the Senate, of the commissioner of immigration for a term of seven years, something the report said might help reduce the "managerial weakness" of the immigration service.

¶The establishment of a Federal interagency body to handle "mass asylum emergencies," such as the arrival last spring of tens of thousands of Cuban and Haitian refugees in Florida.

The commission has estimated that there are 3.5 million to 6 million illegal aliens in the United States, most of them

employed taxpayers who receive "minimal welfare benefits" and who in some instances enable low-paying businesses, such as garment manufacturers, to successfully compete with foreign firms.

Roundup Called Destructive

To continue such individuals in their current illegal status, the report said, would simply perpetuate as a "fugitive underclass" those who, in many cases, were making a positive contribution to the American economy.

The only alternative to giving them legal status, the report said, was to attempt to round up all illegal aliens and expel them in a mass deportation that would be "destructive" to the civil liberties of Americans and, in the end, probably unsuccessful as well.

The report acknowledged that legalization might encourage further unlawful immigration and might convince some aliens who would otherwise have returned home to remain here. It nonetheless proposed the granting of permanent resident status to aliens who had resided in the United States for two or three years before the enabling legislation was passed.

Those aliens not eligible under this criteria would be given "conditional entrant status" leading to permanent residence after five years, provided that they had been employed in the United States for four of the five years. After another five years, a permanent resident alien could petition to become a naturalized citizen.

Similar to Amnesty Program

The proposal is similar to the so-called amnesty program sent to Congress by the Carter Administration more than three years ago that failed to win approval.

In rejecting the concept of a guest worker program similar to the exchange of workers among Common Market countries, the report noted the concern of the State Department that, "based on past history," such a program "has much potential for complicating or even damaging our relationships with Mexico."

Cards Issued by Government

About 30,000 foreign agricultural workers are now admitted to the United States each year, most of them residents of the British West Indies.

Under what the staff report termed an "employer responsibility program," prospective employees would be required to demonstrate their eligibility to work in this country before being hired, with the responsibility for ascertaining that eligibility falling to the employer.

Citizens and resident aliens found eligible for employment, it said, would be issued cards by a Government agency. The cards would include name, date of birth, sex, a photograph and "an identifying number unique to that individual."

Job applicants would be required to show the cards to employers, who would report their names and numbers to Washington. Employers who failed to make such reports would be liable for administrative citations, fines of up to $1,000 for each ineligible worker employed and, after repeated violations, criminal prosecutions and jail sentences. Aliens found working without permission would be "promptly deported." There is now no Federal statute that prohibits the employment of illegal aliens.

Many Americans, the report said, might resent carrying such a card "as both an intrusion on their freedom and as an irritant," and it acknowledged that the document could eventually turn into a national identity card "despite initial legislative prohibition."

But the staff estimated that the system, which might cost as much as $230 million a year to administer, could reduce illegal immigration in this country by 30 percent in the first year of operation and by 95 percent in the 10th or 11th year.

Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

Sacramento Ca. Feb. 26, 1981

The Committee on Chicano Rights at a press conference today condemned the Select Commission on Immigration and Refugee Policy and their recommendations as faulty, racist and a total waste of taxpayers money. The report, in escence is nothing more than a rehash of the bankrupt 1977 "Carter Immigration Plan", which was unanimously rejected by the American public and the U.S. Congress.

The report,which was supposed to be objective and emperical, was in fact drafted by a staff of individuals with no immigration experience who where manipulated by the self-serving Immigration & Naturalization Service and State Department Bureacrats. Our main objections to the recommendations, according to Baca are,(1) the Commission's staff recommendation which calls for a "slightly expanded and streamlined" H-2 program, this in our opinion, is nothing more than "twentieth century slavery". This recommendation could result in massive numbers of foreign workers being imported into the U.S. labor market and is a gross contradiction, when at the present time there are at least four million U.S. workers unemployed. The H-2 program which is now in affect represents the last remnants of the old Bracero Program and an expanded program can only mean further exploitation of this captive work force.

Secondly, the proposed employee eligibility/employer responsibility recommendation will cost an estimated 2½ billion dollars and will require every U.S. citizen to carry a National Identification Card which will be a giant step backwards in civil rights legislation for the 20 million Chicano/Latinos in the U.S.

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In escence this proposal represents a gun pointed at the head of the Chicano/Latino community.This is a dangerous and simplistic recommendation that is reminiscent of totalitarian states like Nazi Germany and South Africa. Identification cards are effective only in theory, as has been proven in other European countries and it is highly unlikely that congress will ever approve of sending business executives to jail. In practice, it will be the Chicano/Latino community who employers and law-enforcement agencies will be asking to present I.D. cards.

Aside from ignoring the civil liberties question and being expensive (180 to 230 million dollars annually) the recommendations will prove to be unworkable and difficult to enforce. In practice, it will hurt the very people it intends to help. It will increase unempolyment, since no provisions were presented for an appeal system for redress. Businessmen who hire undocumented workers will not cooperate due to large profit involved and the giant legal loop holes which have been provided by the proposed recommendations. The additional 50 to 60 recommendations calling for curbing "illigal migration" will prove to be another bankrupt effort in resolving the immigration issue.

Immigration, as has been pointed out by experts and community organizations is not a law enforcement problem, but rather a social, economic and political issue. The proposed plan to increase the militarization of the U.S./Mexico Border is the wrong approch in resolving this issue between two friendly nations.

Also we condemn the recommendation which will violate the principle of reunifying families as recommended by the commission's staff to eliminate the Fifth Preference Catagory by creating a new Independent Immigrant Catagory which will benefit the afluent, with a quota of 250,000.

Since the root causes that make up the immigration issue, such as the economic domination by multi-national corporations in foreign countries, the bankrupt revolving door immigration policy, the secondary labor market in the U.S. and the issue of guaranteeing and protecting the human and civil rights of the undocumented have not been addressed by the Commission, this report is totally unacceptable and will be opposed by our Organization and the Chicano/Latino Community.

CCR

Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

SAN JOSE JUNE 26, 1981

Herman Baca, Chairperson of the Committee on Chicano Rights, in a speech before the statewide American G.I. Forum convention, urged the Forumeers to, "demand that President Ronald Regan address himself to the unchecked violence by the Border Patrol against persons of Mexican ancestry and that the President also publicly condemn a reccomendation by U.S. Attorney General William F.Smith to establish "concentration camps" (see attachment A) for future immigration refugees."

According to Baca, "a 1,000 page packet was presented to President Ronald Regan by the Chicano National Immigration Tribunal (held April 11, 1981) on April 23, 1981, and he to this date he has refused to address himself to it." Baca also bitterly critized the Regan Administration's proposed call for a contracted labor importation program, calling the proposal nothing less than a return to the old Bracero Program. The proposal according to Baca, "can only lead to a slave type system for the imported Mexican worker and an apartheid system for the 20 million chicano/latinos in the United States." Baca who emphasized past positions by over 200 chicano/mexicano organizations over a 10 year period stated that the views and interest of this nations' 20 million chicano/latinos must be included in the formulation of Immigration Policy and "any type of Bracero Labor Importation Program will be opposed tooth and nail by the Chicano Community."

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"With over 7 million unemployed workers in the United States, the proposal to import foreign workers is a massive contradiction in the United States' Immigration Policy in light of the fact that other recommendations call for National I.D. cards, increasing the Border Patrol, and militarizing the United State/Mexican border to keep them out.

Instead of a Bracero Labor importation program, Baca urged the Forumeers to:

1). Endorse the bill of rights (see attachment #2) as a basis for the resolvement of the Immigration issue.

2). Endorse the Chicano National Immigration Conference resolutions (see attachment #3) which calls for the abolishment of the I.N.S./ Border Patrol.

3). To call on the President to set-up a Bi-lateral Commission to Study:

(a) economic domination of the mexican economy by U.S. multi-national corporations.

(b) the violations of the human, civil and constitutional rights of persons of mexican/latin ancestry.

(c) the creation of a new, just and humane immigration policy to benefit both the U.S. and Mexico.

CCR

Committee on Chicano Rights, Inc

June 27, 1981

TO: AMERICAN G.I. FORUM

FROM: COMMITTEE ON CHICANO RIGHTS

SUBJECT: LIST OF RECOMMENDATIONS

As per your request that our organization submit a list of recommendations on the Immigration Issue in order that the G.I. Forum can take an official position and can utilize it as a platform, for the upcoming year. we wish to submit the following for discussion and the G.I. Forum eddorsement:

1.) the bill of rights for the undocumented worker

2.) a demand that Ronald Regan respond to the 1,000 page packet rights violation submitted to his administration on April 23, 1981 by the Chicano National Immigration Tribunal.

3.) Uniquival opposition to the Regan Administrations' Immigration Task Force reccomendations which call for a Bracero Program, National I.D. Cards, Increase of the Border Patrol, and the militarizing of the U.S./Mexico border.

4.) a re-endorsement of the 1980 Chicano National Immigration Conference resolutions.

APPROVED - JUNE 27, 1981

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

CCR
Committee on Chicano Rights, Inc

FACT SHEET ON THE BRACERO PROGRAM

4 MILLION MEXICAN WORKERS IMPORTED BETWEEN 1942 -- 1964.

1) The inadequate wages, housing, food and protection of rights in violation of the signed agreement between the United States and Mexico.

2) The collusion of government agencies and agricultural corporations to prevent enforcement of the signed agreement between Mexico and The Unites States.

3) The depression of wages, the increase in poor working conditions and the wrecking of unionizing efforts wherever the program exists.

4) The establishment of the practice of Mexican workers paying bribes to officials on both sides of the border to be allowed into the Bracero program.

5) The massive violation of the human rights of braceros including beatings, shootings, discrimination, in medical care and separation of families.

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Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

WASHINGTON, D.C. JULY 31, 1981

HERMAN BACA AND SEVERAL MEMBERS OF THE COMMITTEE ON CHICANO RIGHTS (CCR), A SAN DIEGO-BASED HUMAN AND CIVIL RIGHTS ORGANIZATION, ARRIVED TODAY IN WASHINGTON D.C. TO CONTINUE THEIR CHICANO NATIONAL IMMIGRATION OFFENSIVE AGAINST PRESIDENT RONALD REAGAN'S BRACERO PROGRAM AND LAW-ENFORCEMENT APPROACH IMMIGRATION PLAN.

RESPONDING TO PRESIDENT REAGAN'S RECENTLY RELEASED IMMIGRATION PROGRAM BACA DENOUNCED REAGAN'S AMNESTY AS MERE RHETORIC. "WHAT AMNESTY?" BACA ASKED. "RIGHT NOW THE IMMIGRATION AND NATURALIZATION SERVICE (I.N.S.) HAS HUNDREDS OF THOUSANDS OF CASES OF INDIVIDUALS WITH THE PROPER DOCUMENTATION WHO HAVE WAITED YEARS TO IMMIGRATE. MEXICANS WHO APPLIED IN JANUARY 1972 ARE BARELY BEING PROCESSED NOW IN 1981. HOW IS THIS INCOMPETENT AND RACIST AGENCY GOING TO BE ABLE TO PROCESS THREE MILLION AMNESTY CASES WHEN THEIR RED TAPE HAS THEM 10 YEARS BEHIND SCHEDULE? IT WILL BE THE TWENTY-FIRST CENTURY BEFORE SO-CALLED 'ELIGIBLE' MEXICANS WILL RECEIVE AMNESTY", HE CHARGED.

THE LACK OF SINCERITY OF THE REAGAN ADMINISTRATION IS REVEALED WHEN WE SEE PROPOSALS FOR MORE MONEY FOR BORDER PATROL AGENTS TO FORCE UNDOCUMENTED WORKERS BACK TO MEXICO BUT NO PROPOSALS FOR FUNDS TO RELIEVE THE I.N.S. BUREAUCRATIC RED TAPE NIGHTMARE. BUT AN EVEN GREATER EXAMPLE OF REAGAN"S INSINCERITY, CALLOUSNESS AND HYPOCRISY IS HIS PROPOSED BRACERO PROGRAM. WHILE TRYING TO CONVINCE THE PUBLIC THAT HIS IS A HUMANE ATTITUDE IN RESOLVING THE IMMIGRATION ISSUE HE IS TRYING TO REINTRODUCE A FOREIGN WORKER TYPE PROGRAM LABELED "LEGALIZED SLAVERY" BY THE FORMER DIRECTOR OF THE BRACERO PROGRAM.

THE CCR ON BEHALF OF 200 ORGANIZATIONS THAT ATTENDED THEIR CHICANO NATIONAL IMMIGRATION CONFERENCE OF MAY 1980, AND THEIR CHICANO NATIONAL IMMIGRATION TRIBUNAL OF APRIL 1981, RECENTLY SENT A TELEGRAM TO BOTH PRESIDENT REAGAN AND MEXICAN PRESIDENT JOSE LOPEZ PORTILLO TO "REFUTE ANY TYPE OF 'BRACERO' FOREIGN IMPORTATION PROGRAM OR LAW ENFORCEMENT AS SOLUTIONS TO THE IMMIGRATION PROBLEM". BACA STATED "THAT ANY TYPE OF FOREIGN LABOR IMPORTATION PROGRAM CAN ONLY LEAD TO A SLAVE TYPE SYSTEM FOR THE IMPORTED MEXICAN WORKER AND AN APARTHEID SYSTEM FOR THE 20 MILLION CHICANO/LATINOS IN THE U.S."

BACA WHO EMPHASIZED PAST POSITIONS BY OVER 200 CHICANO/MEXICANO ORGANIZATIONS OVER A 10 YEAR PERIOD STATED THAT "ANY TYPE OF BRACERO LABOR IMPORTATION PROGRAM OR LAW ENFORECEMENT APPROACH TO RESOLVE THE IMMIGRATION ISSUE WILL BE OPPOSED TOOTH AND NAIL BY THE CHICANO COMMUNITY". "PRESIDENT REAGAN IS LOOKING FOR A SIMPLE SOLUTION TO A VERY COMPLEX PROBLEM", STATED BACA, "AND HE IS USING THE SAME OLD LAW ENFORCEMENT, GUNS AND BARBED-WIRE SOLUTIONS THAT WERE PROPOSED IN THE CARTER IMMIGRATION PLAN OF AUGUST 1977 AND LATER REJECTED BY THE U.S. CONGRESS AND THE AMERICAN PUBLIC.

"WE CALL ON THE AMERICAN PEOPLE TO TURN AWAY FROM THE PROVEN 'BANKRUPT' FAILURES OF THE PAST AND INSTEAD SEEK SOLUTIONS TO THE IMMIGRATION PROBLEM ON THE PRINCIPLES OF PROTECTING THE DIGNITY, INTEREST AND THE HUMAN, CIVIL AND CONSTITUTIONAL RIGHTS NOT ONLY OF THE UNDOCUMENTED MEXICAN WORKERS BUT ALSO OF THE 20 MILLION CHICANO/LATINOS.

THE FACT THAT THE PRESENT AND PAST ADMINISTRATION, ESPECIALLY THE SELECT COMMISSION ON IMMIGRATION, HAS NEVER ADDRESSED THE CAUSES OF IMMIGRATION AND HAVE CONTINUED TO DISREGARD THE MASSIVE PUBLIC TESTIMONY WHICH WAS PRESENTED IN OPPOSITION TO THE PROPOSED RECOMMENDATIONS PROVES THAT THE REAGAN PROPOSALS WILL PLAY NO POSITIVE ROLE IN SOLVING THE IMMIGRATION ISSUE. "IN FACT WHAT THE PROPOSAL WILL DO IS AGGRAVATE THE VIOLENCE ALONG THE U.S./MEXICO BORDER, AND THE MASSIVE VIOLATIONS OF CIVIL AND CONSTITUTIONAL RIGHTS IN CHICANO/LATINO COMMUNITIES!

—Editorial—

Border Violence Called Crisis

By Roger Langley

WASHINGTON - The Reagan Administration has received, but has not responded to, a 500-page report which is said to document a 10-year pattern of human rights violations by the federal government and local police agencies against both U.S. Hispanics and Mexican nationals.

"Border violence is this nation's greatest moral crisis since the abolition of slavery," says Herman Baca president of the Committee on Chicano Rights (CCR), which prepared the report.

Some of the items listed are:

Last August, Antonio Montes was arrested in California for a traffic violation and held in the San Bernardino County jail for six days. The report says he was not charged but kept in jail by an Inmigration and Naturalization Service (INS) "hold order" despite the fact that Montes is a U.S. citizen, born in Buckeye, Ariz.

The report also charges that "Maria Elena Para Lopez was detained and raped by a Border Patrol agent."

The report states that Manolo Alberto, an 18-months old baby, died while being rushed to a hospital because the INS agents would not allow the baby, a U.S. citizen, to cross the border.

Frank Amara of the Mexican American national Organization (MANO) said that in the last decade, his organization has helped more than 300 children who were left stranded in the U.S. when their parents were deported back to Mexico.

"Families are broken up, children forcibly separated from their parents and no assistance is provided in locating family members," the report satates. "Many of these children are never reunited with their families."

Pedro Velazquez Gonzales, a Mexican citizen working in the U.S., was picked up by the INS and deported to Guatemala because "he looked like a Guatemalan," according to the CCR document.

The report also states that on March 17, 1979, two witnesses saw "A senior Border Patrol agent shoot and kill one Mexican alien and wound another.

The two men were attempting to escape while handcuffed together."

Another report incident involves Angel Hernandez, an illegal alien, who fell off a truck he was unloading and was hit on the head with a bale of hay. His neck was broken and he is now a quadraplegic. Hernandez is not covered by the New Mexico workman's compensation program and the report says that an Albuquerque hospital tried to get him deported because he could not pay his bill. He was moved to a state hospital. A deportation hearing on Hernandez is set for July 29.

White House Hispanic spokesman Ernest Garcia said that he did not expect that President Reagan or any other White House spokesman would respond to CCR's report.

The Administration is, however, working on a report on immigration which is scheduled to be completed in May. President Reagan order an interdepartmental task force to study the broad issue of immigration and especially the report of the Select Commission on Immigration and Refugee Policy, which completed its two-year study in February.

Baca dismisses the Select Commission's report calling it "A rehash of the old bankrupt Carter plan. It was drafted by a staff with no immigration experience and the massive input from the public was ignored.

"The interests and concerns of the Chicano community must be included if an immigration policy is going to be developed that benefits the people of both Mexico and the U.S."

Baca presented an identical copy of the CCR report to a representative of President Lopez Portillo in Mexico City before coming to Washington.

"Both Mexican and U.S. policy markers have totally ignored the continued escalation of violence and the violation of human rights over the past 10 years," Baca says.

"It's the hope of the Latino community that the violations will end and that we can see the beginning of a just, humane and rational immigration policy.

Consulado De Portugal

Mr. Ruben Bonilla Jr.
National President of the League
of United Latin American Citizens.

Dear Mr. President:

I couldn't fail thanking your so kind letter of March 26, after your visit in Massachusetts where we were given the great pleasure of having made your personal acquaintance.

Once again I should like to declare my most sincere appreciation for your so kind remarks about the part played by the Portuguese for the unity of Latin American people in the United States of America.

Hoping to have the pleasure of further contacts with you, I avail myself of this opportunity to renew to you the expression of my highest consideration.

Sincerely,

Dr. Jose Manuel da Costa Arsenio
Consul of Portugal

CONSTITUTIONAL AMENDM

The following Constitutional amendments were approved last year and being submitted in a summarized form for your information:

Amendment No. 5—*Article II, Section 3.* Provides for a more equitable division of the profits at the Convention between the councils and the National, State and

regular national dues as stipulated for that given year.

Amendment No. 10—*Article VI. Sec-*

The Roots of Immigration

A FACT SHEET ON FOREIGN DOMINATION & POVERTY IN MEXICO

- The transnational corporations, with over $5 billion invested, control 35% of Mexico's total industrial production and employ 16% of all industrial workers. $2 billion in profits and payments on royalties, patents and interests were sucked out of Mexico by the transnationals between 1961-71.

- About 3/4 of Mexico's foreign trade is with the U.S. and in 1975 Mexico imported $4.5 billion more than it exported.

- Chronic unemployment now affects more than 40% of all Mexicans of working age. In Ciudad Juarez, across the river from El Paso, 43% of the 800,000 residents are jobless.

- The Mexican government has sought foreign loans to finance development, which has pushed its foreign debt to a staggering $28 billion -- nearly $500 for every man, woman and child in the country.

- Agribusiness corporations like Del Monte and Anderson Clayton have come to dominate Mexican agriculture, fostering a system which produces luxury food items for the U.S. market rather than provide for Mexico's hungry. One half of all the vegetables consumed in the U.S. during winter months come from Mexico, while every day more than 1,000 Mexican children die of malnutrition.

- Largely because of the spread of "modern" agriculture, the number of landless peasants rose from 1.5 million in 1950 to some 5 million today. There are more than 8 million migrant workers constantly on the move in search of temporary jobs, earning an average of $2.50-$3.00 per day in the Northwest region.

- Migration of landless campesinos to urban areas adds 1,000 unemployed per day to Mexico City, already with a population of 13 million. It is the most polluted city in the Western Hemishpere and is expected to be the largest by the year 2000.

- Approximately 3.5 million peasants and fishermen live on less than one peso (five cents) a day, according to a recent study from Mexico. 9.9 million Mexicans eat no meat. 11.1 eat no eggs. 18.3 million consume no milk products. 80 per cent of these families live in rural communities where there is no medical services, electricity or running water.

- Numerous studies have shown that the presence of large foreign corporations and their ties with the Mexican ruling elites has increased the concentration of wealth in fewer and fewer hands. Robert McNamara of the World Bank claims that Mexico's richest 10% now take over 50% of the national wealth, while the poorest 40% have seen their share shrink from 14% to 11% in the past twenty years.

- The average working life of a miner in Mexico is 10 years, due to overwork and black-lung disease, and doctors estimate that every day 4 million Mexican wor' are subjected to poisonous fumes in their workplaces.

April 30, 1980

Ex-chief recalls bracero 'slavery'

By GEORGE KUEMPEL
and HOWARD SWINDLE
Staff Writers of The News

AUSTIN — Even at 72, a retired and comfortable Lee G. Williams is haunted by the memories of the bracero program he once ran, a program he says was nothing short of "legalized slavery."

Bracero.

Even the word rankles Williams. And his strong, resonant voice takes on an unexpected bitter tone as he recalls the plight of the 4 million hungry Mexicans who began flooding into the United States in 1942.

Bracero means the "strong-armed ones" in Spanish.

The thought of renewing the program, or revamping it, angers and frightens Williams, who as a U.S. Labor Department executive oversaw the day-to-day operation of the program from 1959 until its demise in 1964. Before that, he served for 20 years as general counsel and director of the Texas Employment Commission.

"I pray they don't reinstate this type program," he said.

"The bracero program was nothing but a way for big corporate farms to get a cheap labor supply from Mexico under government sponsorship," he said.

[illegible] money-grabbing scheme by the corporate farms and the sugar interests. . . . The whole thing was supposed to be humanistic, but it was far short of what it should have been."

While he admitted the words "legalized slavery" are strong, Williams insisted they are accurate.

"They were so fearful of being away from home and not being able to send money to their families that they felt pretty much in bondage," he said.

A pledge by Gov. Bill Clements shortly after he took office in January 1979 to reinstate "a bracero-type program" to deal with the many job-seeking illegal Mexican and other foreign workers in the United States has touched off a new round of debate on the program.

Several Texas congressmen, including Rep. Jim Collins, R-Dallas, and House Majority Leader Jim Wright of Fort Worth, have advocated a return to a similar program.

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It was a word Clements was to regret using because it aroused strong emotions among Mexican-Americans and labor and civil rights groups.

Clements now goes to great lengths to avoid the term in discussing his proposals for solving the alien problem.

The governor's plan eliminates the provision in the bracero program that forces laborers to work for a particular employer. Clements proposes the Mexican workers be mobile. If they are mistreated, they simply can quit and try to find other jobs.

Under the bracero program, Mexican workers, unable to find jobs in their own country, were allowed to enter the United States to replace the farmers who had traded their plows for rifles. In return, the Mexicans — most of them illiterate — were to receive a fair wage, decent housing, nutritious food and the protections of the law afforded American citizens.

But it didn't work out that way, Williams recalled last week.

"The braceros were hauled around like cattle in Mexico and treated like prisoners in the United States," he said.

Despite efforts by the U.S. Department of Labor, the big corporate farmers managed to keep bracero wages "unconscionably low," Williams said. And housing and diet requirements were circumvented with acquiescence of the state agencies responsible for enforcing them.

"The employment service here was notoriously in league with the farmers," he said.

After World War II, a lot of returning GIs abandoned the farms to seek their fortunes in the cities. And the big planters, anxious to retain the ready supply of cheap, willing workers from Mexico, managed to keep the program going until 1964.

In addition to subjecting the Mexican laborers to abuse, the program hurt American workers by depressing wages along the border, Williams said.

"I personally did a wage survey beginning in California at the border to Brownsville," he said, "and I found that wages, not only of agricultural workers but of carpenters, butchers and others, were affected adversely within 200 miles of the Mexican border."

And he said the program resulted in exploitation of the Mexican worker on both sides of the border.

For the Mexican worker to get into the program, he had to pay off officials in his own country, Williams said.

"They (the officials) demanded mordida — you know, 'the bite.' " he said. "It was a chain of officials, and the bracero didn't get on that list to the U.S. unless he paid in advance."

Williams, whose job included setting the wages that the Mexicans were to receive — based on the "prevailing" wages of the area in which they were to work — said farmers complained bitterly when wages were set higher than they wanted.

Williams bristles at the contentions of farmers and businessmen who hire illegal aliens today that they have no choice because American workers refuse to take the dirty, low-paying jobs, especially when it is so easy to get on welfare instead of working.

"They could get someone to work if they would pay a fair wage," Williams said. "When they would come to me and say they couldn't find American workers, I'd say, 'Why don't you offer them some (decent) wages.' And they would say that would put them out of business."

He said he is not the least bit surprised at Clements' proposal to implement a similar plan, although the governor insists it would give the workers better protection.

"The governor of Texas seems to have an affinity for the dollar, too," Williams said.

"Look what (Gov. John) Connally did. It's that attitude toward agriculture labor. It's the same one that (Gov.) Dolph Briscoe had. It's simply: we want to make money, and it looks like we're going to have to do it on low wages."

Williams was referring to Connally's refusal to meet with a delegation walking from the Rio Grande Valley to Austin to protest the plight of migrant farm workers.

And Williams also questions Clements' and the United States' sudden interest in Mexico.

"You know, we never did give a damn about Mexico until they discovered all of that oil there," he said.

Williams said he does not have a solution, but he is confident a program like the bracero program is not the answer.

"I do have one answer: the bracero program is no answer. It would no more stop the flow of illegal aliens than they are presently being stopped."

ATT. 2

Carta de Derechos Para Los Trabajadores Indocumentados

Articulo I: Derecho a la residencia legal, demostrando simplemente su calidad de trabajador y contribuyente, para lo que se les otorgará su visa de residente permanente.

Articulo II: Derecho a un procedimiento justo y legal que garantice la inviolabilidad de su domicilio, la privacidad de su persona y otros derechos civiles para el trabajador y su familia, suspendiéndose totalmente las redadas fabriles, domiciliarias y en lugares públicos, así como todo tipo de deportaciones y prácticas anti-constitucionales.

Articulo III: Derecho a la reunificación de las familias para todo trabajador con o sin documentos que así lo desee. Se podrá trasladar al conyuge, hijos y padres sin más trámites que demostrar su calidad de trabajador y contribuyente en la sociedad norteamericana.

Articulo IV: Derecho automático a legalizar su residencia sin tener que regresar a su lugar de origen, como lo exige actualmente la ley de inmigración de Estados Unidos.

Articulo V: Derecho de gozar plenamente de derechos sindicales, sociales y económicos que disfrutan el resto de los trabajadores ciudadanos.

Articulo VI: Derecho a la vivienda en condiciones de higiene y seguridad adecuadas para todo trabajador cíclico o por obra determinada.

Articulo VII: Derecho a los servicios de salud y atención médica gratuita y adecuada, guarderías y demás beneficios en las mismas condiciones que los recibe cualquier ciudadano norteamericano.

Articulo VIII: Derecho a recibir educación pública adecuada en el idioma materno, utilizando el inglés como segunda lengua y acceso sin restricciones a la cultura de su país de origen.

Articulo IX: Derecho a disfrutar de los seguros de incapacidad (parcial o permanente), por accidente de trabajo, enfermedades profesionales, vejez o muerte. En caso de fallecimiento, los gastos de traslado a su lugar de origen correrán a cargo del patrón, y los beneficios de los seguros correspondientes serán entregados a los familiares no importando su lugar de residencia.

Articulo X: Derecho a la organización sindical, ya sea ingresando a sindicatos ya existentes o formando nuevos, para la defensa de sus derechos laborales y el mejoramiento de sus salarios y sus condiciones de vida y de trabajo.

(A) Derecho de Negociaciones Colectivas para los trabajadores agrícolas y trabajadores públicos para garantizar su derecho a la organización sindical.

Articulo XI: Derecho al uso de la lengua materna en los tribunales cualquiera que sea el carácter de estos, para adquirir la ciudadanía, en procesos judiciales y en todo arreglo contractual público o privado.

Articulo XII: Derecho a que se le otorguen plenas facilidades para el ejercicio del voto en elecciones federales de su país de origen. Este derecho se ejercerá a través de consulados y todo lugar (sindicatos, escuelas, demás) designados por autoridades competentes.

Articulo XIII: Derecho desde el momento de legalizar su residencia y sin necesidad de adquirir la ciudadanía norteamericana de ejercer el voto en las elecciones locales y estatales en Estados Unidos. Este derecho nace de su condición de contribuyente, de trabajador y de residente.

Comisión Internacional Coordinadora

1ra Conferencia Internacional Por Los Derechos Plenos de los Trabajadores Indocumentados

P.o.Box 819
El Mirage, Arizona 85335
(602) 977-1219

3123 West Eighth Street
Los Angeles, California 90005
(213) 385-7057

1642 s. Blue Island
Chicago, Illinois 60608
(312) 226-0173

P.O. Box 878
San Juan, Texas 78589
(512) 787-5984

Bill of Rights for the Undocumented Worker

Article I: Every immigrant worker shall have the right to establish legal residency by demonstrating a status as wage earner and taxpayer.

Article II: Every immigrant worker shall have all of the Constitutional Rights guaranteed all persons in the U.S. This right shall include but not be limited to: the right to due process, and the right to be free in their persons and possessions from unreasonable searches and seizures; and such rights shall not be violated by raids in factories, residential areas and in public places and shall be free from deportations and other unconstitutional practices.

Article III: Every immigrant worker shall have the right to be reunited with his or her family in country where he or she is a wage earner.

Article IV: Every immigrant worker shall have the right to legalize and adjust their status within the U.S. without having to return to their country of origin.

Article V: Every immigrant worker shall fully enjoy all the rights guaranteed to citizen workers including socio-economic and labor rights.

Article VI: Every immigrant worker, particularly seasonal workers, shall be provided adequate housing, health and safety provisions.

Article VII: Every immigrant worker shall be guaranteed the same rights enjoyed by U.S. citizens especially the right of access to free and adequate social and health services, child-care, and other similar social benefits.

Article VIII: Every immigrant person shall have the right to quality public education in his or her native language, utilizing English as a second language and shall not be restricted from fully practicing the culture of his or her country of origin.

Article IX: Every immigrant worker shall have the right to receive disability insurance (partial or permanent), workers compensation, retirement and death benefits. In the event of a death, the cost of transporting the deceased to his or her country of origin shall be borne by the employer, and any corresponding benefits shall be delivered to the family of the deceased without regard to their place of residency.

Article X: Every immigrant worker shall have a right to organize and to collective bargaining, including the right to join existing unions or form new ones, for the defense of their labor rights and for the improvement of their wages and living and working conditions.

A) The right to collective bargaining shall include agricultural and public service workers in order to protect their right to organize.

Article XI: Every immigrant worker shall have the right to utilize his native language in all legal proceedings, (i.e., to acquire citizenship, in judicial proceedings, etc.) and in all private or public contract agreements.

Article XII: Every immigrant worker shall have the right to exercise their right to vote in their native country's federal elections. This right should be facilitated through consulates and all other places (union-halls, schools, etc.) designated by competent authorities.

Article XIII: Every immigrant worker shall have the right to vote in local and state elections from the moment of legalizing their immigration status without having to become citizens. The right is based on their status as taxpayers, workers and residents.

International Coordinating Committee
1st International Conference for the Full Rights of Undocumented Workers

P.O. Box 819
El Mirage, Arizona 85335
(602) 977-1219

3123 West Eighth Street
Los Angeles, California 90005
(213) 383-7057

1642 S. Blue Island
Chicago, Illinois 60608
(312) 226-0173

P.O.Box 876
San Juan, Texas 78589
(512) 787-5984

AS PER OUR CONVERSATION.

H. Baca

Committee on Chicano Rights, Inc

FOR IMMEDIATE NEWS RELEASE

WASHINGTON D.C. AUGUST 5, 1981

A REPRESENTATIVE OF OVER 200 CHICANO/LATINO ORGANIZATIONS FROM THROUGHOUT THE UNITED STATES TODAY ANNOUNCED A CALL FOR A NATIONAL CAMPAIGN OF RESISTANCE AGAINST PRESIDENT RONALD REAGAN'S IMMIGRATION PLAN.

HERMAN BACA, CHAIRMAN OF THE COMMITTEE ON CHICANO RIGHTS (A SAN DIEGO BASED HUMAN AND CIVIL RIGHTS ORGANIZATION) SPEAKING IN WASHINGTON D.C. STATED ON BEHALF OF THOSE ORGANIZATIONS THAT HAVE VOTED TO OPPOSE ANY TYPE OF FOREIGN IMPORTATION PROGRAM THAT,"THE PRESIDENT'S IMMIGRATION PLAN IS TOTALLY AGAINST THE INTEREST OF THE CHICANO/LATINO COMMUNITY AND WILL BE OPPOSED TOOTH AND NAIL".

REAGAN'S IMMIGRATION PLAN IS THE SAME OLD LAW ENFORCEMENT, GUNS AND BARBED WIRE SOLUTION THAT WAS PROPOSED IN THE CARTER IMMIGRATION PLAN OF AUGUST, 1977 AND LATER REJECTED BY THE U.S. CONGRESS AND THE AMERICAN PUBLIC.

BACA CHARGED THAT, "REAGAN'S IMMIGRATION PLAN, IF ENACTED INTO LAW, WOULD RESULT IN THE LARGEST IMPORTATION OF FOREIGN LABOR INTO THE U.S. SINCE THE FORCED IMMIGRATION OF BLACK SLAVES FROM AFRICA IN THE 18th AND 19th CENTURY".

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

"IN FACT, THE PLAN IS NOTHING LESS THAN A COLOSSAL ATTEMPT BY THE REAGAN ADMINISTRATION TO SUBSIDIZE THE INTEREST OF BIG BUSINESS WHICH WILL BE THE ONLY GROUP BENEFITING FROM THE PLAN." BACA WENT ON TO DENOUNCE THE REAGAN IMMIGRATION PLAN POINT BY POINT.

AMNESTY

ACCORDING TO BACA, "THERE IS NO AMNESTY PROPOSAL, WHEN EXAMINED, THE REAGAN AMNESTY PROPOSAL REVEALS ITSELF AS THE REAL BRACERO PROGRAM." ACCORDING TO THE PROPOSAL THE FOLLOWING WOULD OCCUR:

1.) "ILLEGAL ALIENS",WHICH NUMBER BETWEEN 3 TO 6 MILLION WORKERS,LIVING IN THE UNITED STATES SINCE BEFORE JANUARY, 1980, WOULD BECOME ELIGIBLE FOR "AMNESTY".

2.) EVERY THREE YEARS THESE "TEMPORARY RESIDENTS" WILL BE REQUIRED TO RENEW THEIR STATUS.

3.) "TEMPORARY RESIDENTS" WILL BE REQUIRED TO WAIT TEN YEARS BEFORE APPLYING FOR PERMANENT RESIDENCY STATUS AND ANOTHER FIVE YEARS BEFORE THEY WOULD BE ELIGIBLE FOR U.S. CITIZENSHIP. DURING THIS PERIOD THE TEMPORARY RESIDENT WORKER WILL BE REQUIRED TO PAY ALL TAXES BUT WOULD BE DENIED WELFARE, FOOD STAMPS, FEDERALLY ASSISTED HOUSING AND UNEMPLOYMENT COMPENSATION. IN ADDITION, WHILE CURRENT IMMIGRATION LAW IS BASED ON THE PRINCIPAL OF FAMILY REUNIFICATION, THE TEMPORARY RESIDENT WORKER WOULD NOT BE ALLOWED TO BRING THEIR WIVES,CHILDREN OR RELATIVES INTO THE COUNTRY.

4.) THE TEMPORARY RESIDENT WORKER COULD NOT LEAVE THE UNITED STATES WITHOUT DANGER OF LOSING THEIR ELIGIBILITY AND, AS YET, THE ADMINISTRATION HAS GIVEN NO INDICATION ON HOW ELIGIBILITY WOULD BE DETERMINED OR EVEN WHAT AGENCY WILL BE IN CHARGE.

THIS PLAN, ACCORDING TO BACA,"...IS NOTHING BUT A SMOKE SCREEN AMNESTY. THE PROPOSAL IS A CRUEL TEN-YEAR OR MORE OBSTACLE COURSE WHICH HAS BEEN DESIGNED TO INSURE THAT NO ONE BUT THE SELECT FEW WILL EVER QUALIFY OR RECEIVE THEIR DOCUMENTATION.

IN FACT IT WILL BE THE TWENTY-FIRST CENTURY BEFORE THE SO-CALLED ELIGIBLE MEXICAN WILL RECEIVE AMNESTY, BECAUSE OF THE NINE YEAR MINIMUM BUREAUCRATIC BACKLOG THAT THE IMMIGRATION SERVICE HAS AT THE PRESENT TIME. MEXICANS WHO APPLIED IN JANUARY OF 1972 ARE BARELY BEING PROCESSED BY INS NOW IN 1981.

MOREOVER, REAGAN'S PROPOSAL WILL PENALIZE MEXICAN NATIONALS THREE ADDITIONAL YEARS DUE TO THE FACT THAT CURRENT LAW ALLOWS A PERSON TO ADJUST THEIR STATUS AFTER ACCUMULATING SEVEN YEARS OF RESIDENCY IN THE U.S..."

"BEHIND THE SMOKE SCREEN IS A CLEVERLY DESIGNED UNILATERAL BRACERO PROGRAM THAT REQUIRES NO APPROVAL FROM THE MEXICAN GOVERNMENT", BACA CHARGED. BY THE ADMINISTRATION'S OWN COUNT 3 TO 6 MILLION WORKERS WILL BE REQUIRED TO WORK UNDER THE SUPERVISION OF A "BEEFED-UP" BORDER PATROL."

"THE INS AND BORDER PATROL WILL ADJUST THEIR ENFORCEMENT PRACTICES TO EMPLOYERS' DEMANDS FOR EASILY EXPLOITABLE LABOR AS HAS BEEN THE CASE HISTORICALLY", BACA CONTENDS. HE ADDED THAT THERE CAN BE NO DOUBT THAT WHEN MEXICAN WORKERS APPEAR BEFORE INS OFFICIALS TO RENEW THEIR "TEMPORARY RESIDENT" STATUS ONLY THE HARDEST WORKING, MOST COMPLIANT AND NON-COMPLAINING WORKERS WILL BE ALLOWED TO REMAIN. THOSE WHO COMPLAIN OF POOR WAGES AND CONDITIONS WILL BE BLACKBALLED AND DEPORTED AS IS THE CASE UNDER THE CURRENT H-2 WORKER PROGRAM."THIS PLUS THE FACT THAT "TEMPORARY RESIDENT" WORKERS WILL BE REQUIRED TO PAY TAXES BUT BE DENIED THE BENEFITS AND POLITICAL REPRESENTATION THAT THEIR MONEY PAYS FOR WILL CREATE SITUATIONS THAT HAVE LED TO VIOLENCE IN THE PAST. "NO TAXATION WITHOUT REPRESENTATION WAS A CAUSE OF THE AMERICAN REVOLUTION", BACA STATED.

GUEST WORKER PROGRAM

THE PROPOSED GUEST WORKER PROGRAM, DESCRIBED AS A "MANAGEABLE EXPERIMENT" BY THE REAGAN ADMINISTRATION, HAS BEEN CHARACTERIZED AS "LEGAL EXPLOITATION" BY HERMAN BACA OF THE CCR.

THE PROPOSAL CALLS FOR THE IMPORTATION OF 50,000 MEXICAN WORKERS A YEAR FOR TWO YEARS WHO WOULD BE ALLOWED TO REMAIN IN THE UNITED STATES FOR A PERIOD OF FROM 9-12 MONTHS. INDIVIDUAL STATES WOULD DETERMINE IN WHICH GEOGRAPHICAL AREAS JOBS EXISTED WHICH WERE UNABLE TO ATTRACT AMERICANS. THE STATES WOULD THEN DETERMINE THE NUMBER OF WORKERS NEEDED.

"THIS PROGRAM IN CONJUCTION WITH REAGAN'S FALSE AMNESTY CONSTITUTES A BRACERO PROGRAM FOR THE 80's AND 90's, STATED BACA. IN THE 22 YEARS OF THE BRACERO PROGRAM (1942-1964), DESPITE GOVERNMENT CLAIMS THAT ILLEGAL IMMIGRATION WOULD BE CURTAILED BECAUSE OF THE PROGRAM, THERE WERE MORE MEXICAN WORKERS WHO ENTERED THE UNITED STATES WITHOUT DOCUMENTS THAN WORKERS WHO ENTERED THE U.S. UNDER THE PROGRAM GUIDELINES.

CONDITIONS UNDER THE OLD BRACERO PROGRAM HAVE BEEN DESCRIBED AS "LEGAL SLAVERY" BY THE PROGRAM'S FORMER DIRECTOR (SEE ATTACHED #1). "IMAGINE WHAT CONDITIONS WERE LIKE FOR THE UNDOCUMENTED?", ASKED BACA. "TODAYS BRACERO PROPOSAL EVEN IF ENGINEERED TO HANDLE 1,000,000 WORKERS A YEAR WOULD ONLY AFFECT 1 OUT OF 10 OF MEXICO'S UNEMPLOYED AND UNDEREMPLOYED. THE OTHER NINE WILL DO WHAT THEIR FATHERS AND GRANDFATHERS HAVE DONE IN THE PAST....ENTER WITHOUT DOCUMENTS.

BACA CONCLUDED BY STATING, "ACCORDING TO RESEARCH STUDIES, DUE TO THIS NATION'S OVERALL ZERO POPULATION GROWTH, BY THE YEAR 2,000 THE UNITED STATES WILL NEED 5 TO 15 MILLION FOREIGN WORKERS TO MAINTAIN PRESENT ECONOMIC GROWTH. THE REAGAN BRACERO PROGRAM IS NOTHING MORE THAN A TAXPAYER-SUBSIDIZED PROJECT THAT WILL INCREASE BUREAUCRACY FOR THE PURPOSE OF PROVIDING AN EASILY EXPLOITABLE LABOR POOL FOR BIG BUSINESS."

EMPLOYER SANCTIONS

"THE REAGAN SANCTION PROPOSAL HAS BUILT IN LOOP HOLES THAT LETS EMPLOYERS OFF THE HOOK...WHILE GIVING THEM A LICENSE TO DISCRIMINATE AGAISNT CHICANOS", ACCORDING TO BACA.

REAGAN'S PROPOSAL CALLS FOR EMPLOYERS WITH AT LEAST FOUR EMPLOYEES (ABOUT 50% OF ALL EMPLOYERS) TO BE SANCTIONED FOR "KNOWINGLY" HIRING "ILLEGAL ALIENS". A FINE OF $500-$1,000 DOLLARS WILL BE IMPOSED FOR EACH "ILLEGAL ALIEN" EMPLOYED. ACCORDING TO THE ADMINISTRATION, EMPLOYERS WOULD HAVE A "GOOD FAITH DEFENSE" IF THEY ASK FOR INS DOCUMENTATION OR ANY TWO OF THE FOLLOWING:

1.) SOCIAL SECURITY CARD.

2.) DRIVER'S LICENSE.

3.) SELECTIVE SERVICE REGISTRATION.

4.) BIRTH CERTIFICATE OR

5.) ANY OTHER EVIDENCE OF LAWFUL U.S. RESIDENCE STATUS.

FURTHER, EMPLOYERS WOULD SIGN A FORM STATING THAT THERE WAS NO REASON TO BELIEVE THAT THE EMPLOYEE WAS NOT ENTITLED TO LAWFUL RESIDENCE.

BACA STATED THAT THE CCR OPPOSES THE EMPLOYER SANCTIONS BECAUSE IT WILL MAKE INS AGENTS OF 50% OF THIS COUNTRY'S EMPLOYERS. ALTHOUGH ELEVEN STATES CURRENTLY HABE EMPLOYER SANCTION LAWS THERE HAS BEEN ONLY ONE CONVICTION IN THE LAST 10 YEARS. THE EMPLOYER WILL BE ABLE TO DISCRIMINATE AGAINST ANY JOB SEEKER OF MEXICAN ANCESTRY.

INCREASE ENFORECMENT

"THE ONLY LOGICAL OUTCOME OF INCREASED ENFORCEMENT IS AN APARTHEID TYPE SYSTEM FOR CHICANOS", DECLARES BACA. HE ALSO BELIEVES THAT AN ICREASE OF THE BORDER PATROL CAN ONLY RESULT IN AN ESCALATION IN VIOLENCE ALONG THE U.S./MEXICO BORDER.

THE REAGAN PROPOSAL CALLS FOR STEPPED-UP SURVEILLENCE AND ENFORCEMENT IN BORDER AREAS. ACCORDING TO PUBLISHED ACCOUNTS REAGAN WANTS AN ADDITIONAL $40 MILLION FOR THE INS IN FISCAL YEAR 1982. THIS TRANSLATES INTO 1000 TO 1500 NEW OFFICERS.

"THERE WILL BE MORE KILLINGS OF UNARMED PEOPLE BY THE BORDER PATROL...MORE RAPES AND BEATINGS...MORE CHILDREN DYING", BACA STATES. THE BORDER PATROL HAS BEEN UNLEASED TO ROAM AT WILL IN CHICANO/LATINO COMMUNITES, WHICH NOW EXIST UNDER A STATE OF SIEGE.

"LOOK AT THE FIGURES: ONLY 50% OF THE UNDOCUMENTED IN THIS COUNTRY ARE MEXICANS. YET 95% OF APPREHENSIONS ARE OF PERSONS OF MEXICAN ANCESTRY." BACA ASKS, "IF NO STATE OF SIEGE EXISTS ALONG THE CANADIAN BORDER WHY SHOULD ONE EXIST ALONG THE MEXICAN BORDER?".

BACA STATE THAT, "THE FACT THAT THE PRESENT AND PAST ADMINISTRATIONS HAVE NEVER HELD HEARINGS IN BORDER CITIES, HAVE HAD LITTLE COMMUNICATIONS WITH MEXICO, AND HAVE DISREGARDED THE MASSIVE PUBLIC TESTIMONY WHICH WAS IN OPPOSITION TO ALL OF THE PROPOSALS PROVES THAT THE NEW IMMIGRATION SHCEME IS DOOMED TO FAIL. OUR POSITION IS THAT THE INTERESTS ANCONCERNS OF THE CHICANO COMMUNITY MUST BE INCLUDED IF ANY IMMIGRATION POLICY IS GOING TO BE DEVELOPED THAT BENEFITS THE PEOPLE OF BOTH MEXICO AND THE UNITED STATES. THE 20 MILLION CHICANO/LATINOS MOST AFFECTED BY THE REAGAN BRACERO PROGRAM WILL NOT SIT BY AND TOLERATE THE SACRIFICE OF OUR PEOPLE'S RIGHTS (WHETHER THEY BE UNDOCUMENTED,DOCUMENTED OR CITIZENS)."

IN CONCLUDING, BACA STATED THAT, "IMMIGRATION IS NOT A LAW-ENFORCEMENT PROBLEM BUT RATHER A COMPLEX INTERNATIONAL, SOCIAL, ECONOMIC AND POLITICAL ISSUE. ANY SOLUTIONS TO THIS CRISIS MUST FIRST GUARANTEE THE PROTECTION OF PEOPLE'S HUMAN, CIVIL AND CONSTITUTIONAL RIGHTS."

BACA ENDORSED THE FOLLOWING PROPOSALS (SEE ATTACHMENTS 2 and 3).

Ex-chief recalls bracero 'slavery'

By GEORGE KUEMPEL and HOWARD SWINDLE April 30, 1980

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Even the word rankles Williams. And his strong, resonant voice takes on an unexpected bitter tone as he recalls the plight of the 4 million hungry Mexicans who began flooding into the United States in 1942.

Bracero means the "strong-armed ones" in Spanish.

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"The bracero program was nothing but a way for big corporate farms to get a cheap labor supply from Mexico under government sponsorship," he said.

"It was purely a money-grabbing scheme by the corporate farms and the sugar interests. . . . The whole thing was supposed to be humanistic, but it was far short of what it should have been."

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A pledge by Gov. Bill Clements shortly after he took office in January 1979 to reinstate "a bracero-type program" to deal with the many job-seeking illegal Mexican and other foreign workers in the United States has touched off a new round of debate on the program.

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But it didn't work out that way, Williams recalled last week.

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Despite efforts by the U.S. Department of Labor, the big corporate farmers managed to keep bracero wages "unconscionably low," Williams said. And housing and diet requirements were circumvented with acquiescence of the state agencies responsible for enforcing them.

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After World War II, a lot of returning GIs abandoned the farms to seek their fortunes in the cities. And the big planters, anxious to retain the ready supply of cheap, willing workers from Mexico, managed to keep the program going until 1964.

In addition to subjecting the Mexican laborers to abuse, the program hurt American workers by depressing wages along the border, Williams said.

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CHICANO/LATINO/MEXICANO SOLUTIONS

THE FOLLOWING IS A PARTIAL LISTING OF
RESOLUTIONS PASSED AT THE NATIONAL CHICANO IMMIGRATION CONFERENCE
May 24, 1980

BORDER VIOLENCE WORKSHOP

THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the INS/Border Patrol.

THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the militarization policy between the U.S./Mexico as a solution to the immigration issue.

ADMINISTRATION OF JUSTICE

THAT THIS CONFERENCE GO ON RECORD as supporting the creation of a broad-based coalition to end all residential sweeps.

CHICANO/MEXICANO PERSPECTIVE

THAT THIS CONFERENCE GO ON RECORD as demanding unconditional residency for all people with all rights and privileges of indigenous people as provided for in the Treaty of Guadalupe Hidalgo.

THAT THIS CONFERENCE GO ON RECORD as supporting the fact "Que Somos un Pueblo Sin Fronteras," and that the struggle for immigrant rights is part and parcel of the struggle for the Chicano/Mexicano rights to self-determination.

THAT THIS CONFERENCE GO ON RECORD as developing an informational network and campaign to inform and educate our people of the Immigration Issue.

ECONOMICS, LABOR AND FOREIGN WORKER PROGRAM

THAT THIS CONFERENCE GO ON RECORD as supporting an Open-Border for immigrant workers and a Closed-Border for Multi-National Corporation.

THAT THIS CONFERENCE GO ON RECORD as opposing all forms of contract labor such as the H-2 Program, Temporary Visa Program or Foreign Guest-Worker Program.

EDUCATION WORKSHOP

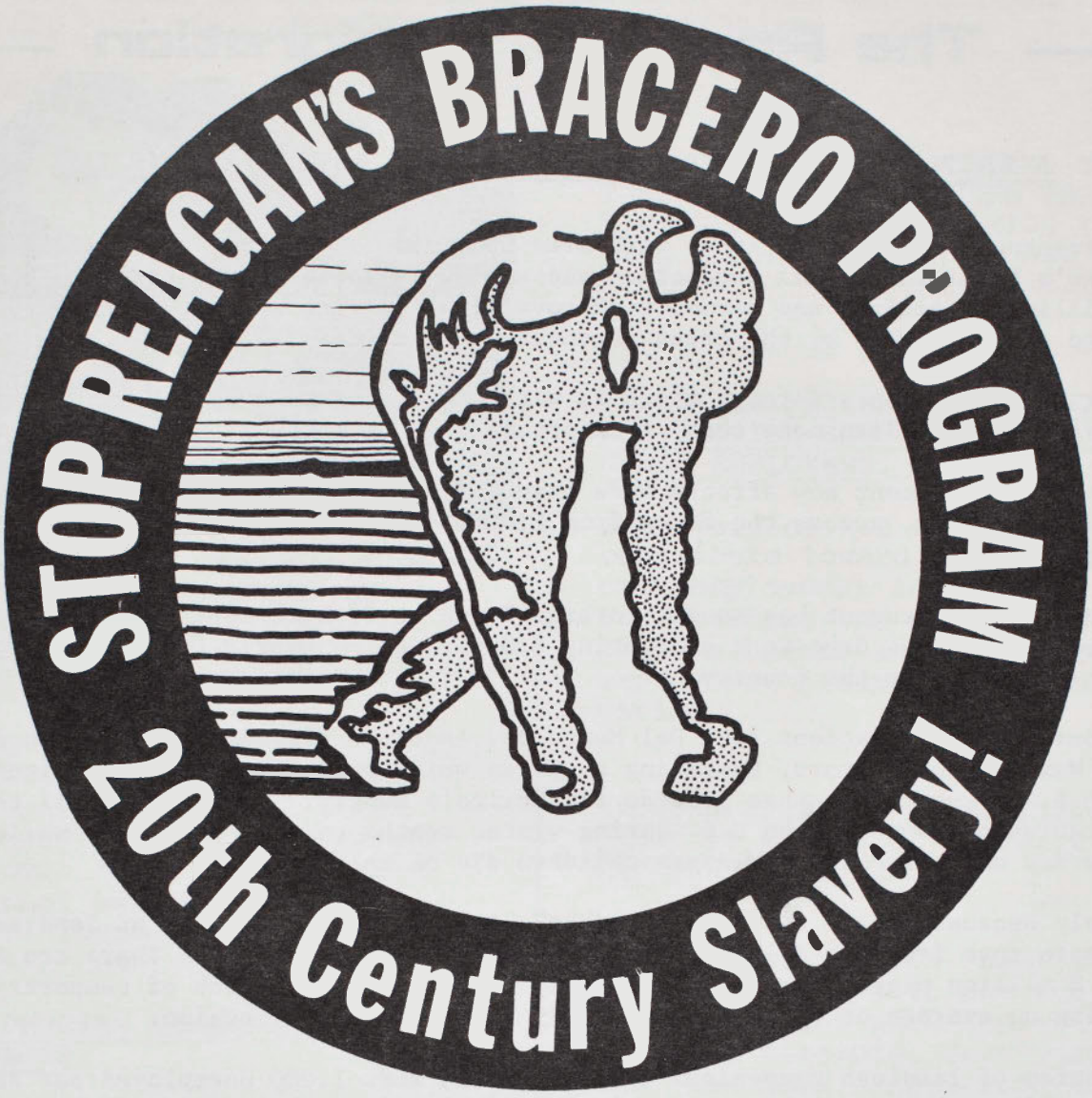
THAT THIS CONFERENCE GO ON RECORD demanding the right to free educational services and benefits that maintain and develop the primary language and culture of the Chicano/Mexicano community in all institutions of society.

HEALTH AND SOCIAL SERVICES WORKSHOP

THAT THIS CONFERENCE GO ON RECORD in supporting that all health care and social services facilities must provide their services regardless of citizenship.

AND FINALLY THAT THIS CONFERENCE GO ON RECORD AS ENDORSING THAT A NATIONAL CAMPAIGN BE UNDERTAKEN TO EDUCATE THE GENERAL POPULATION AND ELECTED OFFICIALS REGARDING THE FULL CHARACTER OF HUMAN RIGHTS, HEALTH NEEDS AND TAX CONTRIBUTIONS OF UNDOCUMENTED PERSONS.

AMAE,Southbay San Diego/American G.I. Forum,National, California,& San Diego/AMIGOS, San Diego/ August 29 Chicano Moratorium Coalition / Arizona Farm Workers/Barrio Station San Diego/Bishop Gilberto Chavez/Brown Berets California Statewide MECHA/Centro Adelante Campesinos, Arizona/Centro de Inmigracion,Wash. D.C./ Chicano Health Coalition,San Diego/Chicanos Unidos, Texas/Chicano Park Steering Committee, San Diego/Club Azteca CB Congreso Para Pubelos Unidos,California/Crusade for Justice,Colorado/El Clarin, Chicago/El Movimiento Artistico, Chgo./El Pueblo,Texas/Federation Internationale Desdroits de el Homme, Paris, France/Voz del Pueblo Farm Labor Organizing Committee, Ohio/Hermandad Mexicana General de Trabajadores,L.A./Hispanic Community Ministry Luthern Church,Arizona/International Chamber of Commerce / National Chicano Moritorium Coalition / La Prensa,San Diego,Stockton/La Raza Legal Alliance,Houston, Texas/La Raza Health Alliance,California/Ladies Pride,San Diego/Las Hermanas, National /Los Perros,Los Angeles/Legal Aid Society,San Diego/ Legal Serivce Center for Immigrants,Chicago/Life Car Club,San Diego/MAPA,Imperial Valley /Mario Cantu,Defense Committee,Texas/MECHA CENTRAL,San Diego/Mexican American National Organization,Los Angeles/ Midwest Coalition in Defense of Immigrants, Chgo./National Federation of Priests/National Lawyers Guild/LULAC NATIONAL/National Mexican American Correctional Association/National Center for Immigrants Organizitional Feminil/PADRES,National/Padre Hidalgo Center, San Diego/Office of Civil Rights, G.I. Forum, San Jose/MANZO,Area Council Arizona/REACT CB club, San Diego/Bishop Patrico Flores,Texas/Black Berets, San Jose San Diego City College, MECHA/Specials, San Diego/Spanish Speaking Executive Catholic Commission, San Diego, County/Sherman Unidos, San Diego/San Diego Low Rider Car Council/ San Antonio Human Rights Council/ Spanish Speaking Political Association,San Diego/TeatroUrbano,L.A./Tucson,Coaliation for Justice, Arizona/United California Mexican American Association,California/National Coalition On The Hannigan Case



A Chicano Perspective on the President's Immigration Proposals

Compiled By:

CCR

Committee on Chicano Rights, Inc.
1837 Highland Avenue
National City CA 92050
(714) 474-8195

The Roots of Immigration

A FACT SHEET ON FOREIGN DOMINATION & POVERTY IN MEXICO

- The transnational corporations, with over $5 billion invested, control 35% of Mexico's total industrial production and employ 16% of all industrial workers. $2 billion in profits and payments on royalties, patents and interests were sucked out of Mexico by the transnationals between 1961-71.

- About 3/4 of Mexico's foreign trade is with the U.S. and in 1975 Mexico imported $4.5 billion more than it exported.

- Chronic unemployment now affects more than 40% of all Mexicans of working age. In Ciudad Juarez, across the river from El Paso, 43% of the 800,000 residents are jobless.

- The Mexican government has sought foreign loans to finance development, which has pushed its foreign debt to a staggering $28 billion -- nearly $500 for every man, woman and child in the country.

- Agribusiness corporations like Del Monte and Anderson Clayton have come to dominate Mexican agriculture, fostering a system which produces luxury food items for the U.S. market rather than provide for Mexico's hungry. One half of all the vegetables consumed in the U.S. during winter months come from Mexico, while every day more than 1,000 Mexican children die of malnutrition.

- Largely because of the spread of "modern" agriculture, the number of landless peasants rose from 1.5 million in 1950 to some 5 million today. There are more than 8 million migrant workers constantly on the move in search of temporary jobs, earning an average of $2.50-$3.00 per day in the Northwest region.

- Migration of landless campesinos to urban areas adds 1,000 unemployed per day to Mexico City, already with a population of 13 million. It is the most polluted city in the Western Hemishpere and is expected to be the largest by the year 2000.

- Approximately 3.5 million peasants and fishermen live on less than one peso (five cents) a day, according to a recent study from Mexico. 9.9 million Mexicans eat no meat. 11.1 eat no eggs. 18.3 million consume no milk products. 80 per cent of these families live in rural communities where there is no medical services, electricity or running water.

- Numerous studies have shown that the presence of large foreign corporations and their ties with the Mexican ruling elites has increased the concentration of wealth in fewer and fewer hands. Robert McNamara of the World Bank claims that Mexico's richest 10% now take over 50% of the national wealth, while the poorest 40% have seen their share shrink from 14% to 11% in the past twenty years.

- The average working life of a miner in Mexico is 10 years, due to overwork and black-lung disease, and doctors estimate that every day 4 million Mexican workers are subjected to poisonous fumes in their workplaces.

-NACLA

FACT SHEET ON IMPORTATION OF TEMPORARY ALIEN AGRICULTURAL WORKERS UNDER THE H2 PROGRAM

Immigrant agricultural workers in San Diego where living conditions are known to unfit for human habitation. Photo: Copyright 1980 by Len Lahman

AT THE PRESENT TIME THERE ARE 7.7 MILLION U.S. WORKERS UNEMPLOYED NATIONWIDE ACCORDING TO BUREAU OF LABOR STATISTICS.

Section H-2 of the Immigration and Nationality Act allows for the importation of temporary alien workers only "if unemployed persons capable of performing such labor cannot be found in this country". There is no such shortage in this country.

THE H-2 PROGRAM DEPRESSES FARMWORKER WAGES.

U.S. farmworkers cannot negotiate for higher wages where the threat H-2 exists. In fact if farmworkers ask for merely one cent more than the "prevailing wages" (which is considerable lower in states which use H-2 workers), the Department of Labor can certify that these workers are unavailable for work and bring in H-2 workers to fill these jobs.

H-2 WORKERS HAVE FEW FREEDOMS OR PROTECTION.

H-2 workers may not change employers. If an H-2 worker complains about working conditions he may be sent home, black-listed, and never allowed to work in the U.S. again. Only those H-2 workers who are extraordinarily hard working and complacent will be allowed to return for employment in future years.

"THE CURRENT H-2 PROGRAM, THE BASTARD SON OF THE BRACERO PROGRAM, IS LIVING PROOF THAT FOREIGN IMPORTATION LABOR PROGRAMS DO NOT WORK".

EMPLOYERS WHO EMPLOY H-2 WORKERS DO NOT PROVIDE BENEFITS REQUIRED OF OTHER EMPLOYERS.

Employers of H-2 workers need not contribute toward social security or unemployment insurance. Even U.S. workers who work for H-2 employers become ineligable for unemployment insurance for that period.

GROWERS PREFER THE H-2 SYSTEM BECAUSE IT PROVIDES THEM WITH A CHEAP CAPTIVE LABOR FORCE.

For years, growers have used Jamaican workers to cut sugar-cane in Florida and pick apples in New England, Virginia, West Virginia and New York. Growers use a variety of means to circumvent Department of Labor regulations and avoid hiring U.S. workers. Last year, growers refused to hire, or harassed and fired more than 2,000 workers from Puerto Rico, so they could hire H-2 workers.

THE H-2 PROGRAM THREATENS TO EXPAND DRASTICALLY.

Approximately, 15,000 H-2 workers were imported into the U.S. last year. The Select Commission on Immigration and Refugee Policy has stated that the H-2 Program should be slightly expanded and streamlined in order that workers can be imported easier. Already apple growers from Oregon and Colorado, citrus growers from Arizona, and tomato growers from Virginia have attempted to import H-2 workers.

Ex-chief recalls bracero 'slavery'

By GEORGE KUEMPEL and HOWARD SWINDLE April 30, 1980

AUSTIN — Even at 72, a retired and comfortable Lee G. Williams is haunted by the memories of the bracero program he once ran, a program he says was nothing short of "legalized slavery."

Bracero.

Even the word rankles Williams. And his strong, resonant voice takes on an unexpected bitter tone as he recalls the plight of the 4 million hungry Mexicans who began flooding into the United States in 1942.

Bracero means the "strong-armed ones" in Spanish.

The thought of renewing the program, or revamping it, angers and frightens Williams, who as a U.S. Labor Department executive oversaw the day-to-day operation of the program from 1959 until its demise in 1964. Before that, he served for 20 years as general counsel and director of the Texas Employment Commission.

"I pray they don't reinstate this type program," he said.

"The bracero program was nothing but a way for big corporate farms to get a cheap labor supply from Mexico under government sponsorship," he said.

"It was purely a money-grabbing scheme by the corporate farms and the sugar interests. . . . The whole thing was supposed to be humanistic, but it was far short of what it should have been."

While he admitted the words "legalized slavery" are strong, Williams insisted they are accurate.

"They were so fearful of being away from home and not being able to send money to their families that they felt pretty much in bondage," he said.

A pledge by Gov. Bill Clements shortly after he took office in January 1979 to reinstate "a bracero-type program" to deal with the many job-seeking illegal Mexican and other foreign workers in the United States has touched off a new round of debate on the program.

Several Texas congressmen, including Rep. Jim Collins, R-Dallas, and House Majority Leader Jim Wright of Fort Worth, have advocated a return to a similar program.

Bracero.

It was a word Clements was to regret using because it aroused strong emotions among Mexican-Americans and labor and civil rights groups.

Clements now goes to great lengths to avoid the term in discussing his proposals for solving the alien problem.

The governor's plan eliminates the provision in the bracero program that forces laborers to work for a particular employer. Clements proposes the Mexican workers be mobile. If they are mistreated, they simply can quit and try to find other jobs.

Under the bracero program, Mexican workers, unable to find jobs in their own country, were allowed to enter the United States to replace the farmers who had traded their plows for rifles. In return, the Mexicans — most of them illiterate — were to receive a fair wage, decent housing, nutritious food and the protections of the law afforded American citizens.

But it didn't work out that way, Williams recalled last week.

"The braceros were hauled around like cattle in Mexico and treated like prisoners in the United States," he said.

Despite efforts by the U.S. Department of Labor, the big corporate farmers managed to keep bracero wages "unconscionably low," Williams said. And housing and diet requirements were circumvented with acquiescence of the state agencies responsible for enforcing them.

"The employment service here was notoriously in league with the farmers," he said.

After World War II, a lot of returning GIs abandoned the farms to seek their fortunes in the cities. And the big planters, anxious to retain the ready supply of cheap, willing workers from Mexico, managed to keep the program going until 1964.

In addition to subjecting the Mexican laborers to abuse, the program hurt American workers by depressing wages along the border, Williams said.

"I personally did a wage survey beginning in California at the border to Brownsville," he said, "and I found that wages, not only of agricultural workers but of carpenters, butchers and others, were affected adversely within 200 miles of the Mexican border."

And he said the program resulted in exploitation of the Mexican worker on both sides of the border.

For the Mexican worker to get into the program, he had to pay off officials in his own country, Williams said.

"They (the officials) demanded **mordida** — you know, 'the bite.' " he said. "It was a chain of officials, and the bracero didn't get on that list to the U.S. unless he paid in advance."

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The Dallas Morning News

HERMAN BACA
Chairperson

CCR INTERVIEW

"Carter's Frankstein Monster Immigration Plan Has Returned From The Dead But Under a New Name...REAGANSTEIN"

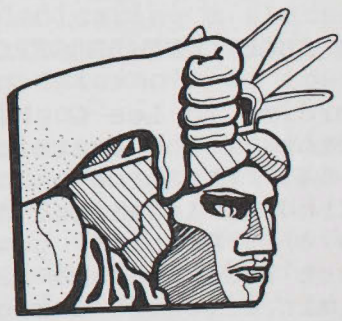
The Committee on Chicano Rights (CCR) has been involved with the issue of immigration for ten years. In August 1977 when, after months of delays,the Carter administration presented its immigration plan to congress, the CCR immediately opposed it, labeling it a "Frankenstein monster". Eventually, the plan died in Congress and Carter appointed a Select Commission on Immigration and Refugee Policy. When their report was released in February 1981 the CCR called it a waste of tax-payer's money and "nothing more than a rehash of the bankrupt 1977 Carter Immigration Plan". Members of the Select Commission such as Wyoming's Senator Alan Simpson have had influence in the development of the Reagan administration's thinking on immigration. The following interview with Herman Baca begins with a question on Reagan's solutions.(David Avalos, Editor)

David Avalos: TO THIS DATE WHAT SOLUTIONS TO THE IMMIGRATION PROBLEM HAVE BEEN SUGGESTED BY THE REAGAN ADMINISTRATION ?

Herman Baca: The same old law enforcement, guns and barbed-wire solutions that were proposed and rejected in the now defunct Carter Immigration Plan of August 1977. Today, talk in Washington, D. C. focuses on a two or three-fold increase of the U. S. Border Patrol; the escalation of the militarization of the border; a false amnesty that requires persons to speak the English language; relocation camps; employer sanctions; national worker identification card; and of course, a Bracero-type program that calls for the importation of 50,000 to 350,000 Mexican workers.

DA: WHAT'S THE DIFFERENCE BETWEEN THE REAGAN PROGRAM AND THE CARTER PLAN OF 1977?

HB: Virtually nothing! In 1977 the CCR labeled Carter's Plan a Frankenstein monster. Now we see it return from the dead under a new name -- Reaganstein, because Reagan's plan is still a collection of old,rejected and discarded parts from the early 1970's. But what has changed is the political climate in Washington D. C. which has created a right wing mentality, favorable to big business.



DA: WHAT IS THE MOST DANGEROUS ASPECT OF THE PROPOSED REAGAN IMMIGRATION PROGRAM?

HB: The Bracero Program, because it will legalize the exploitation that exists for undocumented workers in certain areas of the economy. As a direct result an

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apartheid type system will be created for the nation's 20 million Chicano/Latinos because of the tripling of the U.S. Border Patrol which will be needed to enforce the program. The Chicano community will ultimately have to pay the price through the violations of their civil and constitutional rights if a Bracero Program is enacted.

DA: BUT ISN'T THE REAGAN ADMINSTRATION SAYING THAT THE PROGRAM WOULD BE DESIGNED TO PROTECT THE RIGHTS OF MEXICAN WORKERS AS HUMANELY AS POSSIBLE?

HB: Yes, but it's a lie. The proof is in the documented history of foreign worker programs from the "temporary" farmworker program of 1917-22 to the Bracero program of 1942-64 to the bastard child of the Bracero program -- the existing H-2 visa program. For example, under the present H-2 visa program a worker is not free to change employers. Such workers who complain about working conditions may be sent home (deported), blacklisted and never allowed to work in the U.S. again. Employers need not contribute to social security or unemployment insurance. Even U.S. workers who work for H-2 employers become ineligible for unemployment insurance.

DA: WHAT ABOUT THE BRACERO PROGRAM?

HB: According to Lee G. Williams, the director of the Bracero Program for 1959-64, "the program could only be described as legalized slavery" (see page 4). Despite government claims that the Bracero Program would limit illegal immigration there were more Mexican workers who entered the U.S. illegally than workers who entered under the Bracero guidelines. If conditions during those years were "Legalized slavery" for Braceros, imagine what it was like for the undocumented. Today's Bracero proposal, even if engineered to handle 1,000,000 Mexican workers a year (the most optimistic prediction), would only affect 1 out of 10 of Mexico's unemployed and underemployed.

DA: THAT BEING THE CASE, AND WITH U.S. UNEMPLOYMENT AT 7.7 MILLION, WHY WOULD REAGAN PROPOSE SUCH A BRACERO PROGRAM NOW?

HB: Because, according to research studies, due to overall zero population growth,by the year 2000 the United States will need 10 to 15 million foreign workers to maintain present economic growth.

DA: ISN'T THE REAGAN BRACERO PROPOSAL DIFFERENT FROM THE OLD BRACERO PROGRAM?

HB: Yes, just like World War II was different from World War I, it's worse.

DA: HOW WILL THE CHICANO COMMUNITY ULTIMATELY PAY THE PRICE FOR THE BRACERO PROGRAM?

HB: We are already paying the price. In recent years the immigration issue has been used as a battering ram to batter the human, civil and constitutional rights of Chicanos. In 1976, for example, the U.S. Supreme Court ruled that the Border Patrol could maintain inland border checkpoints even though it was a "minimal" constitutional invasion. The court held that "La Migra" could stop cars, even in the absence of "reasonable suspicion" and force the occupants

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to produce evidence of citizenship. Two justices dissented because they felt it "repugnant" that U.S. citizens should be suspected of criminal conduct merely on the basis of Mexican ancestry. Later that year the California Secretary of State, March Fong Eu, ordered a search of the San Diego County voter rolls in a probe of "illegal aliens" who had registered to vote. None were found but 14,000 Spanish surnamed citizens were investigated merely for exercising their right to vote. This year it has gotten worse. The U.S. Supreme Court has given the Border Patrol the power to stop vehicles with no justification other than their "sixth sense". It was a Border Patrol Agent's sixth sense" that resulted in the death of 18 month old Manolo Alberto in June 1979.

Woman Who Sought Help Says Inspectors Were Callous Toward Infant Who Died 3 Days Later

DA: COULD YOU EXPLAIN THE DETAILS OF THAT CASE?

HB: Manolo Alberto was a seriously ill baby that was being taken by his U.S. citizen aunt to a U.S. hospital for treatment. Immigration Agents at the Tijuana crossing refused to allow him across despite a valid birth certificate showing that he had been born in Los Angeles. Their "sixth sense" told them that the certificate was a fake. It wasn't and as a result a two-year old U.S. citizen died in a Tijuana hospital three days later. The denial of medical services, as in the recent Los Angeles County decision to prohibit medical care to undocumented workers is inhumane to both the undocumented and the Chicano. Let me give you another example. In April 1979 Jorge Olmos was seriously injured but denied admittance to San Diego's University Hospital by a neurosurgeon reportedly tired of treating "illegal aliens". In fact, Olmos was a U.S. citizen who had been born at University Hospital! There is a case that was submitted to the Chicano Immigration Tribunal organized by the CCR on April 11, 1981 of a woman in labor who was denied admittance to a hospital in Laredo, Texas and subsequently gave birth to her child outside of the hospital.

DA: WHAT'S THE SITUATION IN OTHER AREAS OF SOCIAL SERVICES?

HB: Just as bad if not worse. Here in San Diego Mayor Pete Wilson manuevered the City Council into a vote that grants money to Legal Aid only if they refuse their services to so-called "illegal aliens". This means that Chicanos will have to prove their "innocence" to Legal Aid attorneys before they can receive legal aid services. We'll need a lawyer's advice in order to get Legal Aid. It's absurd and hypocritical. Wilson was in Tijuana dedicating a statue of Lincoln that same week that he's stripping Chicano's of their rights in San Diego.

In the area of education we see the Reagan adminstration's withdrawal of support for bilingual education. That mad man Hayakawa wants to make English the official language of the country and the U.S. Supreme Court has ruled that an employer can fire a worker who speaks Spanish on the job.

DA: AND YOU'RE SAYING THAT THE REAGAN BRACERO PROGRAM WILL ACCELERATE THIS PROCESS OF A LOSS OF RIGHTS?

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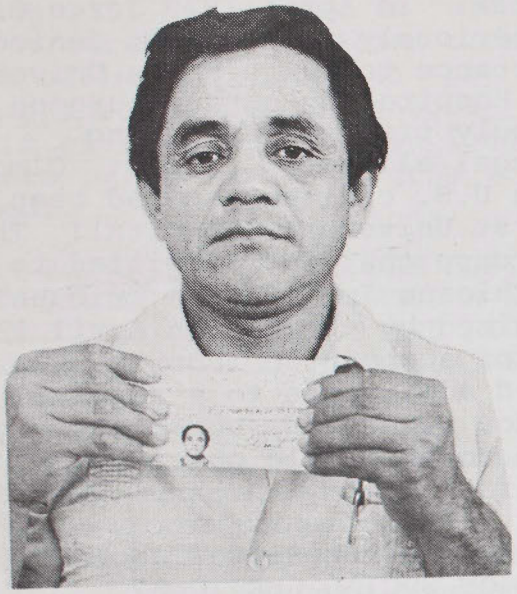
HB: Yes, the only logical outcome of a Bracero program is an apartheid -type system for Chicanos.



DA: Why?

HB: Because of the Draconian measures which have been proposed to enforce the program. Measures such as a tripling of the Border Patrol, the establishment of a National Worker I.D. card and employer sanctions.

The increasing of the Border Patrol can only result in an escalation in rights violations for the undocumented and the Chicano. We can expect more cases like Abel Reyes Silva who was shot in the back in 1978, Efren Reyes who was handcuffed by a Border Patrol agent and then shot to death from behind in 1979 or Francisco C. Sanchez an unarmed undocumented Mexican shot to death by Border Patrol Agent Ricky B. Mauldin in 1980.

For the person of Mexican ancestry in the United States there have been two repressive agencies charged with keeping the Chicano community from getting too "uppity" and demanding their rights and liberties - those have been the Texas Rangers and the U.S. Border Patrol. With the reinstitution of the residential sweep the Border Patrol has once again been unleashed to roam at will within the Chicano communities,which now exist under a state of siege.

Look at the figures: only 50% of the undocumented in this country are Mexicans yet 95% of apprehensions are of persons of Mexican ancestry. If no state of siege exists along the Canadian border why should one exist along the Mexican border?

DA: WHAT'S THE SOLUTION?

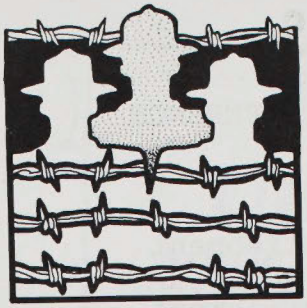
HB: Let's cut through the jive about a Bracero program being a humane solution for the U.S. government. The problem isn't immigration, the problem is us - the Chicano, Latino, Mexicano community in the United States. The Reagan administration wants only to continue the profits and privileges for those who benefit most from the status quo. The Chicano community stands in the way of that.

It's not a question of keeping anyone out of the country, it's a question of the U.S. government continuing the control and colonization of our communities.

What we are talking about is the survival of the Chicano, Latino, Mexicano community.

The immigration issue is not the problem. It is only a symptom of the real problem which is simply that we have no power. The solution to the immigration issue is the same Solution for every issue. The Chicano, Latino, Mexican Community must organize and build the power to define, affect and change our economic and political conditions.

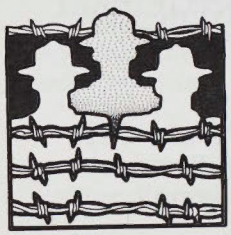
¡ORGANIZATE RAZA!
CCR
Committee on Chicano Rights

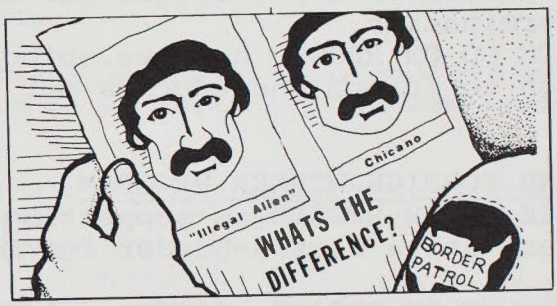


"IN THE 131 YEAR HISTORY OF THE CHICANO/MEXICANO PEOPLE IN THE U.S. THERE HAVE BEEN TWO REPRESSIVE AGENCIES WHOSE ONLY JOB HAS BEEN TO INSURE THAT OUR COMMUNITY DOES NOT ORGANIZE AND BEGIN TO ENJOY THE SAME RIGHTS, WAGES, AND WORKING CONDITIONS AS THE ANGLO MAJORITY. ONE OF THEM WAS THE TEXAS RANGERS, THE OTHER SINCE 1924, IS THE U.S. BORDER PATROL".

A BRACERO PROGRAM CALLS FOR A DOUBLE OR TRIPLING OF THE U.S. BORDER PATROL AND AN ESCALATION OF THE FOLLOWING:

May 16, 1978	Maria Contreras	Progresso, TX	Pregnant, died in INS interrogation room after being harassed by border officials.
Oct. 22, 1978	Abel Reyes Silva Age: 21	San Ysidro	Shot in the back while on the Mexican side of the border.
Feb. 11, 1979	Margarito Balderas Age: 30	San Ysidro	Shot twice from behind after surrendering





March 17, 1979	Benito Rincon Age: 22	San Ysidro	Shot while handcuffed.
March 17, 1979	Efren Reyes Age: 24	San Ysidro	Shot to death while handcuffed.
March 20, 1979	Alberto Canedo Age: 4	San Ysidro	Died in aunt's arms in INS offices after being denied entrance into U.S.
June 16, 1979	Manolo Alberto Age: 18 months	Tijuana	Died of starvation three days after being denied entrance into U.S.
Nov. 25, 1979	Maria Lopez Felix Age: 19	San Ysidro	Raped and strangled to death by a Federal border official
Dec. 8, 1980	Francisco Sanchez Age: 40	Jacumba	Shot to death by a Border Patrol Agent

CHICANO/LATINO/MEXICANO SOLUTIONS

THE FOLLOWING IS A PARTIAL LISTING OF
RESOLUTIONS PASSED AT THE NATIONAL CHICANO IMMIGRATION CONFERENCE
May 24, 1980

BORDER VIOLENCE WORKSHOP

THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the INS/Border Patrol.

THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the militarization policy between the U.S./Mexico as a solution to the immigration issue.

ADMINISTRATION OF JUSTICE

THAT THIS CONFERENCE GO ON RECORD as supporting the creation of a broad-based coalition to end all residential sweeps.

CHICANO/MEXICANO PERSPECTIVE

THAT THIS CONFERENCE GO ON RECORD as demanding unconditional residency for all people with all rights and privileges of indigenous people as provided for in the Treaty of Guadalupe Hidalgo.

THAT THIS CONFERENCE GO ON RECORD as supporting the fact "Que Somos un Pueblo Sin Fronteras," and that the struggle for immigrant rights is part and parcel of the struggle for the Chicano/Mexicano rights to self-determination.

THAT THIS CONFERENCE GO ON RECORD as developing an informational network and campaign to inform and educate our people of the Immigration Issue.

ECONOMICS, LABOR AND FOREIGN WORKER PROGRAM

THAT THIS CONFERENCE GO ON RECORD as supporting an Open-Border for immigrant workers and a Closed-Border for Multi-National Corporation.

THAT THIS CONFERENCE GO ON RECORD as opposing all forms of contract labor such as the H-2 Program, Temporary Visa Program or Foreign Guest-Worker Program.

EDUCATION WORKSHOP

THAT THIS CONFERENCE GO ON RECORD demanding the right to free educational services and benefits that maintain and develop the primary language and culture of the Chicano/Mexicano community in all institutions of society.

HEALTH AND SOCIAL SERVICES WORKSHOP

THAT THIS CONFERENCE GO ON RECORD in supporting that all health care and social services facilities must provide their services regardless of citizenship.

AND FINALLY THAT THIS CONFERENCE GO ON RECORD AS ENDORSING THAT A NATIONAL CAMPAIGN BE UNDERTAKEN TO EDUCATE THE GENERAL POPULATION AND ELECTED OFFICIALS REGARDING THE FULL CHARACTER OF HUMAN RIGHTS, HEALTH NEEDS AND TAX CONTRIBUTIONS OF UNDOCUMENTED PERSONS.

AMAE,Southbay San Diego/American G.I. Forum,National, California,& San Diego/AMIGOS, San Diego/ August 29 Chicano Moratorium Coalition / Arizona Farm Workers/Barrio Station San Diego/Bishop Gilberto Chavez/Brown Berets California Statewide MECHA/Centro Adelante Campesinos, Arizona/Centro de Inmigracion,Wash. D.C./ Chicano Health Coalition,San Diego/Chicanos Unidos, Texas/Chicano Park Steering Committee, San Diego/Club Azteca CB Congreso Para Pubelos Unidos,California/Crusade for Justice,Colorado/El Clarin, Chicago/El Movimiento Artistico, Chgo./El Pueblo,Texas/Federation Internationale Desdroits de el Homme, Paris, France/Voz del Pueblo Farm Labor Organizing Committee, Ohio/Hermandad Mexicana General de Trabajadores,L.A./Hispanic Community Ministry Luthern Church,Arizona/International Chamber of Commerce / National Chicano Moritorium Coalition / La Prensa,San Diego,Stockton/La Raza Legal Alliance,Houston, Texas/La Raza Health Alliance,California/Ladies Pride,San Diego/Las Hermanas, National /Los Perros,Los Angeles/Legal Aid Society,San Diego/ Legal Serivce Center for Immigrants,Chicago/Life Car Club,San Diego/MAPA,Imperial Valley /Mario Cantu,Defense Committee,Texas/MECHA CENTRAL,San Diego/Mexican American National Organization,Los Angeles/ Midwest Coalition in Defense of Immigrants, Chgo./National Federation of Priests/National Lawyers Guild/LULAC NATIONAL/National Mexican American Correctional Association/National Center for immigrants Organizitional Feminil/PADRES,National/Padre Hidalgo Center, San Diego/Office of Civil Rights, G.I. Forum, San Jose/MANZO,Area Council Arizona/REACT CB club, San Diego/Bishop Patrico Flores,Texas/Black Berets, San Jose San Diego City College, MECHA/Specials, San Diego/Spanish Speaking Executive Catholic Commission, San Diego, County/Sherman Unidos, San Diego/San Diego Low Rider Car Council/ San Antonio Human Rights Council/ Spanish Speaking Political Association,San Diego/TeatroUrbano,L.A./Tucson ,Coaliation for Justice, Arizona/United California Mexican American Association,California/National Coalition On The Hannigan Case

Bill of Rights for the Undocumented Worker

Article I: *Every immigrant worker shall have the right to establish legal residency by demonstrating a status as wage earner and taxpayer.*

Article II: *Every immigrant worker shall have all of the Constitutional Rights guaranteed all persons in the U.S. This right shall include but not be limited to: the right to due process, and the right to be free in their persons and possessions from unreasonable searches and seizures; and such rights shall not be violated by raids in factories, residential areas and in public places and shall be free from deportations and other unconstitutional practices.*

Article III: *Every immigrant worker shall have the right to be reunited with his or her family in country where he or she is a wage earner.*

Article IV: *Every immigrant worker shall have the right to legalize and adjust their status within the U.S. without having to return to their country of origin.*

Article V: *Every immigrant worker shall fully enjoy all the rights guaranteed to citizen workers including socio-economic and labor rights.*

Article VI: *Every immigrant worker, particularly seasonal workers, shall be provided adequate housing, health and safety provisions.*

Article VII: *Every immigrant worker shall be guaranteed the same rights enjoyed by U.S. citizens especially the right of access to free and adequate social and health services, child-care, and other similar social benefits.*

Article VIII: *Every immigrant person shall have the right to quality public education in his or her native language, utilizing English as a second language and shall not be restricted from fully practicing the culture of his or her country of origin.*

Article IX: *Every immigrant worker shall have the right to receive disability insurance (partial or permanent), workers compensation, retirement and death benefits. In the event of a death, the cost of transporting the deceased to his or her country of origin shall be borne by the employer, and any corresponding benefits shall be delivered to the family of the deceased without regard to their place of residency.*

Article X: *Every immigrant worker shall have a right to organize and to collective bargaining, including the right to join existing unions or form new ones, for the defense of their labor rights and for the improvement of their wages and living and working conditions.*

A) The right to collective bargaining shall include agricultural and public service workers in order to protect their right to organize.

Article XI: *Every immigrant worker shall have the right to utilize his native language in all legal proceedings, (i.e., to acquire citizenship, in judicial proceedings, etc.) and in all private or public contract agreements.*

Article XII: *Every immigrant worker shall have the right to exercise their right to vote in their native country's federal elections. This right should be facilitated through consulates and all other places (union-halls, schools, etc.) designated by competent authorities.*

Article XIII: *Every immigrant worker shall have the right to vote in local and state elections from the moment of legalizing their immigration status without having to become citizens. The right is based on their status as taxpayers, workers and residents.*

International Coordinating Committee

1st International Conference for the Full Rights of Undocumented Workers

P.O. Box 819
El Mirage, Arizona 85335
(602) 977-1219

3123 West Eighth Street
Los Angeles, California 90005
(213) 383-7057

1642 S. Blue Island
Chicago, Illinois 60608
(312) 226-0173

P.O.Box 876
San Juan, Texas 78589
(512) 787-5984

STOP REAGAN'S BRACERO PROGRAM

YOU CAN HELP! - ORGANIZATE RAZA!

THINGS YOU CAN DO TO HELP STOP REAGAN'S IMMIGRATION PROGRAM

1. Organize a committee in your community to stop Reagan's Bracero Program.
2. If you have a news publication, give prominent play to convince your readers of the need to stop it!
3. Picket, demonstrate or write a letter to your Senators and Congressmen opposing the Reagan Bracero Program.
4. Give cash support to those organizations working to stop Reagan's Bracero Program.

LO QUE USTED PUEDE HACER PARA PONER EL ALTO AL PROGRAMA DE BRACERO DE REAGAN ES LO SIGUIENTE:

1. Organizar un comite en su comunidad.
2. Si tiene alguna publicación, convenza a sus lectores de la necesidad de derrotar este Programa.
3. Organizar piquetes, manifestaciones o escribir cartas, telegramas a miembros del congreso afirmando su oposición.
4. Contribuya fondos a organizaciones que intentan derrotar el Programa.

JOIN THE 100'S OF CHICANO/LATINO ORGANIZATIONS

THAT WENT ON RECORD ON MAY 24, 1980, AT THE NATIONAL CHICANO IMMIGRATION CONFERENCE, OPPOSING ALL FORMS OF CONTRACT LABOR SUCH AS THE H-2 PROGRAM, TEMPORARY VISA PROGRAM OR FOREIGN GUEST WORKER PROGRAM.

AMAE,Southbay San Diego/American G.I. Forum,National, California,& San Diego/AMIGOS, San Diego/ August 29 Chicano Moratorium Coalition / Arizona Farm Workers/Barrio Station San Diego/Bishop Gilberto Chavez/Brown Berets California Statewide MECHA/Centro Adelante Campesinos, Arizona/Centro de Inmigracion,Wash. D.C./ Chicano Health Coalition,San Diego/Chicanos Unidos, Texas/Chicano Park Steering Committee, San Diego/Club Azteca CB Congreso Para Pubelos Unidos,California/Crusade for Justice,Colorado/El Clarin, Chicago/El Movimiento Artistico, Chgo./El Pueblo,Texas/Federation Internationale Desdroits de el Homme, Paris, France/Voz del Pueblo Farm Labor Organizing Committee, Ohio/Hermandad Mexicana General de Trabajadores,L.A./Hispanic Community Ministry Luthern Church,Arizona/International Chamber of Commerce/ National Chicano Moritorium Coalition / La Prensa,San Diego,Stockton/La Raza Legal Alliance,Houston, Texas/La Raza Health Alliance,California/Ladies Pride,San Diego/Las Hermanas, National /Los Perros,Los Angeles/Legal Aid Society,San Diego/ Legal Serivce Center for Immigrants,Chicago/Life Car Club,San Diego/MAPA,Imperial Valley /Mario Cantu,Defense Committee,Texas/MECHA CENTRAL,San Diego/Mexican American National Organization,Los Angeles/ Midwest Coalition in Defense of Immigrants, Chgo./National Federation of Priests/National Lawyers Guild/LULAC NATIONAL/National Mexican American Correctional Association/National Center for Immigrants Organizitional Feminil/PADRES,National/Padre Hidalgo Center, San Diego/Office of Civil Rights, G.I. Forum, San Jose/MANZO,Area Council Arizona/REACT CB club, San Diego/Bishop Patrico Flores,Texas/ Black Berets, San Jose San Diego City College, MECHA/Specials, San Diego/Spanish Speaking Executive Catholic Commission, San Diego, County/Sherman Unidos, San Diego/San Diego Low Rider Car Council/ San Antonio Human Rights Council/ Spanish Speaking Political Association,San Diego/TeatroUrbano,L.A./Tucson Coalition for Justice, Arizona/United California Mexican American Association,California/ National Coalition On The Hannigan Case

CONTACT US AT: **Committee on Chicano Rights, Inc.** 1837 Highland Avenue National City CA 92050 **(714) 474-8195**

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Fred Drew, a former border patrolman, said he had watched aliens being beaten unconscious by other patrolmen.

Nicolas Estiverne, left, a former Border Patrol agent, said he was dismissed after reporting misdeeds of colleagues.

Edward J. Begley, who worked as an immigration inspector, said he had been advised by superiors to carry an illegal blackjack while on duty.

The New York Times/Ken Kohre, David Strick and Doug Wilson

Sometimes, aliens are thrown in jail merely for punishment, when there is no possibility they will be held for prosecution, according to some immigration officers. If an alien is particularly offensive or troublesome, one officer said, "We'll go ahead and charge him anyway, take him down to the lockup and book him, knowing that when he comes up for arraignment the next day the U.S. Attorney's going to decline prosecution."

In other instances as well, the agency does not recognize the formalities of law and procedure that apply to other law enforcement agencies in this country, such as the reading of the so-called Miranda warning, advising a suspect of his rights to silence and to a lawyer.

'You Have No Rights'

"There will be very few cases where anybody was ever read his Miranda rights at the border," Mr. Begley said. "The most common statement a person with brown skin hears during interrogation is, 'In this place you have no rights.'"

Commissioner Crosland said that, under immigration service policy, a Mi-

same man rape an older woman in the same way. "When it was over she went back across and she was crying," he said. Mr. Drew said he immediately reported both rapes to his superiors, but nothing was done. Last month, still troubled by such memories, he wrote a long letter to Mr. Walsh, the United States Attorney here, outlining those and other charges. There has so far been no response, he said.

In at least one case, the service reportedly blocked efforts to bring criminal charges against a sex offender within its ranks. Several officers told of an immigration inspector here, who was widely known to give entry permits to female aliens in exchange for sexual relations. "I personally caught him on a couple of occasions wrapped up with girls in dark corners right there at the port," one officer said.

13-Year-Old Girl Assaulted

The man's activities were tolerated until one night last year when an immigration investigator discovered him forcibly abusing a 13-year-old girl from El Salvador in an office at the port headquarters. The investigator filed an inter-

car, dragged him out and tore up the certificate. The boy had to go back to Mexico."

In some instances, people are sent "back" to Mexico who have not been there to begin with. Peter Schey, a lawyer who heads the National Center for Immigrants' Rights in Los Angeles, told of an 18-year-old client, a native of San Bernardino, Calif., who was stopped by immigration officers on the way home from visiting his sister in San Diego.

The young man showed the officers his birth certificate. They tore it up. He was told he was a liar and that his documents were false. He was arrested and denied access to a telephone. The officers, Mr. Schey said, tried to obtain a "confession"

Justice Department officials say there is not enough money or personnel to prosecute all brutal-

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Commissioner Crosland said that, under immigration service policy, a Miranda warning was supposed to be given at the moment it became evident that a suspect was likely to be bound over for deportation or other proceedings. But several officers said that was, in practice, almost never the case.

Potentially abusive practices also occur far from the border. Marc Van Der-Hout, an immigration lawyer in Redwood City, Calif., near San Francisco, told of immigration agents stopping passers-by on the street, demanding their "papers" and arresting those who could not produce any.

Until they were stopped last Nov. 26 by Attorney General Benjamin R. Civiletti, officers in Los Angeles — where there is the largest concentration of illegal aliens in the country — were conducting midnight raids on private homes. They sometimes forced doors or windows, entering with weapons drawn, surprising couples in bed and taking away, in various stages of undress, those they suspected of illegal residency.

The brutality against aliens takes many forms, including that of sexual assaults, some immigration officials said. But even in these cases Federal charges are almost never brought against the offending officers.

Agent Allowed to Resign

In Chula Vista, a few miles north of here, a Border Patrol agent accused of raping an alien in his custody resigned after the United States Attorney declined prosecution. Two border patrolmen accused of the same crime in El Paso were suspended for three days.

In Laredo, Tex., charges that a border patrolman had raped an alien in his custody were dropped after prosecutors said they could not locate the complaining witness, a problem that has thwarted similar prosecutions elsewhere.

Mr. Drew, the former border patrolman, remembered one senior patrolman, a supervisor, who would occasionally visit a pond on the American side of the border where women from Mexico gathered each morning to wash clothes. One day, Mr. Drew said, he watched while the man dragged a young girl away from the pond and raped her. "She couldn't have been more than 12 or 13," he said.

Sometime later, he said, he saw the

[illegible] one night last year when an immigration investigator discovered him forcibly abusing a 13-year-old girl from El Salvador in an office at the port headquarters. The investigator filed an internal complaint and said he would have pressed criminal charges against the man, but the immigration service refused to allow the girl back into the United States to testify against her assailant. The inspector resigned.

Asked about the case, Mr. Crosland said he was "aware" of it and that no action had been taken against the man because, once he resigned, he was beyond the reach of the service. "Anybody can quit," Mr. Crosland said.

The closest thing to common currency along the border is I.N.S. Form I-186, the border crossing card, a highly prized document that permits the holder to visit the United States for three days at a time, to sightsee or shop, but not to work.

In El Paso, as elsewhere along the border, hundreds of Mexican women use the cards illegally to enter the country each day to work, most of them as maids earning about $25 a week. The inspectors who pass them through know why they are coming, however, and some take advantage of the situation to molest the women, some officers said.

Maids 'Protesting the Abuse'

Last March, maids from Juarez, across the border from El Paso, staged a two-day demonstration to object to such treatment. "We're here protesting the abuse they hand out," one woman, Petra Reyes, said. "The immigration inspectors have been mauling the young women. They take us into the office and make us undress, then they feel us all over."

Another maid, Dolores Hernandez, said: "They've told me to take off my clothes for them. But I have to work here, because there's no work in Mexico."

Oftentimes, citizens or legal resident aliens whose skin is the wrong color or who speak accented English present valid papers to immigration officers at the border only to see them rejected as "counterfeit." Marguerita Orta, president of the Center for the Defense of Immigrants, told of crossing into the United States at Eagle Pass, Tex., not long ago with a young Mexican American boy.

"He presented his birth certificate," she said. "The agent at the border said nothing to him, just opened the door of the

not enough money or personnel to prosecute all brutality complaints.

of his illegal status by employing what he termed "the standard threats from Miami to Seattle" — promises of high bail, a long time in jail and eventual deportation anyway.

Mr. Schey said his client, who is suing the service, finally gave up and agreed to be "returned" to Mexico, and was only allowed back into the United States after much difficulty.

Underlying the attitude of the immigration service toward the Hispanic and other aliens with whom it has to deal each day is a degree of contempt tinged with racism.

Mr. Begley, who worked as an immigration inspector here for 15 months in 1977 and 1978, said that among his colleagues Mexican aliens were routinely referred to as wetbacks, wets, tonks, mojados and worse. "It is the degrading of the applicants that disturbs me," he once wrote in a memorandum to his superiors.

Treatment of Alien Children

The agency is sometimes especially insensitive in its treatment of alien children when they are taken into custody with their parents. Theodore P. Jakaboski, a Federal immigration judge in El Paso, told of an 8-year-old Colombian girl who was separated from her mother and sent by the Border Patrol, alone and penniless, from El Paso to Juarez in the middle of the night.

Mr. Begley recalled an immigration officer in San Ysidro who arrested a woman with a 5-year-old daughter, placed the mother in a holding cell and sent the child back to Tijuana by herself.

"A lot of times," Mr. Begley said, "you can get information out of a 4- or 5-year-old kid. 'What's your name?' 'What's your daddy's name?' If you browbeat them enough, tell them 'We're going to leave your mama locked up forever if you don't tell us the truth,' the kid'll tell you everything."

Asked whether he had ever heard an immigration officer make such threats to a child, Mr. Begley replied, "Oh, many times. In fact, I made them myself a couple of times, I'm ashamed to admit."

In one instance, Mr. Begley said, he was ordered to "break" a 12-year-old girl. "After being detained for several hours, repeatedly questioned and threatened with arrest and detention without food," he said, the girl "confessed that she was born in Mexico."

The United States birth certificate she was carrying was confiscated and the girl was classified as an illegal alien and returned to Mexico with no papers or money.

Allowed Entry Later

A few days later, the girl appeared at the border with her outraged father and with undeniable proof of her American citizenship, and was admitted.

Mr. Begley said he began to complain loudly about the incident and to take steps, which met with resistance, to expunge the arrest from the girl's record. That, he recalled, "was the beginning of the end of my Civil Service career."

4-80

Mexican children imprisoned in U.S.

SPECIAL TO THE PW

CHICAGO—The Midwest Coalition in Defense of Immigrants has denounced the mass imprisonment of Mexican minors and infants in U.S. prisons and called for a national campaign to free the children.

Of 340,000 people arrested on the U.S. side of the Mexican border in 1979, it was revealed, more than 8,000 were children.

Juan Manuel Soliz, speaking for the broad coalition of civic, community, legal and labor groups based in the large Chicano community here, told the press the jailing of these children is "a violation of the most elementary human rights of children" and was the result of the racist policies of the Dept. of Justice and the Immigration and Naturalization Service (INS).

Herman Baca, president of the California-based Commission on Chicano Rights, exposed the U.S. government policy of jailing Mexican children. They are held in gruesome federal prisons which John Celary, executive director of Federal Defenders, denounced as "unconstitutional, inhuman and atrocious."

Many are held because they or their parents are material witnesses slated to testify against "coyotes"—people who bring immigrants across the border for money—who operate illegally. But as Soliz pointed out the "coyotes" are usually out on bail within one day, while the immigrants and their children are deprived of all rights and jailed for months even though not charged with any crime.

Children are separated from parents, finger-printed and treated like criminals by police and prison authorities. Para Rosa Rivas told the Mexican daily paper *Excelsior* recently she was detained as a witness against a "coyote" she had never seen, and her two children (one six, the other just a year old) were taken from her and imprisoned.

Children are jailed in federal facilities in California at San Diego, Calexico, San Ysidro, Chula Vista and El Centro. In some cases, they have been "lost" in the federal bureaucracy and permanently separated from their families; in other cases, they are deported alone to various Mexican cities—regardless of where these children came from—and abandoned.

Soliz criticized President Carter's hypocritical posture as a defender of human rights in other countries while immigrant children are jailed here—especially during the International Year of the Child in 1979. "Hundreds of Mexican children fleeing hunger, unemployment and unhealthy conditions try to cross into the U.S. with their families only to encounter repression and racism," Soliz charged.

The Midwest Coalition called on people in the U.S. to launch a letter campaign of protest to President Carter demanding immediate release of children in federal jails. Further, the coalition called for general, unconditional amnesty for all undocumented workers.

Sen. Kennedy

Baca Taking His Case To Washington

By LINDA KOZUB
Staff Writer, The San Diego Union

Herman Baca, a leader of the Committee on Chicano Rights, said yesterday he is going to Washington, D.C., to urge that congressional hearings be held here to examine allegations of "increasing violations of human rights" by U.S. border officials.

Baca said at a press conference he will be joined by representatives of the United California Mexican American Association and the Legal Aid Society when he leaves tomorrow for three days in Washington.

He said meetings have been arranged with Sen. Edward Kennedy, D-Mass., chairman of the Senate Judiciary Committee; Sen. Alan Cranston, D-Calif.; and Rep. Ed Roybal, D-Calif., chairman of the House subcommittee on appropriations, as well as representatives of the attorney general's office, House immigration subcommittee and the U.S. Commission on Civil Rights.

"We view our request for congressional hearings as a means to expose the dehumanizing symptoms of this country's national immigration policy, and an effort to prove to the American public that President Carter's 'human rights' program is debunked on the issue of immigration," Baca said.

— Staff Photo by Ted Winfield

Herman Baca, left, of the Committee on Chicano Rights, criticizes recent U.S. Border Patrol shootings of illegal aliens. Sitting next to him at a San Ysidro press conference are Benito Rincon Hernandez, center, and Rogelio Mendez Diaz, who witnessed a March incident in which an alien was killed.

TRIAL OF BORDER AGENTS BEGINS

Trainee Tells Of Alien Beating

Nov 15-79

THE SAN DIEGO UNION

By BILL OTT And SUSAN JETTON
Staff Writers, The San Diego Union

"There was some moaning, but he didn't verbally cry out. It appeared like he was trying to be machismo, but there were also some tears running down his cheeks."

A Border Patrol trainee offered this description to a federal court jury yesterday, telling how an undocumented alien reacted to an alleged beating by border patrolmen who believed he was the man who made an obscene finger gesture toward a patrol aircraft last July 3.

The trainee, Gino Freselli, 29, was the first witness called by U.S. Attorney Michael H. Walsh as four border patrolmen went on trial before U.S. District Judge Howard B. Turrentine on charges of mistreating aliens.

Freselli's testimony followed opening trial statements by Walsh and two of four defense attorneys, who gave sharply contrasting views of circumstances surrounding the charges against suspended agents Bruce Brown, Jeffery Otherson, Dirk Dick and Daniel Charest.

Walsh accused the four officers of engaging in a "criminal partnership" that deprived the government of its lawful functions through beatings that not only amounted to vigilante justice, but deprived the aliens of their civil rights.

Defense attorneys Joseph Milchen and Nelson Brav, told the jury of seven men and five women that the patrolmen involved were dealing with lawbreakers and, in some instances, used reasonable force while working under adverse and sometimes dangerous conditions.

Milchen pointed out that Brown had been commended by the government for his outstanding service. Brav emphasized that when the aliens were routinely processed for return to Mexico there were no complaints of beatings. Further, he said, Mexican officials refused to accept returned aliens who are seriously injured.

But Freselli, responding to questions by Walsh, said the unidentified alien on July 3 was beaten repeatedly, with stinging slaps from Brown's gloved hand that reddened his face, and blows to his fingers with a nightstick as his hand was held to the floorboard of a transport van.

Otherson, Freselli testified, jabbed his fist into the alien's stomach at least once.

Describing the alien, Freselli said, "His hand began to swell . . . to the point you couldn't recognize his knuckles." He added that at no time did the alien admit making an obscene gesture at the patrol craft and Brown and Otherson eventually gave up their interrogation, putting him back into the van.

"At any time did the alien resist?" Walsh asked.

"No," Freselli said.

"Did he try getting away in any fashion?" Walsh said.

"No."

Freselli testified he was in the transport van with Otherson and that while taking the alien to the scene of the alleged beating Otherson expressed some doubts about taking him (Freselli) along because he was still a trainee.

(Continued on B-12, Col. 1)

Walsh, in his earlier opening statement, touched on an alleged radio code that was used in the conspiracy, referring to the term "Delta Henry," words not normally used by agents in their transmissions. "Delta Henry, of course, means the designated hitter (or agent designated to mete out punishment)," Walsh said.

During Freselli's testimony on the alleged beating, Walsh used himself as a model to demonstrate the force of blows to the alien's face. He asked Freselli to leave the witness stand and strike him on each shoulder with the same force Brown allegedly used in striking the alien on the face. Freselli hesitated, but swung out with his palm. The blows jolted Walsh.

Milchen described to the jury adverse conditions with which border patrolmen deal. He said Brown was an officer who, from time-to-time, found himself alone, facing the responsibility of taking into custody large groups of aliens. The problem, he said, was "aggravated at night," adding that a border patrolman cannot use his gun unless his own life or the life of another agent is threatened.

He said evidence will show that when aliens are apprehended, Walsh's office declines to prosecute them, returning them to Mexico, thus encouraging the alien smugglers. Yet, he said, the prosecution has accused the officers on trial of interfering with the government's lawful functions.

Brav told the jury that six months prior to the charges Dick had been involved in a struggle in which an alien tried to take his sidearm from him. Under the circumstances, Brav said, Dick used "minimal, reasonable force."

The court spent more than two hours selecting a panel of 12 jurors and four alternates for the trial which Turrentine said he expects to continue to about Nov. 28 because of the Thanksgiving holiday. The judge closely questioned prospective jurors about publicity surrounding the case and about their attitudes toward "possibly undocumented aliens" and the Border Patrol.

Among the seated jurors were two — a hotel bellman and a garment factory worker — who said they work with "quite a few Mexicans but I don't know their status."

At least four off-duty Border Patrol agents as well as several investigators for the Immigration and Naturalization Service were among some 50 spectators who watched the trial proceedings on its opening day. The agents refused to comment on the trial because, one said, "I don't want to say anything that might jeopardize the outcome."

During recesses, the agents gathered in the hallway to talk with the defendants who have been suspended without pay by the Border Patrol pending completion of the trial.

Meanwhile, Advocates for Border Law Enforcement (ABLE), a group of relatives and supporters of border patrolmen, have been collecting signatures on petitions to send to President Carter and other top Justice Department officials urging that the agents be reinstated to the patrol until the trial is completed.

Illegal Aliens Said Separated From Children

S.D. Union 2-29-80

Children as young as 2 are being held apart from their parents in the federal Metropolitan Correctional Center and in detention centers for undocumented aliens in San Ysidro and El Centro, Herman Baca, chairman of the Committee on Chicano Rights, said in a telegram to President Carter yesterday.

Baca said he will elaborate on the charges today during a press conference.

Federal officials here denied any knowledge of incidents described by Baca.

Baca said an investigation by his committee determined that the children are held as material witnesses in cases against smugglers of undocumented aliens.

"Once the children are no longer needed as 'material witnesses,' the INS (Immigration and Naturalization Service) authorities simply toss them into Mexico without making any effort to insure that the children are reunited with their parents," he said in the telegram.

"Furthermore, it has also been reported to us th. children who are turned over to Mexican authorities are kept for one week and then are turned loose in the streets to fend for themselves," Baca said.

United States Attorney Michael Walsh could not be reached for comment yesterday.

Assistant U.S. Attorney Herb Hoffman said children in some cases are held with their parents, but added that he knew of no cases where children were imprisoned by themselves.

Tossed Into Mexico

Regarding the accusations by Herman Baca that children are being imprisoned and then "tossed into Mexico," subsequently denied by federal officials, here is a true story:

The 15-year-old daughter of a friend of mine was picked up on the street by "La Migra," driven 150 miles to San Ysidro, and "tossed into Mexico" at 1 a.m. Fortunately, just by chance, her schoolteacher witnessed the pickup and called the local immigration office to find out what they intended to do with the child. The teacher then called my friend who boarded the next bus for San Ysidro and managed to arrive there minutes before the immigration bus arrived.

What if the teacher had not witnessed this pickup? The child would have been abandoned — alone and penniless — on the streets of Tijuana in the middle of the night. And what about the anguish of the mother not knowing the whereabouts of her daughter?

ELIZABETH HUGHES
Coronado

3-7-80

Mexicana dies after INS harassment

By MICAELA GALLEGOS

Maria Contreras, 8-months pregnant, died of a heart attack last month because the Immigration and Naturalization Service (INS) officials on the south Texas border refused to call an ambulance before it was too late. Her baby also died.

The Mexican community in Texas has turned out protesters in the hundreds in the weeks since the May 16 killing in an unrelenting series of demonstrations.

Rosa Cuellar, an organizer for the Texas Farm Workers (TFW) union in Pharr told the Guardian recently that the marches and demonstrations are "not only to demand justice for Senora Contreras, but to protest all that the workers have suffered at the hands of the immigration department, and the attacks that continue against our people."

According to TFW organizers, the details of the incident are as follows.

On May 16, Maria Contreras, mother of 11 with a heart condition, suffered a heart seizure in an INS interrogation room after she was harassed by border officials.

Contreras was returning from Nuevo Progreso, Mexico, with her children and a young girl she was bringing over to help with the housework. They stopped at the border station in Progreso, Texas, for a routine check.

When the officials took Contreras into an interrogation room, her daughter Rosalinda, 16, pleaded with them to let her mother go, telling them that she was very ill.

The officials scoffed at her, saying that her mother was just faking to avoid interrogation. They accused Contreras of trying to smuggle the young girl into the country, took her papers away and threatened to deport her.

Even after Contreras became visibly ill, they refused to call an ambulance.

When her sister, Sara Camarela, who lives only a couple of blocks away from the border, was finally contacted, she rushed to the station. She found Contreras sitting in a chair, bent over in a position which prevented her from breathing.

She gave her mouth-to-mouth resuscitation and was able to revive her long enough to hear her say, "Take care of my children...."

After 45 minutes an ambulance arrived to take the woman to a hospital. She was pronounced dead on arrival. The baby also died.

The deaths have sparked a number of protests in and around the Rio Grande Valley in south Texas, one of the country's largest producing areas of citrus fruits and other agricultural products. These actions include:

• On May 20, about 50 TFW members accompanied the victim's husband and sister to Laredo, Texas, where they met with INS head Lionel Castillo, who was speaking at a statewide League of United Latin American Citizens convention.

Some 200 local residents, including about 100 striking workers at a Coca Cola plant, gathered outside the convention hall to protest Castillo's refusal to act upon previous TFW demands that the INS investigate ongoing harassment at the bridge in Progreso.

Daniel Castro, El Cuhamil

Sisters of Maria Contreras.

Daniel Castro, El Cuhamil

Anti-INS demonstrators marching to border checkpoint in Progreso, Tex., May 27.

"We had been trying to meet with Castillo for nearly a year," Antonio Orendain, TFW director, told the Guardian, "but he never even answered our calls."

According to Orendain, Castillo claimed that the INS officials were already under investigation by the FBI. He promised to make public the results.

JOINT U.S.-MEXICO ACTION

• In a show of solidarity, about 300 people marched to the bridge in Progreso May 27, where they were met by an equal number of Mexicanos who had also marched to their side of the bridge in Nuevo Progreso. A rally was held to demonstrate against the recent crime and to emphasize the bond which must be strengthened between workers on both sides.

• On June 1, about 250 people marched to the bridge in Brownsville, another border town about 15 miles from Progreso. The march was organized by Organizaciones de Harlinton and Pueblo's Unidos, a group from Brownsville.

• A march was also scheduled for June 10 at the U.S. border towns of Hidalgo, Texas and Reynosa.

The TFW's Cuellar stated that as part of a large campaign aimed at seeking justice for all Mexican workers the following four demands are being made:

(1) That an investigation into the recent crime and a general investigation of the INS take place. (2) That Ruben Gonzales, the official in charge of the interrogation of Contreras, be fired. (He has been moved to another border station.) (3) That all deportations of undocumented workers be stopped. (4) That all forms of harassment and attacks against Mexican workers cease immediately.

People are also urged to send letters and telegrams to President Carter and Lionel Castillo protesting the crimes of the INS against Mexican workers.

"Our organization receives numerous complaints from workers who have to cross the border to their jobs in Texas," said Cuellar. These workers, who have been driven north because of the staggering unemployment in Mexico, suffer daily abuse and harassment at the hands of border officials, from Texas to California.

For futher information: TFW, PO Box 876 San Juan, Texas 78589, tel. 512-787-5984.

Rape-Slaying of Illegal Alien

Federal Protective Service Employee Linked by Lab Tests to Brutal November Assault at Border

By TED VOLLMER
Times Staff Writer

A 24-year-old federal officer was arrested Thursday and held without bail in the brutal strangulation and rape last Nov. 25 of a teen-age Mexican alien at the border.

Michael Edward Kennedy of Chula Vista was linked to the slaying of Maria Lopez de Felix, 19, through FBI lab comparisons of his palm print, blood type and hair samples, authorities said.

FBI special agent Roger Young told reporters in San Diego that Kennedy was arrested without incident at his home after issuance of a federal complaint by U.S. Magistrate Edward Harris.

Kennedy, appearing in street clothes, entered a not-guilty plea before Harris late Thursday and a preliminary hearing was scheduled for Feb. 8.

Young said the case against Kennedy, an employee of the Federal Protective Service since 1978, was given the "highest investigative priority" by his office.

Kennedy also was questioned last year about the strangulation of another Mexican woman. Authorities said that, while Kennedy was questioned and released in that case, the investigation now will resume.

According to an FBI affidavit supporting the criminal complaint against Kennedy, Lopez de Felix tried to enter the United States at the San Ysidro checkpoint by hiding in her sister-in-law's car.

Authorities said she was trying to cross the border to join her husband, believed to be an undocumented worker who was living in Riverside. After her discovery, she agreed to return to Mexico and was released.

Kennedy told investigators that he met Lopez de Felix at an Immigration and Naturalization Service building and escorted her to the checkpoint where she crossed into Mexico.

Authorities believe the following chain of events then occurred:

Both Kennedy and Lopez de Felix walked along the border fence on opposite sides and the woman either reentered the United States through an unchecked turnstile or a hole in the barrier. A red suitcase believed to have belonged to her was later discovered in some bushes on the U.S. side of the border.

The woman then was apparently allowed through a security gate that had an easily picked lock and then through another gate secured only by masking tape.

Kennedy, authorities believe, used a pocketknife to slit the tape. Adhesive residue matching the masking tape was discovered on a pocketknife seized in a search of Kennedy's home, according to the affidavit.

Lopez de Felix then was taken to a building containing an unused detention room, where she was raped and strangled, according to authorities.

After the slaying, the woman's partially clothed body was dragged outside the room and left in a hallway. It was not discovered until the next day.

The suspect then allegedly returned to the site and tried to cover up the crime by using the woman's shawl to brush away signs of a struggle, the affidavit said.

Evidence found at the scene linking Kennedy to Lopez de Felix's murder included two cigarette butts matching Kennedy's brand, three hairs in the woman's shawl matching Kennedy's, and paint scrapings. The same type of scrapings, which authorities said came from the detention room floor, were found on a uniform worn by Kennedy.

On Dec. 5, authorities said, Kennedy was scheduled to meet with the FBI to provide a blood sample and palm print. The suspect, however, failed to show up. Instead, he left a note saying that he was fleeing across the border because he might otherwise "confess to a crime I didn't commit."

It is unclear whether Kennedy actually fled the country.

Kennedy told U.S. Magistrate Harris that he lives with his parents in Chula Vista and has been working continuously with the service since the investigation began.

His court-appointed attorney, Juanita Brooks, argued that Kennedy should be released to the custody of his parents, indicating that the defendant had strongly suspected he would be arrested for the crime but had not fled.

Assistant U.S. Atty. Thomas Coffin, however, argued for Kennedy's being held without bail, noting that the crime carries a possible sentence of life imprisonment.

Kennedy will face a federal murder charge since the slaying occurred on federal property.

The murder case in which Kennedy was questioned earlier last year involved Ramona Hernandez, whose body was discovered in a shallow grave on the Campo Indian Reservation on March 21, more than a month after she disappeared. Authorities said she had been strangled.

Hernandez had last been seen alive on Feb. 12 when she was returning to the United States after a bus trip to Ensenada.

A problem developed with Hernandez' documents and she was escorted by Kennedy to the INS office. Later investigation revealed that Kennedy had her telephone number in a notebook he carried.

CCR

Committee on Chicano Rights, Inc

RESOLUTIONS PASSED AT THE NATIONAL CHICANO IMMIGRATION CONFERENCE

May 24, 1980

BORDER VIOLENCE WORKSHOP

1. THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the INS/Border Patrol.

2. THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the militarization policy between the U.S./Mexico as a solution to the immigration issue.

3. THAT THIS CONFERENCE GO ON RECORD in calling for the immediate termination of the policy of incarcerating children and their mothers in federal prisons.

4. THAT THIS CONFERENCE GO ON RECORD as appointing a representative group of this conference to present the most degrading violations of human rights(i.e. incarceration of children, rape of women, handcuffed individuals shot and killed, etc.) to international Human Rights Organizations (i.e. the United Nations, International Amnesty, Federation fo the Rights of Man,etc.) with the understanding that the long range solutions be in our people's self-determination.

5. THAT THIS CONFERENCE GO ON RECORD in calling for an end to the racist term of illegal alien.

ADMINISTRATION OF JUSTICE

1. THAT THIS CONFERENCE GO ON RECORD as supporting the creation of a broad-based coalition to end all residential sweeps.

2. THAT THIS CONFERENCE GO ON RECORD in support of the Legal Services Corporation and oppose all legislation that discriminates against immigrants and that the Conference oppose the O'Brien amendment.

3. THAT THIS CONFERENCE GO ON RECORD as opposing any collaboration with the INS/Border Patrol which will result in sweeps being conducted in work places and/or the community.

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

On the Line

Herman Baca

Baca remarks end in shouting match

Chicano activist Herman Baca of National City and Rep. Ed Roybal (D.-Los Angeles) traded caustic barbs this week as Roybal's U.S. Treasury subcommittee continued its look into the recent deaths of two babies at the San Ysidro port of entry.

"We question the planning and structure of the hearing," Baca said during his testimony. Referring to alleged cases of violence at the border, Baca said he has "seen case after case dismissed with a see-no-evil, hear-no-evil, speak-no-evil attitude.

BACA called the hearings a "sideshow, a farce, a whitewash. We were elated that finally, someone in Congress was willing to come," he said.

But he nevertheless protested "the manner in which this hearing was structured."

Because of the location of the hearing — customs offices at the Port of Entry — Baca charged it was "like investigating the wolf in the wolf's den.

"We know the primary cause of the deaths of those two children was INS (Immigration and Naturalization). So what are you investigating?"

The main reason for protest by Baca and others was the limited scope of the hearings. The Committee for Chicano Rights had reportedly sought an open hearing in which to describe alleged border abuses by federal agencies involved.

BUT ROYBAL'S committee, which has jurisdiction over customs, concerned itself only which that agency.

"We have waited seven years," Baca screamed at Roybal. "We believe this hearing should've been open."

(Informed sources reported that Baca knew the hearings would be limited in scope.)

It was also revealed during the hearings that Roybal and other committee members — none of whom were present — had received threatening calls.

"We're sorry that you received threatening calls, Mr. Roybal," Baca said. "But we've been receiving them for 10 years.

AT ONE point, it was revealed that plans to hold the hearings at Smythe Elementary School were shelved because of security concerns.

"What surprises me more than anything," Roybal reported, "is your lack of gratitude. You (Baca) have the nerve to stand there for local consumption and say what you did.

"The truth of the matter is that I'm the only one who helped you. What you want Mr. Baca is a demonstration, a big show, and you're getting it."

"Mr. Congressman, we want a solution," Baca countered.

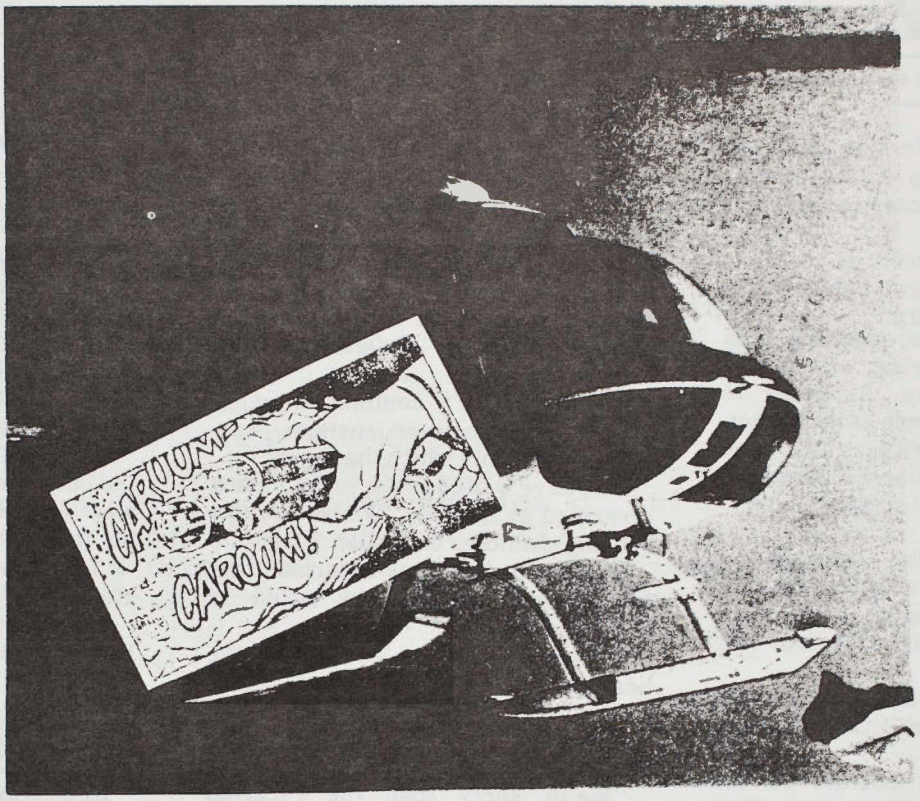
"I'm doing my job on my solution," Roybal said. "No one here in San Diego can vote for me."

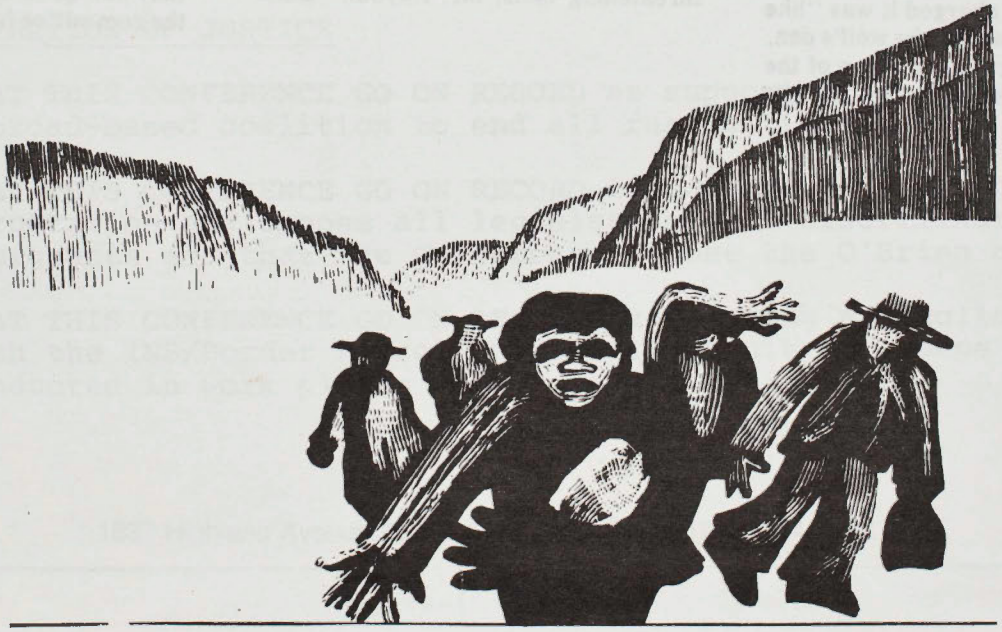
The blow-up eventually ended in a shouting match with Baca supporters walking out.

Later Roybal pledged that "anything that has gone on is not going to deter the committee from getting the facts."

EL MEXICANO Martes 22 de Mayo de 1979

Ilegal Balaceado Desde un Helicóptero de la Border Patrol





IMIGRATION PLAN S1765

4. MALDEF comment on REAGAN PLAN

ALSO, Resolutions & WORK PLANS

2. Natl Immig. Refugee Network

~~3 Resolutions~~

3. ANAL & OPPOSITION TO REAGAN PLAN (Nat'l Immig & Ref Network)

1. SUMMARY ANALYSIS + TEXT OF REAGAN IMIGRATION LEGISLATION, S 1765

SOURCE: NATIONAL CENTER FOR IMMIGRANT'S RIGHTS

3. AMENDMENT TO LEGAL SERV. CORP ACT RESTRICTING ELIGIBILITY OF CERTAIN ALIENS FOR ASSISTANCE

NATIONAL CENTER FOR IMMIGRANTS' RIGHTS
1511 K STREET, N.W., SUITE 931
WASHINGTON, D.C. 20005
(202) 737-1444

THE
IMMIGRATION
LAW
CENTER

MEMORANDUM

TO: The Steering Committee & National Immigration Refugee Network

FROM: Amit Pandya, NCIR

RE: Steering Committee Meeting - December 12, 1981

DATE: November 29, 1981

Please find enclosed a summary, analysis and text of the Reagan immigration legislation, S 1765.

The Steering Committee will meet in El Mirage, Arizona all day on Saturday, December 12, 1981. We ask that you arrive at Phoenix airport on the evening of Friday, December 11. Food and lodging have been arranged.

-DRAFT.

IMPORTANT PROVISIONS IN THE ADMINISTRATION'S "OMNIBUS IMMIGRATION CONTROL ACT" S 1765.-(Full Text Appended.)

I. Legalization

a. Most undocumented persons who entered before January 1980, and have continuously resided here since, may be granted temporary resident status by the Attorney General.

b. Applicants must register within 12 months of the beginning of registration.

c. They must register every three years thereafter.

d. The Attorney General may revoke this status if it shall appear that the alien was in fact not eligible for it or that the alien is deportable under sec. 241 of the Immigration and Nationality Act. This would allow revocation of the status of those who entered the country without inspection, had not registered every year with INS or had become "public charges."

e. The Attorney General may in his discretion adjust the status of a temporary resident to that of permanent resident if the person

1. has completed ten years continuous residency from time of entry; and

2. can pass an English language test.

f. Continuous residence shall be defined by the Attorney General.

g. Spouses and children not themselves eligible may not acquire any status by virtue of relationship to a temporary resident.

h. There is no requirement that the Attorney General do anything to certify the right to work of temporary residents.

i. Temporary Residents may not receive any benefits under AFDC, SSI, food stamps, housing assistance, medical assistance, disability assistance or other federal programs.

II. Cuban/Haitian Entrants

a. Cubans and Haitians who entered during 1980 and were known to INS may be accorded a status similar to that described above, except that they may be granted permanent resident status after five years of continuous residence.

b. Any person denied such status may be detained and transferred at the Attorney General's discretion. No court may review these decisions except in a habeas corpus proceeding to determine whether the alien is detainable under this provision.

III. Employer Sanctions

a. An employer may not knowingly hire an alien who is not a permanent resident or does not have authorization to work from the Attorney General.

b. Employers will be subject to a $500 fine for the first offense and $1,000 for subsequent offenses.

c. Employers engaged in a pattern or practice of illegal employment may be enjoined in court from continuing this practice.

d. Aliens may be imprisoned for six months and be fined $500 for illegal entry.

e. They may be imprisoned for 5 years and fined $5,000 for presenting or making false documents.

f. In order to avoid liability the employer must inspect documents to be specified by the Attorney General and, with the alien, sign a form attesting to this.

g. However, the Government may establish "knowing" employment by any other means.

IV. Cutbacks in Due Process. The Fair and Expeditous Appeal, Asylum and Exclusion Act

a. This cuts to 30 days the period for filing a judicial appeal of any administrative action under the Act, other than a final order of deportation.

b. Asylum applications will be acted upon by asylum officers, whose decisions will be non-reviewable.

The legislation seems to provide for review of asylum matters as part of judicial review of exclusion and deportation orders. However, this is illusory, because the administration also proposes to repeal Section 243(h) of the INA, which is the statutory authority for consideration of asylum questions in that connection.

c. Asylum applications must be made within 14 days of institution of exclusion or deportation proceedings.

d. Asylum interviews will be non-adversary and informal. Counsel may be present at no expense or delay to the Government, and may only advise the client.

e. Asylum application decisions and procedures may not be challenged under the Administrative Procedure Act.

f. Initial exclusion decisions will not be subject to administrative or judicial review.

V. Cutbacks in Due Process. The Immigration Emergency Act

a. The President may declare an Immigration Emergency with respect to any foreign countries or areas from which a substantial number of undocumented aliens are embarked or embarking for the United States.

Once such emergency is declared:

b. The President may stop and reroute U.S. vessels vehicles and aircraft, or those owned by U.S. citizens or corporations, from such countries or areas.

c. Vessels, vehicles and aircraft carrying such aliens may be returned.

d. Persons who arrive from such countries or areas may be dealt with as the Attorney General wishes.

e. No court may review nonadmissibility of such aliens.

f. These persons may be detained in any prison or detention facility and may be transferred at the Attorney General's will. These decisions may not be reviewed by a

court, except on the question of whether an alien falls into the category of aliens subject to detention.

g. The President may order sealed a port, harbor, airport, which may be used as a departure point for the particular foreign country. Permission would be necessary for travel from such points.

h. Vessels vehicles and aircraft engaged in violating these restrictions may be forfeited and fined $10,000.

i. Persons engaging in such conduct may be fined $50,000 and imprisoned five years.

j. Similar provisions on forfeiture of vessels and vehicles and stiff penalties are provided against persons who bring in, harbor or induce aliens to enter. (Under The Unauthorized Entry and Transportation Act.)

VI. Outright Denial of Due Process: The Emergency Interdiction Act

a. The President may conclude agreements with countries to prevent illegal migration to the United States.

b. U.S. vessels and vessels of countries with which such agreements are concluded may be stopped and boarded on the high seas by the Government.

c. Documents of those on board may be examined.

d. Aliens fleeing persecution apparently may not be returned, but no provision is made for determining eligibility for asylum.

e. When U.S. officers determine that an offense against U.S. immigration laws or sending country emmigration laws is being committed, they may return the vessel and passengers to their origin "or to some other location."

VII. The Immigrant Visas for Canada and Mexico Act

This will increase each country's quota to 40,000, unused portions to go to the other country.

VIII. The Temporary Mexican Workers Act

a. A two year experimental program to admit 50,000 temporary Mexican workers.

b. States may or may not participate.

c. States will be allocated a propirtion of these workers by a formula.

d. Employers will apply to the State to employ such workers.

e. Workers may be admitted for one year.

f. If another employer wishes to hire a worker, he must apply to the State.

g. A worker changing employment will register with the District Office of INS in his new job location.

h. Workers who break any of the conditions of their entry will become ineligible for the program.

i. Spouses and children may not accompany these workers.

j. These workers will not be eligible for unemployment compensation.

k. They will not be eligible for AFDC, SSI, food stamps, housing, medical or disability assistance.

l. They may not adjust their status.

The Reagan Administration' Proposals on Immigration and Refugee Policy

Three predictable principles underlie the entire Reagan Immigration Policy: the enforcement/repression approach, a concern to maintain a docile, exploitable and easily available labor supply, and a reactionary foreign policy which has no concern for human rights.

The Enforcement/Repression Approach

It is to be noted that the Administration's rhetoric about immigration policy is premised upon the notion of control. "No great nation," said the Attorney General in testimony before Congressional committees on July 30, "can long countenance ineffective and unenforced laws. The proposed legislation is entitled the Omnibus Immigration Control Act.

The administration proposes a significant increase in the scale and scope of conventional police and paramilitary enforcement activities. Of particular note are its proposals to provide the President with powers, in the event of an "Immigration Emergency," to close ports and airports and forbid travel to and from designated areas, to detain aliens and to deny them the benefit of regular exclusion procedures. The practice of attempting to stop Haitian boats on the high seas and returning their occupants to Haiti is already underway under the authority of a Presidential

Proclamation of September 29, 1981. Such a seaborne effort is to be accompanied by new asylum procedures. An attorney may be present at an asylum hearing "at no delay to the government," but is limited to advising his client in a nonadversarial proceeding. In conjunction with the proposal to provide $35 million for detention, these proposals clearly reflect a political determination to emphasize physical intimidation, detention and control of refugees, rather than adequate procedures for considering their right to asylum in this country. The curtailing of due process which is to accompany the enforcement measures is reflected in the proposed requirement that an asylum application must be filed within 14 days of institution of exclusion or deportation proceedings. To expect aliens unfamiliar with U.S. laws and institutions and distracted with a multiplicity of social and economic struggles to act so quickly is clearly unrealistic, and this requirement must be seen as a thinly-veiled effort to exclude the majority of refugees from even the minimal protections which are to be left to them.

Of similar character is the requirement that all administrative actions except final orders of deportation be appealed within thirty days. Again, the plain intention is to close the courthouse door and leave immigrants to the plenary power of the enforcement effort.

The Reagan proposals also call for an increase of $40 million over the Fiscal Year 1982 figure for "more effective inferior and border enforcement," to be targeted in priority locations such as Chula Vista, El Paso, Miami, New York, Los Angeles and Chicago. They also call for $35 million to detain illegal entrants,*/ This is clearly likely to exacerbate the already serious pattern of violations by INS of the civil rights of all persons of non-Anglo appearance, particularly Hispanics. Furthermore, this approach will threaten not only abuse and disruption of personal and community life, but will also enhance the power of employers, in collusion with local INS officials, to repress attempts at labor organization in workforces which combine documented and undc umented workers.

Thus, it becomes readily apparent that the enforcement/repression approach is integrally linked to the second major principle of the Reagan proposals, the maintenance of a docile and exploitable labor force. This interface is brought out most clearly in the proposal of employer sanctions. Employer sanctions have traditionally been justified on the grounds that they are an enforcement tool against employers, and thus remove the employer's power to intimidate his out-of status workers. However, it is clear in any case but particularly under the administration's proposals, that it will in fact be extremely difficult to enforce the law

*/ Testimony of the Attorney General Before The Senate and House Immigration Subcommittees, July 30, 1981.

against employers; if indeed there is any will to do so. At the same time, however, by bringing the question of immigration status into the employment relationship, such a law will delegate to employers wide and inscrutible powers over the hiring decision. The law will certainly place greater burdens upon undocumented workers in their search for jobs, and it will also place burdens upon the employment opportunities of minority workers who might be mistaken for foreign workers.

The significance of employer sanctions as an enforcement/repression measure is underscored by the fact that whereas employers will be subject to a $500 fine, workers who present false documents will be punished with a $5000 fine and five years imprisonment.

Further instances of the enforcement/repression approach and its relationship to the maintenance of an easily deportable workforce without full rights, are to be found in the proposals for so called "legalization" and for an "experimental" Mexican temporary worker program. Under either of these proposals, undocumented persons allowed remain and work*/ in the United States will be denied access to a variety of social benefits, and will not be allowed to be reunited with their familes.

Mexican temporary workers will be admitted for one year. Temporary residents will be required to reapply for renewal

*/ Their right to work is also highly questionable, since this is accorded to the Attorney General's discretion.

every three years and may have their status revoked at any time until acquisition of permanent residence on grounds which include entry without documents. Ten years of residence in the United States and an English language test are required before adjustment to permanent resident status. Granting of such status is at the Attorney General's discretion under such regulations as he may prescribe.

Cuban/Haitian Temporary Residents, i.e. most of those who entered during 1980, are to be subject to the same conditions as other Temporary Residents except that they will be eligible for permanent resident status after five years rather than ten. However, the Cuban/Haitian Temporary Resident Status Act also provides the administration with the power to detain those who apply but do not qualify for this status.

The administration's testimony and answers to questions during Senate Immigration Subcommittee hearings on legalization proposals suggest that the proposed denial of access to social benefits is intended as a puritive measure, to penalize undocumented workers for having entered illegally.

The administration proposes then to punish the alien, with police presence, strictures on due process and denial of social benefits. Since these proposals on enforcement and repression are the bulk of the Administration's "Immigration Reform," the conclusion is clear that the administration

proposes to discourage Western Hemisphere immigration almost exclusively by terrorizing and intimidating those who engage in it.

The administration's proposals on enforcement options are flawed both morally and practically. We reiterate at the outset our fundamental rejection of an approach which treats poor and persecuted immigrants as a nuisance or a danger and which subjects them to denials of due process and to quasi-military activities more suitable for enemy invasions in times of war. Persons who enter the country without papers are above all human beings, and should be accorded the dignity and due process which residents of this country are entitled to. Our commitment as a society to certain constitutional safeguards is premised upon an attachment in principle to the notion that our government shall not behave in an arbitrary or authoritarian manner. We do not believe that accidents of jurisdiction can empower our government to behave in ways which would be unacceptable with respect to U.S. residents. We are fundamentally opposed to the inculcation in certain agencies of the government of arbitrary and authoritarian habits. These can only corrupt the operation of these agencies; even with respect to U.S. residents.

Furthermore, the enforcement approach simply will not work. Charles Gordon, former General Counsel to the Immigration and

Naturalization Service, and pre-eminent immigration law scholar, opines that "Nothing short of totalitarian terror will be effective against the enormous pressure of human beings in nearby countries seeking to better their lives."*/

Since the administration has no interest in the progressive economic, military and political foreign policies necessary to actually remove this enormous pressure, it is hardly surprising that it futilely intends to repel aliens at our borders and coasts. We believe that immigrants come to this country for many reasons too compelling to be deterred by a draconian enforcement effort. Persons come to reunite their families, or because anything here has to be better than in their countries of origin, whether that be the standard of living or the relative freedom from daily political persecution. Such reasons will always lead people to brave the greatest dangers, as present patterns of migration across deserts or in leaky boats already demonstrate.

All that is then accomplished in severe enforcement is the infliction of hardship upon those who are already harder off. The administration's proposals will subject immigrants to terror and intimidation. They will also simply increase the financial costs which immigrants already incur in avoiding apprehension by the enforcement effort.

We firmly oppose the proposals which will deprive refugees of meaningful consideration of asylum applications and shorten time-periods for filing appeals.

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*/ Remarks at the Immigration Seminar of the American Immigration Lawyers Association, Seattle, October 1,

We as firmly oppose the attempts to eliminate appeals of exclusion decisions and to remove federal court jurisdiction over the asylum process and over decisions relating to detention of refugees. Full federal court jurisdiction over all immigration matters is essential in view of a long-standing history of abuses in the administration of the immigration laws.

The Concern with the Labor Supply

It is to be noted that much of the rationale for enforcement activities rests upon the notion that immigrants harm "us" in some way, perhaps in their impact upon the labor market. However, note also that many of the administration's proposals assure precisely a relatively deportable workforce, bereft of rights, and do this precisely by means of the enforcement measures designed to protect "us."

Bowing to powerful pressure from western employers and legislators, the administration has proposed to 1) import 50,000 Mexicans per year for periods of one year, without family and without access to any social benefits; 2) to accord temporary, revocable status, without rights of access to social services or of family reunification, to undocumented persons here before 1980 and Cubans and Haitians known to INS during 1980. There is no requirement that the Attorney General provide work authorization to such temporary residents; it is left to his discretion.*/

*/ Note that the employer sanctions law makes it unlawful to hire an alien unless s/he is a permanent resident or "authorized to be employed by the Attorney General." Nowhere is there a recognition of a legal right to work as a result of registry under these "legalization" programs.

What the administration proposes to create is a huge workforce without rights, which can be called upon in times of "labor shortage" (such as strikes?), and will be intimidable against efforts to organize or complain about working conditions.

Those undocumented workers who are ineligible for such status or choose not to subject themselves to such rigorous conditions will be dealt with by means of an "employer sanctions" law in conjunction with traditional workplace raids. Since there can be no realistic expectation that an employer sanctions law will effectively deter employment of undocumented workers,*/ such enforcement measures can only have the effect of intimidating the totally undocumented against the same efforts to organize or complain about working conditions.

A Pro-Labor Alternative

It is evident from the administration's proposals that pitting the interests of foreign workers against those of local workers can only harm the interests of both. While pointing to the harmful effects of the "underclass" status of the undocumented workers as justification for enforcement against them, the administration proposes to create precisely such an underclass.

We believe that insofar as the relative exploitability of undocumented workers has an adverse effect upon society, the

*/ It is particularly to be noted that employers of 4 or fewer workers are to be exempt from the employer sanctions law. Thus, even if the law were enforceable or enforced, individual migrants would continue migrating with some expectation of legal employment opportunities.

remedy can lie only in full protection of the labor rights, wages and working standards of all workers regardless of status.

The administration has proposed allocating $6 million dollars to enhanced Department of Labor efforts in this area. Since this merely restores half of a program of extremely limited scope which the administration had already cut completely, and upon comparison with the hundreds of millions of dollars required to maintain police activity against undocumented workers, it is clearly revealed as a cosmetic sop to labor opinion.

We propose that the questions of exploitation and adverse labor market impact be accorded first priority in immigration policy, and that they be addressed by protection and promotion of the rights of foreign labor.

A Reactionary Foreign Policy

Little need be said on this subject. The expedited asylum procedures, the military activities in the Carribbean and the proposal of emergency powers are very clearly designed to allow the administration to repel Haitians, Salvadoreans and others fleeing U.S.--supported authoritarian regimes.

The administration's proposals also reflect its reactionary foreign policy in their total failure to address migration as an organic international phenomenon, in part resulting from U.S. foreign, military and economic policies. In order for the administration to commit itself to changing the economic and political factors which encourage migration, it would need to commit itself to redressing disparities of wealth and power within the source countries and between them and the United States. This it is patently unwilling to do.

Emergency Powers and Interdiction

The interdiction program, and the emergency legislation which is merely interdiction on a totalitarian scale, are in violation of the United States Constitution and our obligations under international law and United States treaties. The United States has a historic tradition as a haven for those fleeing political persecution. The interdiction program, by terrorizing Haitians against coming to the United States, retrenches on that tradition. The implication must also be clear that this is because Haitians represent the first significant influx of black-skinned refugees into the United States.

The United States is a party to the United Nations Protocol relating to the Status of Refugees. The treaty of ratification incorporates into U.S. Law the provisions of that Protocol. Under it

> no contracting state shall expel or return a refugee in any manner to the frontiers of territories where his life or freedom would be threatened...
>
> (Article 33)

Individuals are protected by the Protocol and Convention if they possess a "well-founded fear of persecution" in their home country and demonstrate this fear to the appropriate officials of the receiving country.

The interdiction program provides no good faith effort by the administration to make these determinations. Rather, the circumstances suggest that the administration wishes to

avoid these obligations. Cursory inspections of tired, hungry and terrorized Haitians aboard Coast Guard vessels, without benefit of counsel, can not possibly provide a meaningful asylum consideration. A longstanding history of INS disregard for the legitimate asylum claims of Haitians, as documented in Haitian Refugee Center v. Civiletti, 503 F.Supp. 442 (S.D. Fla. 1980), suggests further scepticism about the validity of asylum decisions made under such conditions.

Provisions made for dealing with arrivals from countries designated in an immigration emergency, i.e. detention and no specified review of asylum claims, are to be faulted on the same grounds. The attempt to remove court review of the detention of such aliens except on the issue of whether they fall into the class subject to detention, removes all restraints which might hold the administration to its duty to evaluate likelihood of political persecution if these aliens are returned.

The administration's agreement with Haiti to allow interception of Haitian fleeing vessels represents an effort to return persons who are by definition political refugees. The administration has agreed to enforce Haitian emmigration laws. These require an exit visa. This exit visa is in practice impossible for refugees to obtain because of the discriminatory denials of it to anyone suspected of not supporting the Duvalier dictatorship. Thus, the Reagan administration has

entered into an agreement to turn back precisely those persons most likely to be genuine refugees.

This agreement also violates the international right to travel as embodied in Article 13 of the Universal Declaration of Human Rights, and Article 22 of the Inter-American Convention on Human Rights, which provide:

> "everyone has a right to leave any country including his own and to return to this country."

This right is reiterated in the Helsinki Final Act of 1975 to which the U.S. is a party.

The proposed restrictions on travel to and from the United States or a geographical area designated during an immigration emergency will also violate the Constitutional right to travel of U.S. residents.

Moreover, the practical implications of such powers are quite clear. They will not only prevent persons from leaving or entering the United States in order to ferry refugees here. They will also prevent journalists or other public observers from observing how exactly the United States does fullfil its obligations under international law, at times of mass influx when such scrutiny will be most necessary.

Asylum Decisions in the United States

Persons already in the United States must file an asylum application within 14 days of entry of a notice of show cause. Since refugees are involved in a multiplicity of social and economic struggles from the moment of their arrival here, and since many do not understand U.S. laws and institutions, this provision will effectively deprive those without lawyers (i.e. most of them) of the right to asylum.

Moreover, asylum decisions will be made by "asylum officers" within INS. There will be no appeal of any kind from an adverse asylum determination. It is not at all clear that such asylum officers will possess the training and knowledge to make complex factual determinations. Since attorneys may not participate in the proceedings, there is no guarantee that a meaningful record from a variety of sources is compiled on which a meaningful asylum decision can be based.

Conventional INS Enforcement

The administration intends to step up border patrol activity and raids of communities and workplaces. These disrupt the lives of border Hispanic communities constantly, and any proposals that they be stepped up can only suggest further disruption, abuse and violation of privacy rights and rights against searches and seizures.

Employer Sanctions

The Administration's proposal of employer sanctions inevitably furthers its overall offensive against the working and living standards of all working and poor people. In this respect, it is entirely of a piece with the Administration's other proposals on immigration policy. Both social research and common sense suggest that employer sanctions, i.e. a law which would penalize employers who employ undocumented workers, will not stem unemployment or raise wages and working or living standards. Nor will they effectively penalize employers who violate the law. They will, however, contribute to the enlargement of the underground population of super-exploitable workers in U.S. society; inhibit efforts at labor organization amongst all workers, documented or undocumented; allow employers to refuse employment to persons on the basis of union sympathies, political belief, personal appearance or life-style; encourage widespread employment discrimination against minority workers by cautious, well-meaning and law-abiding employers; provide a cover for racially prejudiced employers to practice, with impunity, their prejudices against foreigners and ethnic minorities; provide an inscrutible cover for discrimination on the basis of sex.

The proposal of employer sanctions is but one further instance of the now familiar attempt by those who wield wealth and power to divide poor and working people on the basis of national status. Earlier in this century all foreign workers were made scapegoats for the inability of economic and social

policies to provide jobs and a tolerable living standard to American workers. Today we are presented with the undocumented worker in the role of scapegoat for the decline in the living standards of American and legally resident alien workers. Undocumented workers, according to the Department of Justice's Problem Statement,*/ can strain community services and create potential problems for some American job seekers. Furthermore, so the argument runs, since they are afraid to seek the protection of U.S. laws, many will work in "sweatshop" conditions for less than legal minimum wages. Consequently, we are told, it must be made illegal for undocumented workers to obtain jobs, so that their supposed negative effect on the job market and on workplace conditions will be eliminated, and so that, in future, would-be illegal entrants will be discouraged from coming to this country.

This analysis deals with Employer Sanctions at some length in view of its critical importance to the entire "new order" which the Administration proposes for immigration policy. By regulating the employment relationship in terms of immigration status, such a law will inevitably disrupt the lives of all people, particularly minorities and foreigners, since work is the key to the enjoyment of any social goods at all. Furthermore, the government will thus be able to establish a totalitarian enforcement effort by extending its operation to an area that encompasses most adults.

*/ July 30, 1981.

DO WE NEED EMPLOYER SANCTIONS?

*Do Undocumented Workers Burden Social Services?

Studies conducted by Los Angeles and San Diego Counties, the U.S. Department of Labor and by the Mexican Government's National Survey on Migration to the Northern Border and the United States (CENIET) all demonstrate that undocumented aliens contribute more to social service in the form of taxes than they take out in the form of services.

*Will Employer Sanctions Reduce Unemployment?

Unemployment in America today is not caused simply by a shortage in the total number of jobs. While many workers are out of work, many jobs go begging either because there is a shortage of workers willing to do menial or casual jobs or because other jobs require new skills not possessed by unemployed workers who have been thrown out of work by automation. Such "structural employment" is made worse by the role racial discrimination plays in hiring decisions. Vice-president Mondale's task force on youth unemployment found that the unemployment rate for black high school graduates under 24 is higher than the unemployment rate for white high school dropouts in the same age bracket.

It seems self-evident therefore, that denying jobs to undocumented workers can have only a limited short-term effect, if any, on job-availability. Such a limited positive effect is not worth the substantial immediate dangers that employer sanctions pose to worker autonomy, labor organization and equal employment opportunity for minorities. These dangers are also likely, in the long term, to contribute to greater unemployment

as the power of labor organizations is diminished, thus hampering their ability to struggle for negotiated automation and retraining programs. They will also contribute to the phenomenon of structural unemployment caused by racial discrimination since both intentional and self-protective discrimination will certainly increase under an employer sanctions program.

It is obviously preferable to attack the basic causes of unemployment by providing for retraining and equal employment opportunity, than to pursue the illusory promises for employer sanctions.

*Will Employer Sanctions Eliminate "Sweatshop" Conditions?

It is argued that the presence of an easily intimidated workforce encourages employers to engage in exploitative behavior, and thus depresses wages and working conditions in certain sectors of the economy. It is argued that denying employment to those easily exploited workers will eliminate this particular social ill.

This argument is false because:

1) it ascribes to the employment of undocumented workers ill-effects which in fact result from their exploitability;

and 2) it assumes that making their remployment illegal will in fact eliminate their employment by unscrupulous employers.

In fact, since sweatshop proprietors already daily break laws relating to wages and working conditions, the addition of an extra penalty (for hiring) will have little effect on their

decision to continue exploiting their employees. Indeed, one may expect this exploitation to increase, as employers compensate themselves for the risk of being fined by passing on the cost of liability to their workers.

It is clearly more rational to attack the exploitability which occasions these social ills than to engage in manifestly futile attempts to impose additional penalties upon inveterate lawbreakers. This suggests that the answer to the sweatshop program is a serious and all-out effort to 1) organize all workers, regardless of status, so that they may themselves struggle for decent wages and working conditions and 2) vigorously enforce all labor-protective laws relating to wages and working conditions. Such an approach will protect the economic and social interests of all workers, regardless of status. In contrast, the proposal of employer sanctions threatens labor organization efforts.

The administration's proposal to increase by $6 million the resources allocated to the Department of Labor's Wage and Hour Division is not only totally inadequate but, when placed alongside its proposal to increase INS enforcement resources by $75 million, is revealed as the hypocritical and cosmetic proposal that it is. It is precisely the threat of deportation which prevents undocumented workers from organizing or complaining about inadequate wages and working conditions. The Administration proposes to increase this threat by $75 million; while increasing labor-protective enforcement efforts by a mere $6 million over

a proposed budget under which it had already totally eliminated the Wage and Hour enforcement program designed to reach exploiters of undocumented workers.

*Will Employer Sanctions Stem Illegal Immigration?

People enter this country for many reasons. It is not at all clear that making it more difficult for them to find jobs will deter their entry. People who take the many risks now entailed by illegal entry do so because they are fleeing extreme poverty and a total lack of opportunity in societies economically less developed than ours. For someone fleeing destitution, even the possibility of only occasional or illegal jobs in this country will seem appealing.

It is to be noted that the Administration proposes not to penalize employers of four or fewer workers, thus leaving some legal opportunities for employment of undocumented workers.

Furthermore, many persons who enter without papers do so because they wish to be united with family members who live here. These too are likely to come despite additional difficulties in obtaining a job. Research on migration from udner-developed to developed nations suggests that many factors other than job-availability, such as superior living standards, will attract people to migrate.

It is far preferable to attack the basic lack of opportunity in their home countries which literally forces people to migrate

here. This can be done by changing government and private foreign, foreign aid and investment policies and practices so that we as a society invest in projects which improve the living standards of people rather than those which merely produce super-profits for the rich.

It is important to realize that such a commitment is in the practical interests of all American workers. The elevation of living standards in the source countries of migration will simultaneously make them progressively less attractive as labor pools for runaway capital in search of more exploitable work-forces.

It is necessary to recognize that family ties will inevitably cause persons to migrate, legally or illegally. We must provide for rapid and orderly regularization of status for immediate relatives of U.S. citizens and lawful residents.

ILL-EFFECTS OF EMPLOYER SANCTIONS.

*They Will Increase the Underclass in Our Society.

Since it is highly unlikely that people will stop entering this country, regardless of job opportunities, the denial of official jobs to these persons will drive them into an underground labor market formed by undocumented workers and unscrupulous, exploitative and law-breaking employers.

The existence of this underclass will provide a source of cheap labor, easily intimidated, which will drive down wages and working conditions in entry-level jobs. This will in fact reduce employment opportunities for poor people, black people

and other minorities. This effectively refutes any contention that sanctions promise to benefit these groups.

*Employer Sanctions Will Intensify Exploitation and Inhibit Organization of all Workers, Regardless of Status.

The "employer sanctions" proposed by the administration are in fact employee sanctions. The employer is off the hook once he goes through the merely formal procedure of checking I.D. and signing a form. This leaves him free to hire undocumented workers and still call in INS or the responsible agency to deport his employees when they organize or complain about wages and working conditions. Indeed employer sanctions will provide one more pretext or warrant for the factory raid by INS or other agents looking for undocumented workers: a new departure, since they will define undocumented workers as persons specifically without rights as workers. The exploitability of the undocumented worker is thus assured and increased.

This is supremely ironic. The original rational for the support offered sanctions by influential opinion in organized labor was that they would remove an employer's power to use immigration law to police his workforce by making him equally liable for its violation.

It is for this reason that the hypocrisy of the Administration's proposal of employer sanctions must be clearly recognized. Its proposal is quite ineffective to penalize employers. On the contrary, it increases an employer's power to intimidate employees who might complain or organize. This

makes a mockery of the Attorney General's pious statement, in testimony presenting the proposals to Congress, that "No great nation ... can long countenance ineffective and unenforced laws," and reflects the Administration's inclination to aid business exploitation, and attack the living and working standards of all workers and all poor people.

Undocumented workers are human beings and enjoy the human rights enjoyed by all persons. There is no excuse for permitting and aiding their exploitation. They are already among the most exploited members of our society.

Not only justice for undocumented workers, but the practical self-interest of all workers suggests employer sanctions must be opposed.

Several important black and labor organizations have supported employer sanctions on the same grounds that they have opposed Temporary Worker programs. These grounds are that the presence of workers with limited rights harms U.S. Labor markets, depressing wages and working conditions. The Administration's sanctions proposals in fact reflect its apparent positive intention to create and enlarge such a labor pool. Thus, the employer's power over employees is increased while the employer himself is free from liability. In the same package, the administration propose to create a huge labor pool of workers without rights in the guise of an amnesty and a temporary worker program.

In sum, no one but unscrupulous, exploitative and law-breaking employers will benefit from employer sanctions. All workers will lose.

*Employer Sanctions Will Inhibit Labor Organization Efforts.

It is argued above that the Administration's employer sanctions proposal is an additional tool of intimidation in the employer's hands. It is easy to imagine how this tool would be used against organization drives. A union may win a certification election and then find its new membership disappear into custody as a result of employer complaints to the responsible agency.

Union activists and sympathisers may be fired by the employer on the spurious grounds that they are undocumented, regardless of their actual status. The employer sanctions law will provide the employer with a defense or cover to a charge of unfair labor practices.

It is also highly likely that essential labor union functions will be burdened with corollary duties arising from employer sanctions legislation. Such legislation may explicitly or implicitly impose upon labor unions and their officers a legal duty to screen the immigration status both of applicants for membership in the union and of members whom the union refers for employment. Even if the legislation does not explicitly require such screening, the danger of being held liable as an accessory to a

hiring violation will inevitably make it highly advisable. Thus, "employer sanctions" will effectively result in "union sanctions" and impose upon unions uncertainties and costs of compliance similar to those imposed upon employers. Conscientious attempts to comply will place labor unions in the untenable position of being forced to discriminate against their own members or potential members, including in many instances documented minority workers. This will add great practical difficulties to the pursuit of practical goals such as organization of the unorganized and solidarity in the pursuit of improved wages and working conditions.

We reiterate our belief that it is in the interests of labor organizations to organize undocumented workers, both so as to strengthen the union and so as to eliminate any labor competition between documented and undoc mented workers. An employer sanctions system which would severely interfere with such organization efforts can not be in the interests of any workers.

*Employer Sanctions Will Create Inscrutible Employer Discretion to Discriminate Against, Minorities, Women and Union Sympathisers.

The existence of employer sanctions legislation will provide an employer with a perfect excuse for hiring decisions which in fact are based on racial, sexual or anti-union prejudices. Though briefly stated, this effect will be widespread and unavoidable. This corresponds with a move by the Administration to "re-examine" the EEOC guidelines which provide for scrutiny of the hiring criteria which an employer uses, a happy coincidence for prejudiced employers.

*Employer Sanctions Will Encourage Well-Meaning and Law-Abiding Employers to Discriminate Against Minority Workers.

A Georgetown University study concludes that no sanctions law can effectively impose liability on an employer without being so severe as to encourage widespread discrimination by cautious employers against ethnically distinct persons.

If an employer is particularly cautious or sanctions are effectively enforced to a limited extent and s/he fears some likelihood of liability, employer sanctions will encourage employers to protect themselves against accidental liability by refusing to employ any workers who "might be undocumented" - i.e. persons of foreign appearance, speech, name, or other ethnic characteristic. This will clearly result in widespread hardship for members of certain ethnic minorities. This is intolerable.

The Vague Standard of Liability Proposed by the Administration Will Encourage Employers to Discriminate Against Minority Workers.

The Administration has sought to maintain some power over employers by proposing that the recordkeeping system for employment transactions "shall not prevent the Government from establishing knowing employment by any other means." This clearly leaves employers completely uncertain about what will constitute "knowing employment" under the law. This must inevitably encourage employers to protect themselves against liability by discriminating against Hispanics, Asians, Blacks and members of other minorities who may appear "doubtful" even if they present documents.

Such discrimination is simply not tolerable, particularly since anti-discrimination laws will not be enforced by this administration.

It is for this reason that the fundamental and fatal defects of any employer sanctions system must be recognized. The more effectively a sanctions system is enforceable against an employer, the less leeway it must leave for honest mistakes. If employers were actually penalized under another employer sanctions system, this would foster broadly self-protective discrimination by employers afraid of liability for honest mistakes.

*No I.D. System Can Cure These Fundamental Defects.

In view of the many severe dangers of abuse of privacy and civil rights in establishing a national system of work identification, it is surprising that such a system is even under consideration. The administration claims to have avoided dangers to privacy and civil rights by having declined to suggest creation of a new card for work purposes.

Opponents of the administration's loose system of identification propose an I.D. card to be carried by all workers, which they argue will relieve employers of difficult judgments about a worker, and will reassure them about the status of a job applicant, thus preventing the discrimination born of caution described above. However, it is obvious that no such thing as a truly "secure" I.D. system is possible. This is because the documents which will entitle a person to such ID. remain as susceptible as ever to forgery. Thus an employer will never be sure that the I.D. presented to him is indeed reliable. A "secure" I.D. will soon be perfected by inventive forgers, and a "black market" in such I.D. may be expected to develop.

Supporters of a "secure" I.D. card also argue that the simplicity of the I.D. transaction, along with a requirement to record it in some way, will facilitate the discovery and proof of deliberate employment discrimination. However, employers wishing to avoid the burdens of such recordkeeping will clearly be able to do so if they make sure that they do not hire undocumented workers (i.e. if they exclude all persons who might be foreign). Furthermore, since employment discrimination is by definition an instance where a job applicant is rejected, in order for there to be meaningful scrutiny of job decisions, employers would have to be required to keep records for all applicants. This has simply not been suggested by any of the proponents of sanctions or an I.D. card.

In any case, there is a very real danger that minority workers will be more closely scrutinized and have greater difficulty obtaining the I.D. This is a particular danger of the I.D. mechanisms suggested by the Administration. The use of drivers licenses, social security cards etc. for work identification purposes will create extra scrutiny of and discrimination against all minority applicants for these lesser documents. Moreover, employment fraud will pollute the social security system, already frail in other respects.

However, secure an I.D., there is of course no immediate protection that it can provide against prejudiced employers who may claim that a proferred I.D. is suspicious, and may therefore reject it.

* * *

The Administration proposes to enact an employment law in the guise of an immigration law. This law will do nothing to effect immigration policy, but will have severe negative effects on all workers and poor people, especially minorities, women and union sympathizers. In view of the massive financial and social cost of such a law and its obvious ineffectiveness, it is clear that the proposal fails even to meet the cost-benefit standards so frequently promoted by the Administration and embodied in President's Reagan's Executive Order 12291 and Senator Laxalt's Regulatory Reform Act. Employer sanctions are widely feared among business people whose support is important to the Administration.

One must conclude either that the social, individual and political costs of such legislation are <u>intended</u> by the Administration, or that the Administration is proposing it as an "image of enforcement" (rather than the substance, presumably) as stated in one of its recent internal memoranda, in order to give public opinion the illusion that something is being done.

In either case, public opinion must respond by showing that:

1) it will not accept the negative effects that employer sanctions will inevitably impose

2) the Administration does <u>not</u> have public support for a proposal which <u>in fact</u> benefits only the employers, particularly those who exploit undocumented workers.

THE LEGALIZATION PROGRAM

In its immigration and refugee proposal, the Reagan Administration also seeks temporary resident status for certain illegal aliens. Attorney General William French Smith, in a letter addressed to Vice-President Bush, briefly explained the

proposal.*/ He stated:

> The "Temporary Resident Status for Illegal Aliens" bill would permit illegal aliens, who were present in the United States prior to January 1, 1980, and who are not otherwise excludable to apply for the new status of "temporary resident." This status would be renewable every three years, and after a total of ten years of continous residence, those residents would be eligible to apply for permanent resident status if there were not other reasons to exclude them and they could demonstrate English language ability.

Instead of offering a full and expeditous legalization program for persons living in the United States without lawful immigrant status, the President's plan would only result in further oppression of undocumented workers.

The National Immigration and Refugee Network set forth the problems that the proposed legalization program would raise. It noted that:

> The Reagan Administration's plan would create a ten-year waiting period during which time immigrant workers would only be guaranteed temporary status, would not be eligible for family reunification and would be required to pay taxes without gaining eligibility for many basic social services. In addition, the Reagan plan calls for the importation of at least 50,000 temporary workers, most of whom would be Mexican nationals. Rather than being the legalization program for which immigrant communities have waited for many years, the

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*/ See 127 Cong. Rec. S12084 (1981).

Reagan plan would simply legitimize and perpetuate the exploitation of immigrant and refugee workers: (1) Implementation of the Administration's "legalization" plan would force the long term division of nuclear families; (2) The ability of workers involved in the "legalization" program to improve their wages and working conditions would be severly curtailed by the threat of losing jobs (putting into jeopardy the workers' ability to renew his/her immigration status), the inability to lawfully immigrate family members whose incomes could be united to support the family, and their lack of access to unemployment compensation and other social services; (3) Under the "legalization" program, workers would be required to renew temporary status visas every three years. The need for this institutional review will increase rather than decrease the fear of deportation and will therefore perpetuate the economic and social vulnerability caused by the threat of deporation; (4) While workers involved in the "legalization" program would be required to pay taxes, they would not be eligible for most public services resulting in a windfall to U.S. citizens; (5) No guarantee is provided that after ten (10) years the "legalization" program applicant will be granted permanent residency. Exclusion laws which would be applied at the end of the ten years residency period will result in hundreds of thousands of persons being denied permanent resident status; (6) The imposition of an English-speaking ability requirement for permanent residency at the end of the ten year period places an additional burden on program applicants not required of any other applicants for immigrant status. This requirement will strongly discriminate against program applicants from Asia, Central and South America.

Opposition to the President's legalization program has been voiced by other organizations whose work involves immigration matters. For example, on October 15, 1981, Antonia Hernandez, Associate Counsel, Mexican American Legal Defense and

Educational Fund, stated before the House Subcommittee on Immigration, Refugees, and International Law that:

> MALDEF considers the Reagan legalization considers the Reagan legalization proposal unnecessarily complicated, restrictive, and inhumane. Because of the many uncertainties involved, we feel it will intimidate the potential beneficiaries, and thus defeat its purpose. Broadly speaking, our opposition is based on the terms of the renewable temporary resident status, the extremely long and tenuous nature of the residency requirement for permanent resident status and the failure of the Administration to provide an alternative for those who entered the country after January 30, 1980, or who cannot prove otherwise.

The objections to the legalization plan raised by the foregoing organizations, illustrate the consequences that the implementation of such a program would have on undocumented workers. The legalization plan, rather than providing a humane solution, will only legitimize the further economic, social, and cultural exploitation of undocumented workers.

[illegible] have benefits less than half [illegible] even counting food stamps.

[illegible] work incentive was provided—[illegible] changes—by reducing bene[illegible] for each dollar earned, but [illegible] were cut by another 10 [illegible] the recipient netted only about 20 [illegible] the dollar for her labor. What all [illegible] was that even with the full [illegible] and offsets" in place, less [illegible]—not one-half—of the popu[illegible] received AFDC benefits.

[illegible] of work incentives is not [illegible] be a big money saver even by its [illegible] In fact, welfare costs are more [illegible] as recipients choose the higher [illegible]—the Medicaid—now offered by [illegible] instead of persisting in their gener[illegible] low-paid dead-end jobs. Before that [illegible]—before one more working welfare [illegible] processed off the rolls or driven [illegible] the labor force—Congress should re[illegible] the minimal incentive for work [illegible] AFDC law used to provide.

By Mr. MOYNIHAN:

S. [illegible]. A bill to amend the provisions of the Internal Revenue Code related to cooperative housing corporations; to the Committee on Finance.

S. [illegible]. A bill to amend the provisions of the Internal Revenue Code related to cooperative housing corporations; to the Committee on Finance.

COOPERATIVE HOUSING CORPORATIONS

Mr. MOYNIHAN. Mr. President, the legislation I am introducing today amends section 216 of the Internal Revenue Code. Section 216 authorizes any individual who owns a cooperative apartment to deduct his proportionate share of the mortgage interest and property taxes paid on the cooperative building.

The provision was enacted in 1942. The aim was to treat owners of cooperative apartments the same as owners of condominiums and single-family houses, who already were able to deduct mortgage interest and property taxes. Owners of cooperative apartments could not, because their interest and taxes are legally an obligation of the cooperative housing corporation that owns the building, even though the tenants are responsible for them in practice.

Before an apartment owner can qualify for deductions under section 216, he must satisfy two tests. He must be a tenant-stockholder. That is to say, he must be an individual, rather than a corporation or a partnership. And the cooperative housing corporation that owns the building must earn at least 80 percent of its income from tenant-stockholders.

In 1978, the law was changed so that owners of apartments in a building that has just gone cooperative would not be disqualified while the sponsor—a corporation or a partnership—still holds a large number of apartments waiting to be sold. An investor who plans to convert a building into cooperatives generally starts by forming a corporation or a partnership with other investors to raise capital. He then purchases the building and transfers the deed to a cooperative housing corporation. In exchange, he receives cash paid by people who want to purchase apartments in the building and promissory leases to the remaining apartments. The sponsor continues to sell the remaining apartments as he can. Because the sponsor is not an individual, the coop could fail to earn at least 80 percent of its income from tenant-stockholders during the start-up period.

Section 216(b)(6) of the Tax Code says the "original seller," or sponsor, will be considered a tenant-stockholder, even though the sponsor is a corporation or a partnership. However, the grace period lasts only 3 years. It applies to apartments that he acquires direct from the cooperative housing corporation within 1 year after the deed to the building is originally transferred.

My bill is easy to describe. It would extend the grace period. In future, a sponsor would continue to be a tenant-stockholder for as long as he holds apartments in his capacity as the original seller.

I was the author of the amendment in 1978; 3 years was an arbitrary figure. It serves no policy purpose.

In fact, there are good reasons to have no limit at all. A temporary grace period gives sponsors an incentive to convert buildings into condominiums rather than cooperatives. That is because a sponsor can hold unsold condominiums for as long as he likes. This has no effect on whether owners of the other condominiums can deduct their interest and taxes.

But a cooperative is different. Three years after a building goes cooperative, the sponsor usually has to distribute the unsold units to his investors, or risk jeopardizing the tax deductions of people who bought cooperative apartments. This is a burden because no investor wants to find himself suddenly having to manage individual units.

Hence, the tax laws favor condominium conversion. I submit that the laws should be neutral between condominiums and cooperatives.

Also, a temporary grace period encourages sponsors in New York to evict renters from buildings that have gone cooperative. New York law distinguishes between eviction and noneviction plans. An eviction plan gives the sponsor the right to evict tenants who refuse to buy their apartments. However, an eviction plan cannot be implemented unless the sponsor is able within 18 months to persuade at least 35 percent of the tenants who are protected by local rent control laws to purchase their units.

Under a noneviction plan, the sponsor has no right to evict tenants. He simply has a right to the tenants' apartments when the apartments are vacated. The law requires at least 15 percent of the units to be sold to rent-stabilized tenants before a noneviction plan can be implemented. A sponsor chooses either an eviction or a noneviction plan when he files registration materials with the State attorney general.

A sponsor who uses a noneviction plan can be left holding proprietary leases to apartments for decades. This would not matter much if it were not for Federal tax law. But as I have already said, any apartment that a corporate sponsor still has 2 years after a building went cooperative must be distributed to the investors. This is a burden. Hence, there is an incentive for sponsors to use eviction plans and to throw out elderly tenants. I do not think that is a practice we should encourage.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Paragraph (6) of subsection (b) of section 216 of the Internal Revenue Code (relating to deductions for tenant-stockholders in cooperative housing corporations) is amended by placing a period after the term "tenant-stockholder" in subparagraph (A) and by deleting the phrase "for a period not to exceed three years from the date of the acquisition of such stock.".

(b) This amendment shall apply in tax years beginning after the date of enactment.

S. 1764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code (defining cooperative housing corporation) is amended by deleting "80 percent" and inserting in lieu thereof "50 percent".

(b) Subparagraph (A) of section 216(b)(6) of such Code (relating to the definition of tenant-stockholder) is amended by placing a period after the term "tenant-stockholder" and by deleting the phrase "for a period not to exceed three years from the date of the acquisition of such stock.".

(c) These amendments shall apply in tax years beginning after the date of enactment.

By Mr. THURMOND (by request):

S. 1765. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

OMNIBUS IMMIGRATION CONTROL ACT

Mr. THURMOND. Mr. President, today, at the request of the administration, I am introducing legislation entitled the Omnibus Immigration Control Act.

The Reagan administration should be commended for its initiative in sending forward such comprehensive legislation in an area that certainly needs congressional action. Mr. President, almost every day our citizens read in a newspaper or see on television a story about immigration and refugee problems either worldwide or here in America. In fiscal year 1981, during the previous administration approximately 217,000 refugees were authorized to enter the United States. It is estimated that more than 160,000 of that number have already reached our shores.

In addition to refugee admissions, the United States admitted 650,000 immigrants lawfully under provisions of the Immigration and Nationality Act during fiscal year 1981. The estimate of the number of illegal aliens presently in this country ranges from 3 to 6 million. As the Attorney General of the United States has stated "we have lost control of our borders."

The social and economic impact of the presence of these high numbers of both legal and illegal immigrants and thousands of refugees is growing each day.

Areas of south Florida, for example, are being required to absorb and care for thousands of Cubans who came during the Mariel boat lift, as well as thousands of Hatians who have been coming in a steady stream for the past few years. It is now beyond the ability of State and local governments to deal with this situation. Something must be done.

Mr. President, it is indeed with a sense of urgency that we must respond to this growing problem. At the same time, however, we must take into account the impact new legislation will have on the flow of refugees to America, as well as the impact on our society. We should allow foreign nationals into our Nation, but on terms that are consistent both with a global humanitarian interest and the best interests of the American people.

Mr. President, as chairman of the Committee on the Judiciary, I can assure the Senate that the committee is prepared to act on immigration and refugee legislation in this Congress. Under the leadership of Senator SIMPSON, chairman of the Subcommittee on Immigration and Refugee Policy, this legislation will undergo careful scrutiny. Senator SIMPSON has already done yeoman work in this area and I want to commend him for his continued leadership in pressing for a sound legislative response to immigration and refugee problems.

There are proposals in the package submitted by the administration that have my full support. There are others, however, on which I intend to reserve judgment until the committee has had the opportunity to study them closely, as well as consider other alternatives. But I believe the proposal I am introducing today can serve as a vehicle for achieving legislative reforms in this Congress.

Mr. President, I ask unanimous consent that the Executive communication to the Vice President from the Attorney General of the United States and the bill with the accompanying materials on the Omnibus Immigration Control Act be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Immigration Control Act."

TITLE I—TEMPORARY RESIDENT STATUS FOR ILLEGAL ALIENS

SEC. 101. (a) Notwithstanding any other provision of law, the Attorney General in his discretion and under such regulations as he may prescribe, may accord temporary resident status to any alien who:

(1) entered the United States prior to January 1, 1980, and has continuously resided in the United States since that time;

(2) is admissible to the United States except for the grounds of exclusion specified in paragraphs (14), (20), (21), and (23). If excludability thereunder is based solely on a single conviction for possession without intent to distribute narcotics drugs or marihuana, (25), and (32) of section 212(a) of the Immigration and Nationality Act;

(3) has not assisted in the persecution of any person or persons on account of race religion, nationality, membership in a particular social group, or political opinion;

(4) if the alien, entered the United States as a nonimmigrant, has not maintained a lawful nonimmigrant status since January 1, 1980; and

(5) if the alien was at any time a nonimmigrant exchange alien as defined in section 101(a)(15)(J) of the Immigration and Nationality Act, was not subject to the two-year foreign residence requirement of section 212(e) of the Act, or has fulfilled that requirement, or has received a waiver thereof.

(b)(1) To be eligible for benefits under subsection (a) of this section, an alien must register with the Immigration and Naturalization Service within 12 months of the date established by the Attorneey General as the beginning of registration under this section.

(2) An alien under temporary resident status under this section must register with the Immigration and Naturalization Service every three years thereafter, under such regulations as the Attorney General may prescribe, as long as the alien remains under temporary resident status.

(c) If at any time after the alien is granted temporary resident status under this section, it shall appear to the Attorney General that the alien was in fact not eligible for that status, or that the alien is deportable under section 241 of the Immigration and Nationality Act (8 U.S.C. 1251), the Attorney General may rescind such temporary resident status, under such regulations as he may prescribe, and the person shall be subject to all provisions of this Act to the same extent as if the status had not been granted.

(d) The spouse and children of an alien granted temporary resident status under this section shall not receive any status or preferred treatment under the Immigration and Nationality Act by reason of the family relationship with the temporary resident alien. However, this subsection shall not prevent a spouse or child who independently meets the qualifications of subsections (a) and (b) of this section from obtaining temporary resident status.

(e) An alien who is granted temporary resident status under this section shall not be eligible for refugee assistance under the Immigration and Nationality Act, except as specifically set forth in subsection (f) of this title.

(f) An alien who is granted temporary resident status under this section shall not be eligible for any benefits under any of the following provisions of law:

(1) Food Stamp Act of 1964, as amended (7 U.S.C. 2011 et seq.);

(2) Financial assistance made available pursuant to the United States Housing Act of 1937, section 235 or 236 or National Housing Act or section 101 of the Housing and Urban Development Act;

(3) Aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act (other than on the basis of a disability described in paragraph (5) of this subsection);

(4) Medical assistance under title XIX of the Social Security Act (other than in the case of an individual receiving aid under a State plan approved under title XIV or XVI of the Social Security Act, or supplemental security income benefits under title XVI of that Act, on the basis of a disability described in paragraph (5) of this subsection; and

(5)(1) Section 402(a)(33) of the Social Security Act is amended by striking out the period at the end thereof and inserting instead "other than an alien granted temporary resident status."

(2) Section 1614(a)(1)(B) of such Act is amended by striking out the period at the end thereof and inserting instead "other than an alien granted temporary resident status."

(3) Section (2)(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (12),

(B) by striking out the period at the end of paragraph (13) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provided that, in order for any individual to be a recipient of old-age assistance, or an individual whose needs are taken into account in making the determination under paragraph (10)(A), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status."

(4) Section 1002(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (13),

(B) by striking out the period at the end of paragraph (14) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provided that, in order for any individual to be a recipient of aid to the blind, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status."

(5) Section 1402(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12) and inserting instead "; and", and

(C) by adding at the end of that subsection the following new paragraph:

"(13) provided that, in order for any individual to be a recipient of aid to the permanently and totally disabled, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status."

(6) Section 1602(a) of such Act (as in effect in Puerto Rico, Guam, and the Virgin Islands) is amended—

(A) by striking out "and" at the end of paragraph (16),

(B) by striking out the period at the end of paragraph (17) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(18) provided that, in order for any individual to be a recipient of aid to the aged, blind, or disabled, or an individual whose needs are taken into account in making the determination under paragraph (14), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status."

(7) Section 1902(a) of such Act is amended—

(A) by striking out the period at the end of paragraph (43) and inserting "; and", and

(B) by adding at the end thereof the following new paragraph:

(44) provided that in order for any individual to be eligible for medical assistance, such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status.

SEC. 102. (a) Notwithstanding any other provision of law, the Attorney General in his discretion and under such regulations as he may prescribe, may adjust the status of any alien accorded temporary resident status under section (a) of this Title to that of an alien lawfully admitted for permanent residence, if the alien:

(1) has completed 10 years of continuous residence in the United States from time of entry;

(2) can demonstrate an understanding of the English language, including an ability to read, write, speak words in ordinary usage in the English language: *Provided*, That this requirement shall not apply to any person physically unable to comply therewith, if otherwise eligible for adjustment; *Provided further*, That the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases and that no extraordinary or unreasonable conditions shall be imposed upon the applicant; and

(3) remains eligible to receive an immigrant visa and otherwise admissible a specified in section (a) of this Title.

SEC. 103. The requirement of continuous residence shall be defined by regulations to be issued by the Attorney General.

SEC. 104. The numerical limitations of section 201 of the Immigration and Nationality Act shall be inapplicable to grants of lawful permanent residence under section 102 of this Title.

TITLE II—THE UNLAWFUL EMPLOYMENT OF ALIENS ACT OF 1981

SEC. 201. Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended to read as follows:

(d)(1) It shall be unlawful for an employer knowingly to hire an alien for employment in the United States, unless at the time of employment the alien has been lawfully admitted for permanent residence or is an alien who has been authorized to be employed by the Attorney General: *Provided*, That this provision shall not apply to an employer who establishes that he or she did not employ four or more persons, at the time of violation.

(2) If an alien has been employed in violation of this subsection, the employer shall be subject to a civil penalty of $500 per alien employed without authorization upon determination of a first violation. Upon determination of a subsequent violation, the employer shall pay the sum of $1,000 per alien employed without authorization. Payment shall be made to the district director of the Immigration and Naturalization Service in the district where the violation occurred. In the discretion of the Attorney General, payment may be recovered by civil suit in a United States district court in the name of the United States from any employer made liable under this subsection. The Attorney General shall establish by regulation a procedure for implementing this subsection.

(3) Whenever the Attorney General has reasonable cause to believe that an employer has engaged in a pattern or practice of employment in violation of this subsection, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint setting forth facts pertaining to such pattern or practice and requesting such relief, including an application for a permanent or temporary injunction, restraining order, or other order against the employer as the Attorney General deems necessary. For purposes of this paragraph the term "district court" shall include a United States magistrate.

(4) For the purposes of this section, an employer shall be presumed to have knowingly employed an alien who is not authorized for employment in the United States if the employer does not request and obtain evidence that the individual is authorized for employment as set forth in (d)(5) below: *Provided*, That the foregoing shall not prevent the Government from establishing knowing employment by any other means.

(5) The Attorney General shall establish by regulation a form by which every employer as described in subsection (d)(1) above, and every prospective employee of such employer, shall attest that the prospective employee is a United States citizen, a national of the United States, or has the status of an alien lawfully admitted for permanent residence, or has been authorized for employment by the Attorney General, and that the employer has examined such documents as may, by regulation, be prescribed by the Attorney General relating to such citizenship, permanent resident status, or employment authorization. Such forms shall be retained by the employer and shall be available for inspection by officers of the Immigration and Naturalization Service, for the duration of the employee's employment, and for one year following the termination of the employment.

(6)(1) Section 6(f) of the Farm Labor Contractor Registration Act of 1963, as amended, is hereby repealed.

(2) Section 5(b)(6) of the Farm Labor Contractor Registration Act of 1963, as amended, is revised to read as follows:

(6) has been found to have knowingly employed an alien not lawfully admitted for permanent residence or not authorized for permanent residence or not authorized by the Attorney General to accept employment in violation of section 274 of the Immigration and Nationality Act.

(2) by inserting after new subsection (d) the following new subsection:

(e) The provisions of this section are intended to preempt any state or local laws imposing civil or criminal sanctions upon those who employ aliens not authorized to work in the United States.

(3) the title of section 274 of such Act is amended to read as follows: "BRINGING IN, HARBORING, AND EMPLOYING CERTAIN ALIENS."

(4) the designation of section 274 in the table of contents (Title II—Immigration, Chapter 8) of such Act is amended to read as follows: "Section 274. Bringing in, harboring, and employing certain aliens."

SEC. 202. Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended to read as follows: "275 ENTRY OF ALIEN AT IMPROPER TIME OR PLACE; MISREPRESENTATION AND CONCEALMENT OF FACTS; MISREPRESENTATION OF EMPLOYMENT STATUS."

(a) Any alien who (1) enters the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offenses, be guilty of a misdemeanor and upon conviction thereof be punished by imprisonment for not more than six months, or by a fine of not more than $500, or both, and for a subsequent commission of any such offenses shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than two years, or by a fine of not more than $1,000, or both.

(b) Any person who with unlawful intent photographs, prints, or in any other manner makes, or executes, any engraving, photograph, print, or impression in the likeness of any document presented to establish United States citizenship, lawful permanent resident status or employment authorization granted by the Attorney General, as required by subsection 274(d)(5) of the Act or regulations issued thereunder; or any person who with unlawful intent presents or uses such documents, shall upon conviction be fined not to exceed $5,000 or be imprisoned not more than five years, or both.

(c) Any alien who does not have the status of an alien lawfully admitted for permanent residence, or who has not been authorized to be employed by the Attorney General, who willfully and knowingly possesses and presents any document relating to another person for the purpose of obtaining employment in the United States, shall upon conviction be fined not to exceed $5,000 or be imprisoned not more than five years, or both.

(b) the designation of section 275 in the table of contents (Title II—Immigration, Chapter 8) of such Act is amended to read as follows:

SEC. 275. Entry of alien at improper time or place; misrepresentation and concealment of facts; misrepresentation of employment status.

SEC. 203. The provisions of this Title shall become effective upon the date of enactment.

SEC. 204. This Title shall be known as the Unlawful Employment of Aliens Act of 1981.

TITLE III—CUBAN/HAITIAN TEMPORARY RESIDENT STATUS ACT OF 1981

SEC. 301. (a) Except as provided in subsection (c) of this section, the following aliens shall be granted Cuban/Haitian temporary resident status beginning 60 days after enactment of this Act and may remain in the United States under such conditions as the Attorney General may deem appropriate:

(1) Nationals of Cuba who arrived in the United States and presented themselves for inspection after April 20, 1980, and before January 1, 1981; and who are still physically present in the United States;

(2) Nationals of Haiti who on December 31, 1980, were the subjects of exclusion proceedings under section 236 of the Immigration and Nationality Act, including those who on that date were under orders of exclusion and deportation which had not yet been executed;

(3) Nationals of Haiti who on December 31, 1980, were the subjects of deportation proceedings under section 242 of the Immigra-

tion and Nationality Act, including those who on that date were under orders of deportation which had not yet been executed;

(4) Nationals of Haiti who were paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act or were granted voluntary departure before December 31, 1980, and were physically present in the United States on that date; and

(5) Nationals of Cuba or Haiti who on December 31, 1980, had applications for asylum pending with the Immigration and Naturalization Service.

(b) The Attorney General may in his discretion grant an alien described in subsection (a) of this section authorization to engage in employment in the United States and provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(c) Cuban/Haitian temporary resident status for any alien may be denied or terminated by the Attorney General, in his discretion, pursuant to such regulations as the Attorney General may prescribe, if the Attorney General determines, with or without a hearing, that the alien is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) (except paragraph (14), (15), (20), (21), (23), if the alien's inclusion in paragraph (23) is the result of only one conviction for possession without intent to distribute narcotic drugs or marihuana, (25) or (32) of subsection (a)), or if the Attorney General determines that:

(1) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(2) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

(3) the alien is in detention at the time this Title is enacted.

(d) An alien granted Cuban/Haitian temporary resident status under this section shall register with the Immigration and Naturalization Service every three years, under such regulations as the Attorney General may prescribe, for so long as the alien remains in temporary resident status.

(e)(1) An alien under Cuban/Haitian temporary resident status shall not be eligible for benefits under section 501 of the Refugee Education Assistance Act of 1980 (P.L. 96-122).

(2) The spouse and children of an alien granted temporary resident status under this section shall not receive any status or preferred treatment under the Immigration and Nationality Act by reason of the family relationship with the temporary resident alien. However, this subsection shall not prevent a spouse or child who independently meets the qualifications of subsections (a) and (b) of this section from obtaining temporary resident status.

(3) An alien granted Cuban/Haitian temporary resident status shall not be eligible for any benefits under any of the following provisions of law:

(A) Aid to families with dependent children under Title IV, Part A, of the Social Security Act (42 U.S.C. 601 et seq.);

(B) supplemental security income for the aged, blind, and disabled under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) unless such disability was incurred directly from employment after registration under the provisions of the Act;

(C) Food Stamp Act of 1964, as amended (7 U.S.C. 2011 et seq.).

(D) financial assistance made available pursuant to the United States Housing Act of 1937, Section 235 or 236 or National Housing Act or section 101 of the Housing and Urban Development Act of 1965; and

(E) aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act (other than on the basis of a disability described in paragraph (G) of this subsection); and".

(F) redesignating paragraph (5) as paragraph (6) and amending it to read: "(6) medical assistance under title XIX of the Social Security Act (other than in the case of an individual receiving aid under a State plan approved under title XIV or XVI of the Social Security Act, or supplemental security income benefits under title XVI of that Act, on the basis of a disability described in paragraph (G) of this subsection.)";

(G)(1) Section 402(a)(33) of the Social Security Act is amended by striking out the period at the end thereof and inserting instead "other than an alien granted Cuban/Haitian temporary resident status.

(2) Section 1614(a)(1)(B) of such Act is amended by striking out the period at the end thereof and inserting instead "other than an alien granted Cuban/Haitian temporary resident status."

(3) Section (2)(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (12),

(B) by striking out the period at the end of paragraph (13) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provide that, in order for any individual to be a recipient of old-age assistance, or an individual whose needs are taken into account in making the determination under paragraph (10)(A), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

(4) Section 1002(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (13),

(B) by striking out the period at the end of paragraph (14) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provide that, in order for any individual to be a recipient of aid to the blind, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

(5) Section 1402(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12) and inserting instead "; and", and,

(C) by adding at the end of that subsection the following new paragraph:

"(13) provide that, in order for any individual to be a recipient of aid to the permanently and totally disabled, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

(6) Section 1602(a) of such Act (as in effect in Puerto Rico, Guam, and the Virgin Islands) is amended—

(A) by striking out "and" at the end of paragraph (16),

(B) by striking out the period at the end of paragraph (17) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(18) provide that, in order for any individual to be a recipient of aid to the aged, blind, or disabled, or an individual whose needs are taken into account in making the determination under paragraph (14), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

(7) Section 1902(a) of such Act is amended—

(A) by striking out the period at the end of paragraph (43) and inserting "; and", and

(B) by adding at the end thereof the following new paragraph:

(44) provide that, in order for any individual to be eligible for medical assistance, such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status.

SEC. 302. (a) Any alien (except an alien specified in section 301(a)(3), or an alien specified in section 301(a)(5) who has entered the United States) who is denied Cuban/Haitian temporary resident status for any of the reasons set forth in section 301(c), or whose status is terminated pursuant to the provisions of section 301 shall be detained pending a final determination of admissibility, or pending release on parole, or pending deportation if the alien is found excludable, unless an examining officer finds that the alien is clearly and beyond a doubt entitled to be admitted to the United States. Such detention shall be in any prison or other detention facility or elsewhere, whether maintained by the Federal Government or otherwise, as the Attorney General may direct. The Attorney General may at any time transfer an alien from one place of detention to another. No alien shall be released from detention pending a final determination of admissibility, or pending exclusion or deportation if the alien is found excludable, except in the discretion of the Attorney

General, and under such conditions as the Attorney General may prescribe, including release on bond. No court shall review any decision of the Attorney General made pursuant to this paragraph to detain, to transfer or to release an alien, except that any person so detained may obtain review, in habeas corpus proceedings, on the question of whether that person falls within the category of aliens subject to detention. A determination of admissibility is exempt from the provisions of the Administrative Procedures Act 15 U.S.C. 701(a).

(b) An alien specified in section 301(a)(3), or an alien specified in section 301(a)(5) who has entered the United States, who is denied Cuban/Haitian temporary resident status for any of the reasons set forth in section 301(c), or whose status is terminated pursuant to the provisions of section 301 shall be dealt with in accordance with section 242 of the Immigration and Nationality Act.

SEC. 303. (a) Notwithstanding any numerical limitations in the Immigration and Nationality Act, the Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of a Cuban/Haitian temporary resident to that of an alien lawfully admitted for permanent residence if the alien:

(1) applies for such adjustment,

(2) is not firmly resettled in any foreign country,

(3) has been physically present in the United States for at least five years after the earliest date upon which he came within any category specified in section 2(a)(1)–(5),

(4) can demonstrate an understanding of the English language, *Provided*, that this requirement shall not apply to any person physically unable to comply therewith, if otherwise eligible for adjustment; *Provided further*, that the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases and that no extraordinary or unreasonable conditions shall be imposed upon the applicant; and

(5) is admissible (except as otherwise provided in subsection (b)) as an immigrant under the Immigration and Nationality Act at the time of examination for adjustment of such alien.

(b) The provisions of paragraphs (14), (20), (21), and (32) of section 212(a) of the Immigration and Nationality Act shall not be applicable to an alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23), except if the alien's inclusion in paragraph (23) is the result of only one conviction for possession without intent to distribute narcotic drugs or marihuana) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

SEC. 304. (a) An alien granted Cuban/Haitian temporary resident status may not apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), and any application for asylum under section 208 or under any other provision of law filed by the alien but not approved before the alien was granted Cuban/Haitian temporary resident status shall be denied.

(b) Subsection (c) of section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) and subsection (b) of section 209 (8 U.S.C. 1159) of that Act shall not be applicable to an alien granted Cuban/Haitian temporary resident status or to the spouse or child of such alien.

SEC. 305. Public Law 89–732 is repealed.

SEC. 306. There are hereby authorized to be appropriated such sums as may be necessary for the purpose of carrying out the provisions of this Act.

SEC. 307. This Act may be cited as the Cuban/Haitian Temporary Resident Status Act of 1981.

TITLE IV—THE FAIR AND EXPEDITIOUS APPEAL, ASYLUM AND EXCLUSION ACT OF 1981

SEC. 401. Section 106(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended to read as follows: "A petition for review may be filed not later than 30 days from the date of the final deportation order or from the effective date of this section, whichever is the later."

SEC. 402(a). Section 279 of the Immigration and Nationality Act (8 U.S.C. 1329) is designated as section 279(a).

(b) Section 279 of the Act is hereby amended by adding after subsection (a) the following new subsection (b) to read as follows:

"(b) An action for judicial review of any administrative action arising under this Act, or regulations issued pursuant to this Act, other than a final order of deportation as provided in section 106(a) of the Act, may not be filed later than 30 days from the date of the final administrative actions or from the effective date of this section, whichever is the later."

SEC. 403. Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended to read as follows:

"SEC. 208(a)(1). An application for asylum may be made by any alien physically present in the United States or at a land border or port of entry. An alien may be granted asylum by an asylum officer under paragraph (2) of this subsection, if (A) the asylum officer determines that the alien is a refugee within the meaning of section 101(a)(42)(A); (B) the alien is not firmly resettled in any foreign country; (C) the alien is not inadmissible under the provisions of paragraphs (27), (29), or (33) of section 212(a), or so much of paragraph 23 of section 212(a) as relates to trafficking; (D) the alien has not been convicted by final judgment of a particularly serious crime and does not constitute a danger to the community; and (E) there are no serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States.

(2) Eligibility for asylum shall be determined by an asylum officer, who shall serve at the direction of the Commissioner, and shall perform such other duties as the Commissioner may prescribe, except for the investigation or prosecution of any case under sections 235 or 242 of this Act. An alien seeking asylum shall appear before the asylum officer in an informal, nonadversary interview, and may be accompanied by counsel at no expense and no delay to the government. Counsel may advise the alien during the interview but shall not otherwise participate in the interview. The asylum officer may administer oaths and call witnesses, and request information on an application from any government agency, including information classified under Executive Order No. 12065 (50 U.S.C. nt. 401). A record of the proceedings shall be made in accordance with this section, and under such regulations as the Attorney General shall prescribe. The procedures set forth in this section shall be the sole and exclusive procedures for determining asylum. The determination of the asylum officer shall be final and shall not be subject to further administrative appeal or review, except that either the Commissioner or the Attorney General may require that the decision of an asylum officer be certified to him for review.

(3) The burden of proof shall be on the alien to establish that he qualifies for asylum under this section.

(4) No alien who meets the refugee definition set forth in section 101(a)(42)(A), and who meets the requirements of subsections (1)(C), (D), and (E) of this section shall be returned to the country or place where he would face persecution, as determined by the asylum officer.

(5) An alien against whom proceedings are instituted under section 236 or 242 of this Act, who has not previously made a claim for asylum, must make any application for asylum to the asylum officer under this section within 14 days of the service of the notice instituting such proceedings. An alien who does not make such a timely claim shall not be allowed to initiate an asylum claim absent a clear showing of changed circumstances in the country of the alien's nationality, or in the case of an alien having no nationality, the country of the alien's last habitual residence.

(6) An asylum officer may not reopen a proceeding under this section except upon a clear showing of changed circumstances in the country of the alien's nationality, or in the case of an alien having no nationality, the country of the alien's last habitual residence.

(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is (A) no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or in the case of an alien having no nationality, in the country in which the alien last habitually resided; or (B) the alien was not a refugee within the meaning of section 101(a)(42)(A) at the time he was granted asylum; or (C) the alien is no longer eligible for asylum on any of the grounds set forth in (a)(1) above.

(c) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.

(d) Notwithstanding any other provision of law, a denial of an application for asylum and the procedures established to adjudicate asylum claims under this section shall be subject to judicial review only in a proceeding challenging the validity of an exclusion or deportation order as provided for in section 106(a)(1) of the Immigration and Nationality Act, 8 U.S.C. 1105a, and shall not be subject to review under 5 U.S.C. 702. The denial of an application for asylum may be set aside, or the cause remanded for further proceedings, only upon a showing that such denial was arbitrary and capricious, or as otherwise not in accordance with law.

SEC. 404. Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended to read as follows:

"Sec. 235(b) Provided that an 'Immigration Emergency' has not been declared an immigration officer shall inspect each alien who is required to have documentation seeking entry to the United States and shall make a determination on each alien's admissibility. (1) The decision of the immigration officer on admissibility of an alien shall be final, and not subject to further agency review or to judicial review, if the immigration officer determines an alien to be an alien crewman, a stowaway under section 273(d) of this Act, or an alien who does not present documentary evidence of U.S. citizenship, or lawful admission for permanent residence, or a visa or other entry document, or a certificate of identity issued under section 360(b) to support a claim of admissibility. (2) Any alien not excluded under paragraph one of this subsection who does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to admission shall be detained for further inquiry by a special inquiry officer under section 235."

SEC. 405. Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended to read as follows:

"SEC. 237(a)(1) Any alien (other than an alien crewman) arriving in the United States who is excluded under this Act, shall be im-

mediately deported, in accommodations of the same class in which he arrived, unless the Attorney General, in an individual case in his discretion, concludes that immediate deportation is not practicable or proper. Deportation shall be to the country in which the alien boarded the vessel or aircraft in foreign territory. If such boarding occurred in territory contiguous to the United States or in any island adjacent thereto or adjacent to the United States and the alien is not a native, citizen, or subject or national of, or does not have residence in, such foreign contiguous territory or adjacent island, the deportation shall instead be to the country in which is located the port at which the alien embarked for such foreign contiguous territory or adjacent island. The cost of the maintenance, including detention expenses incident to detention of any such alien while he is being detained, shall be borne by the owner or owners of the vessel or aircraft on which he arrived, except that the cost of maintenance (including detention expenses and expenses incident to detention while the alien is being detained prior to the time he is offered for deportation to the transportation line which brought him to the United States) shall not be assessed against the owner or owners of such vessel or aircraft if (A) the alien was in possession of a valid, unexpired immigrant visa, or (B) the alien (other than an alien crewman) was in possession of a valid, unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States, or an unexpired reentry permit issued to him, and (i) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, examined and admitted by the Service, or (ii) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the owner or owners of such vessels or aircraft establishes to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (C) the person claimed United States nationality or citizenship and was in possession of an unexpired United States passport issued to him by competent authority.

(2) If the government of the country designated in subsection (a)(1) will not accept the alien into its territory, the alien's deportation shall be directed by the Attorney General, in his discretion and without necessarily giving any priority or preference because of their order as herein set forth, to—

(A) the country of which the alien is a subject, citizen, or national;

(B) the country in which he was born;

(C) the country in which he has a residence; or

(D) any country which is willing to accept the alien into its territory, if deportation to any of the foregoing countries is impracticable, inadvisable or impossible.

(b) It shall be unlawful for any master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft (1) to refuse to receive any alien (other than an alien crewman) ordered deported under this section back on board such vessel or aircraft or another vessel or aircraft owned or operated by the same interests; (2) to fail to detain any alien (other than an alien crewman) on board any such vessel or at the airport of arrival of the aircraft when required by this Act or if so ordered by an immigration officer, or to fail or refuse to deliver him for medical or other inspection, or for further medical or other inspection, as and when so ordered by such officer; (3) to refuse or fail to remove him from the United States to the country to which his exclusion and deportation has been directed; (4) to fail to pay the cost of his maintenance while being detained as required by this section or section 233 of this title; (5) to take any fee, deposit, or consideration on a contingent basis to be kept or returned in case the alien is landed or excluded; or (6) knowingly to bring to the United States any alien (other than an alien crewman) excluded or arrested and deported under any provision of law until such alien may be lawfully entitled to reapply for admission to the United States. If it shall appear to the satisfaction of the Attorney General that any such master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft has violated any of the provisions of this section or of section 233 of this title, such master, commanding officer, purser, person in charge, agent, owner, or consignee shall pay to the district director of customs of the district in which the port of arrival is situated or in which any vessel or aircraft of the line may be found, the sum of $500 for each violation. No such vessel or aircraft shall have clearance from any port of the United States while any such fine is unpaid or while the question of liability to pay any such fine is being determined, nor shall any such fine be remitted or refunded; except that clearance may be granted prior to the determination of such question upon the deposit with the district director of customs of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such fine.

(c) An alien shall be deported on a vessel or an aircraft owned by the same person who owns the vessel or aircraft on which such alien arrived in the United States, unless it is impracticable to so deport the alien within a reasonable time. The transportation expenses of the alien's deportation shall be borne by the owner or owners of the vessel or aircraft on which the alien arrived. If the deportation is effected on a vessel or aircraft not owned by such owner or owners, the transportation expenses of the alien's deportation may be paid from the appropriation for the enforcement of this Act and recovered by civil suit from any owner, agent, or consignees of the vessel or aircraft on which the alien arrived.

(d) The Attorney General, under such conditions as are by regulations prescribed, may stay the deportation of any alien deportable under this section, if in his judgment the testimony of such alien is necessary on behalf of the United States in the prosecution of offenders against any provision of this Act or other laws of the United States. The cost of maintenance of any person so detained resulting from a stay of deportation under this subsection and a witness fee in the sum of $1 per day for each day such person is so detained may be paid from the appropriation for the enforcement of this title. Such alien may be released under bond in the penalty of not less than $500 with security approved by the Attorney General on condition that such alien shall be produced when required as a witness and for deportation, and on such other conditions as the Attorney General may prescribe.

(e) Upon the certificate of an examining medical officer to the effect that an alien ordered to be excluded and deported under this section is helpless from sickness or mental and physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by the alien ordered excluded and deported, such accompanying alien may also be excluded and deported, and the master, commanding officer, agent owner, or consignee of the vessel or aircraft in which such alien and accompanying alien arrived in the United States shall be required to return the accompanying alien in the same manner as other aliens denied admission and ordered deported under this section."

SEC. 406. Section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)) is hereby repealed.

TITLE V—THE IMMIGRANT VISAS FOR CANADA AND MEXICO

SEC. 501. (a) Section 201(a) of the Immigration and Nationality Act (8 U.S.C. 1151(a)) is amended to read as follows:

"(a)(1) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, aliens who are admitted or granted asylum under section 207 or 208, and aliens described in paragraph (2) of this subsection, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of sixty-one thousand and shall not in any fiscal year exceed two hundred thirty thousand.

"(2) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in section 201(b), and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens chargeable (as provided in section 202(b)) to any single foreign state contiguous to the United States who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence shall not in any of the first three quarters of any fiscal year exceed a total of eleven thousand and shall not in any fiscal year exceed a total of forty thousand: Provided, however, that, if in any fiscal year, the number of aliens chargeable to either contiguous foreign state who are issued immigrant visas and otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence is less than forty thousand, in the next following fiscal year the number of aliens from the other contiguous foreign state who may be issued immigrant visas or otherwise acquire the status of an alien lawfully admitted to the United States shall be increased by an amount equal to the difference between forty thousand and such number. In such a case, the limitation prescribed for such foreign state for each of the first three quarters of such fiscal year shall be increased by an appropriate proportional amount."

(b) Section 202(a) (8 U.S.C. 1152(a)) is amended to read as follows:

"(a) No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), 201(b), and section 203: Provided, that the total number of immigrant visas made available to natives of any single foreign state (other than a foreign state contiguous to the United States) under paragraphs (1) through (7) of section 203(a) shall not exceed 20,000 in any fiscal year."

TITLE VI—THE TEMPORARY MEXICAN WORKERS ACT

SEC. 601(a) During each of two consecutive twelve month periods beginning on the first day of the seventh month following enactment of this section, there are authorized to be admitted to the United States as nonimmigrants not more than fifty thousand aliens who—

(1) are nationals of Mexico;

(2) have a residence in Mexico which they have no intention of abandoning;

(3) are seeking to enter the United States temporarily to perform services or labor as specified in subsection (b) of this section;

(4) are in possession of a nonimmigrant visa issued by a consular officer as provided in subsection (c) of this section; and

(5) are otherwise admissible under the Immigration and Nationality Act, as amended, to the United States as nonimmigrants.

(b)(1) Prior to the beginning of each twelve-month period specified in subsection (a) of this section, the Governor of each of the states of the United States wishing to participate in the program established in this section, shall, (A) using a format which may be prescribed by the Secretary of Labor, establish a list of industries, following the Standard Industrial Classification Code, and/or a list of occupations, following the Dictionary of Occupational Titles, containing the industries and/or occupations having an adequate supply of qualified workers within such State; and (B) estimate how many aliens described in subsection (a) of this section might be admitted to the United States for employment in other occupations in such state without adversely affecting labor conditions therein.

(2) Upon receipt of the determinations made by states pursuant to subsection (b)(1)(B) of this section, the Secretary of Labor shall consider any request above 50,000 to be equal to 50,000, and shall allocate to each state the amount of its request, up 925 (1/54 of 50,000). If there is an unallocated remainder of the 50 000, and if there are states with requests in excess of 925, the remainder will be allocated among those states as follows: Each such state will be allocated a share of the remainder in the same proportion that its unfilled request bears to the total of such unfilled requests. The Secretary shall there upon promptly inform the Secretary of State and the Commissioner of Immigration and Naturalization of such estimates or of the total assigned to each state

(2) Any person in the United States intending to employ an alien described in subsection (a) of this section may apply to the Governor of the state, or his designee, in which the alien will be employed, in such form as the Secretary of Labor may prescribe, and submit a statement identifying the occupation in which employment is to be offered to the alien, using the Dictionary of Occupational Titles, and certifying that the employer will comply with all Federal, State and local laws regarding such employment. Upon receipt of such application, the Governor, or his designee, shall approve such application and endorse it appropriately, if (1) the occupation in which the alien is to be employed is not included on the list prepared pursuant to subsection (b)(1)(A) for such state; and (2) if the number of such applications approved for such state in the same twelve-month period has not reached the number established for such state pursuant to subsection (b)(2).

(4) Upon approval and endorsement of an application, the Governor, or his designee, shall transmit the endorsed application to the consular office, designated by the employer as the office at which the alien will apply for a visa.

(5) Nothing in this section shall be construed to authorize or require the Secretary of Labor or the Governor of any state to paticipate in the recruitment of workers.

(c) After receipt of the application as provided in subsection (b)(4) of this section, the consular officer may, upon application therefor by an alien designated by the employer, issue a nonimmigrant visa to the alien, provided the alien is otherwise eligible therefor as provided in subsection (a) of this section. Such visa shall be in the form prescribed by the Secretary of State for nonimmigrant visas generally, shall bear the visa symbol "M" and shall be valid for no more than one year from the date of issuance of such visa, and for multiple applications for admission.

(d) When an alien in possession of a visa issued pursuant to subsection (c) applies for admission to the United States, the Attorney General shall, if he finds that the alien is admissible to the United States, admit the alien for a period of no more than 365 days.

(e) An alien admitted pursuant to subsection (d) of this section may be granted permission to change employment, upon application by the employer for whom the alien desires to work, provided that (1) such employment is in a state participating in the program established by this section; and (2) such employment is not in an occupation listed pursuant to subsection (b)(1)(A) for such state. An employer desiring and intending to employ such an alien may apply to the Governor of the State, or his designee on the form prescribed pursuant to subsection (b)(1) of this section. If the Governor, or his designee determines that such employment is not in an occupation listed pursuant to subsection (b)(1)(A) of this section for the State, he may approve such application and return it to the employer. Actual employment of the alien by the new employer prior to such approval shall constitute employment in violation of the provisions of 5(f). The employer shall thereupon furnish the approved application to the alien who shall apply to the District Office of the Immigration and Naturalization Service having jurisdiction over the place of proposed employment, for annotation of the alien's entry record to reflect the change of employment and for extension of his authorized period of admission, if necessary.

(f) An alien admitted pursuant to the provisions of this section who thereafter is employed in violation of the provisions of this section, who remains longer than authorized under this section, or otherwise violates the terms and conditions of his admission shall not thereafter be eligible for admission pursuant to this section.

(g) an alien who is the spouse or child of an alien admitted pursuant to this section shall not be admissible to the United States on the basis of such relationship.

(h) No alien admitted pursuant to this section shall be eligible to receive any of the following benefits—

(1) food stamps under the Food Stamp Act of 1964, as amended (7 U.S.C. 2011, et seq.); or

(2) benefits under any State or Federal unemployment compensation program based on any services performed or any wages earned while present in the United States after such admission; *Provided*, That no employer of such an alien shall be exempt from taxation on the wages paid to such alien under any state unemployment compensation law or under chapter 23 of the Internal Revenue Code of 1954 because of such alien's status as an alien, the admission of such alien pursuant to this section, or the temporary nature of such admission.

(3) Financial assistance made available pursuant to the United States Housing Act of 1937, Section 235 or 236 or National Housing Act or Section 101 of the Housing and Urban Development Act of 1965; and

(4) aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act (other than on the basis of a disability described in paragraph (6) of this subsection); and

(5) medical assistance under title XIX of the Social Security Act (other than in the case of an individual receiving aid under a state plan approved under title XIV or XVI of the Social Security Act, or supplemental security income benefits under title XVI of that Act, on the basis of a disability described in paragraph (6) of this subsection;

(6)(1) Section 402(a)(33) of the Social Security Act is amended by striking out the period at the end thereof and inserting instead "other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program.

(2) Section 1614 (a)(1)(B) of such Act is amended by striking out the period at the end thereof and inserting instead "other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program.

(3) Section (2)(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (12),

(B) by striking out the period at the end of paragraph (13) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provide that, in order for any individual to be a recipient of old-age assistance, or an individual whose needs are taken into account in making the determination under paragraph (10)(A), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203 (a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program."

(4) Section 1002(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (13),

(B) by striking out the period at the end of paragraph (14) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provide that, in order for any individual to be a recipient of aid to the blind, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203 (a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program."

(5) Section 1402(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12) and inserting instead "; and", and

(C) by adding at the end of that subsection the following new paragraph:

(13) provide that, in order for any individual to be a recipient of aid to the permanently and totally disabled, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a

result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program.

(6) Section 1602(a) of such Act (as in effect in Puerto Rico, Guam, and the Virgin Islands) is amended—

(A) by striking out "and" at the end of paragraph (16),

(B) by striking out the period at the end of paragraph (17) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(18) provide that, in order for any individual to be a recipient of aid to the aged, blind, or disabled, or an individual whose needs are taken into account in making the determination under paragraph (14), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program."

(7) Section 1902(a) of such Act is amended—

(A) by striking out the period at the end of paragraph (43) and inserting "; and", and

(B) by adding at the end thereof the following new paragraph:

(44) provide that, in order for any individual to be eligible for medical assistance, such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program.

(i)(1) Notwithstanding the provisions of the Immigration and Nationality Act, as amended, no alien admitted as a nonimmigrant pursuant to the provisions of this section shall be granted adjustment of status pursuant to section 245 thereof to that of an alien lawfully admitted for permanent residence, change of nonimmigrant classification pursuant to section 248 thereof, or suspension of deportation pursuant to section 244 thereof.

(2) Except as otherwise provided in this section, the provisions of the Immigration and Nationality Act, as amended, shall apply in the administration and enforcement of the provisions of this section.

(j) Not later than ninety days following the end of each twelve-month period specified in subsection (a) of this section, the Governor of each state, or his designee, which has participated in the program established by this section during such twelve-month period shall submit to the Secretary of Labor a detailed report of the operation of the program in such state. The report shall contain such information as the Secretary of Labor may prescribe, including, but not limited to, the number of workers employed under this program in the state, the occupations and industries in which such workers were employed, the locations within the state at which such workers were employed, and the wages and working conditions of such employment.

TITLE VII—THE IMMIGRATION EMERGENCY ACT

SEC. 701. Chapter 4 of Title II of the Immigration and Nationality Act is amended by inserting at the end thereof the following new sections (8 U.S.C. 1230A through 1230E):

SEC. 240A. Declaration of Immigration Emergency.

(a) The President may declare an immigration emergency with respect to any specifically designated foreign country or countries or geographical area or areas, if the President, in his judgment, determines that:

(1) a substantial number of aliens who lack documents authorizing entry to the United States appear to be ready to embark or have already embarked for the United States, and the aliens will travel from, or are likely to travel in transit through, the foreign country or countries or the foreign geographical area or areas; and

(2) the normal procedures of the Immigration and Nationality Act or the current resources of the Immigration and Naturalization Service would be inadequate to respond effectively to the influx of these aliens.

(b) Within 48 hours of the declaration of any immigration emergency, the President shall inform the Speaker of the House and the President pro-tempore of the Senate for the reasons prompting the declaration. The President shall cause the declaration to be published in the Federal Register as soon as practicable. The declaration shall expire automatically 120 days after its proclamation, unless ended sooner by the President. The President may extend the declaration for additional periods of 120 days by following the procedures set forth in this subsection, if, in his judgment, the conditions listed in subsection (a) continue to exist.

SEC. 240B. Emergency Powers and Procedures.

(a) Upon the declaration of an immigration emergency under Section 240A, the President may invoke the following emergency powers and procedures:

(1) Any or all United States vessels, vehicles and aircraft, and any other vessel, vehicle or aircraft which is owned or operated by, chartered to, or otherwise controlled by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any political subdivision thereof, bound directly or indirectly for a designated foreign country or foreign geographical area may be precluded from departing from the United States or may be intercepted while en route and required to return to the United States if feasible, or to any other reasonable location until such time as it is feasible to return to the United States, or, if appropriate, allowed to proceed to any other reasonable location.

(2) The arrival in the United States of any aliens or class of aliens who lack documents authorizing entry to the United States or who are otherwise inadmissible and who are traveling directly or indirectly from or in transit through a designated foreign country or foreign geographical area may be prevented by returning or requiring the return of such alien or any vessel, vehicle, or aircraft carrying any such alien to the designated country or area, or to some other reasonable location.

(3)(i) The exclusion or admission to the United States of any alien, regardless of nationality, who is traveling or has traveled to the United States directly or indirectly from or through the designated foreign country or foreign geographical area and who is not in possession of a visa or other entry document required for admission to the United States by statute or regulation may be determined under procedures established by the Attorney General (whether by regulation or otherwise), and no such alien shall be presented for inquiry before a special inquiry officer unless such presentation is authorized by the Attorney General pursuant to regulation.

(ii) Notwithstanding section 208, or any other provision of law, the Attorney General may establish by regulation or otherwise a separate procedure to consider an asylum claim advanced by an alien whose admissibility is to be determined in accordance with this paragraph.

(iii) Any alien found inadmissible to the United States pursuant to the procedures established by the Attorney General under this paragraph shall be deported to the country from whence he came. If the Attorney General determines that the alien should not or cannot practicably be removed to the country from whence the alien came, the Attorney General may deport the alien to any country described in section 243(a), without regard to the designation of the alien or the order of countries set forth in section 243(a).

(iv) Any alien admitted to the United States under this paragraph shall be admitted for such time and under such conditions as may be prescribed by the Attorney General, including the giving of a bond with sufficient surety in such sum and containing such conditions as the Attorney General shall prescribe to insure compliance with the terms and conditions of the alien's admission.

(v) No court shall have jurisdiction to review the determination of admissibility or nonadmissibility, or the determination of any asylum claim with respect to any alien who is subject to this paragraph.

(4) Every alien who is subject to the provisions of this section shall be detained pending release on parole, or pending deportation if the alien is found excludable, unless an examining officer finds that the alien is clearly and beyond a doubt entitled to be admitted to the United States. Such detention shall be in any prison or other detention facility or elsewhere, whether maintained by the Federal Government or otherwise, as the Attorney General may direct. The Attorney General may at any time transfer an alien from one place of detention to another. No alien shall be released from detention pending a final determination of admissibility, or pending deportation if the alien is found excludable, except in the discretion of the Attorney General, and under such conditions as the Attorney General may prescribe, including release on bond. Any alien applying for admission for foreign contiguous territory may, in the discretion of the Attorney General, be required to remain outside of the United States pending a final determination of admissibility. No court shall review any decision of the Attorney General made pursuant to this paragraph to detain, to transfer or to release an alien, except that any person so detained may obtain review, in habeas corpus proceedings, on the question of whether that person falls within the category of aliens subject to detention. Nothing in this paragraph shall relieve a carrier or any other person of any liability, duty or consequence pertaining to the detention of aliens which may arise under any other provision of the Act or other law.

(5)(i) The President may exempt any source of any department, agency, or instrumentality in the executive branch from applicable environmental requirements pursuant to section 1323(a) of title 33 and sections 300j-6(b), 4903, 6961, and 7418(b) of title 42 of the United States Code.

(ii) Upon a Presidential finding, trans-

mitted to Congress, that an exemption is necessary to respond to an immigration emergency, the President may exempt any source or action of any department, agency, or instrumentality in the executive branch which is directly and substantially related to an immigration emergency from applicable requirements of the National Environmental Policy Act, 42 U.S.C. 4331 et seq., the Coastal Zone Management Act, 46 U.S.C. 1451 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., The Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., the Historic Preservation Act, 16 U.S.C. 470 et seq. and from the applicable requirements of any other Federal, state or local law which is intended principally to protect or preserve the environment, wildlife, or aspects of the history or heritage of the United States.

(iii) Except with respect to matters concerning the detention of aliens, an exemption under this paragraph shall lapse upon termination of an immigration emergency. In no event shall any exemption under this paragraph last more than one year. An exemption with respect to matters concerning the detention of aliens shall last until terminated by the President, or the expiration of one year, whichever occurs first. During the time period in which an exemption applies the President may, in his discretion, require that a source nonetheless meet certain environmental standards without thereby creating a private right of action to enforce that requirement.

(b)(1) During the existence of the immigration emergency, the President may order the closing or sealing of any harbor, port, airport, road or any other place, structure or location which may be used as a point of departure from the United States to a designated foreign country or foreign geographical area, if, in the President's judgment, such action is necessary to prevent the arrival in the United States of aliens who are inadmissible and who are traveling from or in transit through a designated country or area.

(2) No person shall cause any vessel, or aircraft to depart from or beyond or enter into a closed or sealed harbor, port, airport, road, place, structure or location during an immigration emergency, unless written permission has been obtained for such departure prior to the actual departure of the vessel, or aircraft.

(3) Permission for departure from or beyond or entry into a closed or sealed harbor, port, airport, road, or any other place, structure or location shall be given only for those vessels, vehicles, aircraft which are clearly shown not to be destined for a designated foreign country or foreign geographical area. The agency designated by the President under subsection (c) of this section shall prescribe the procedures to be followed in requesting departure permission. In the absence of such procedures, permission may be sought from any agency directly involved in the closing or sealing of the harbor, port, airport, road, or other place, structure or location. A final decision shall be made on any request for departure permission within 72 hours of the request, unless the person seeking such permission consents to a longer period. If no action is taken on the request within the requisite period, the request for departure permission shall be deemed denied.

(4) The district courts of the United States shall have jurisdiction to review any final decision denying permission to depart under paragraph (3) of this subsection, except that review may be obtained prior to a final administrative decision with respect to any vessel, vehicle or aircraft if irreparable injury would occur before a final administrative decision could be obtained.

(c) Although the President may not delegate the authority to initiate those emergency powers of this section which expressly require Presidential invocation, the President may designate one or more agencies of the Federal Government to administer the provisions of sections 240B through 240D. In the course of enforcement of these provisions, the designated agency may promulgate regulations and may request assistance from any state or local agency or from any civilian Federal agency. The President may direct that any component of the Department of Defense, including the Army, Navy, and Air Force, provide assistance, any statute, rule or regulation to the contrary notwithstanding. Any such agency or military component may assist in the actual detention, removal and transportation of an alien to the country to which he is being deported.

(d) Notwithstanding any other provision of law, any agency or military component requested or directed to render assistance or services during an immigration emergency is authorized to stop, board, make arrest of persons, inspect and seize any vessel, vehicle or aircraft which is subject to the provisions of sections 240B through 240D.

(e) In providing assistance under sections 240B through 240D, agencies shall have the same authority as for disaster relief under 42 U.S.C. 5149.

(f) The provisions of paragraphs (3) and (4) of subsection (a) of this section shall continue to govern any aliens subject to those provisions, regardless of the termination of the immigration emergency.

(g) The President may direct the enforcement of subsection (a) of this section beyond the territorial limits of the United States including on the high seas.

(h) Nothing in this section shall relieve any carrier or any other person of any civil or criminal liability, duty, or consequence that may arise from the transportation or the bringing of any alien to the United States.

Sec. 240C. Travel Restrictions and Licensing.

(a) Upon the declaration of an immigration emergency under section 240A, it shall be unlawful for any person to cause any United States vessel, vehicle or aircraft, or any other vessel, vehicle or aircraft which is owned by, chartered to or otherwise controlled by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any political subdivision thereof, to travel or be transported to a designated foreign country or foreign geographical area or to within such distance therefrom as the President may specify, unless prior approval has been obtained from an agency designated by the President.

(b) The designated agency may, for authorized purposes, grant prior approval for travel to or around a designated foreign country or geographical area by regulation for certain classes or categories of vessels, vehicles and aircraft. The owner or operator of any vessel, vehicle, or aircraft not authorized by regulation to travel to or around a designated country or area may apply to the designated agency for a license granting permission for one or more trips to that country or area. The designated agency shall establish by regulation the proceedures governing the application for and the approval and revocation of such licenses. The designated agency may authorize officials of any other United States agency to accept and transmit applications for licenses to the designated agency or to grant or deny such licenses under standards established by the designated agency.

(c) No travel to or within such distance as the President may specify from a designated foreign country or area shall be approved if it appears that such travel may result in or contribute to a violation of any statute or regulation relating to the immigration of aliens to the United States.

(d) Nothing in this section shall be construed to require the agency designated by the President to approve the travel of any vessel, vehicle or aircraft to a designated country or area or within the specified distance therefrom.

Sec. 240D Penalties.

(a)(1) Any vessel, vehicle or aircraft involved in a violation of section 240B(b)(2) or section 240C(a) shall be forfeited and the owner, operator, and any person causing such vessel, vehicle or aircraft to be involved in the violation shall be subject to a civil fine of $10,000 for each separate act in violation of those sections. This subsection shall become effective on the day following the day of publication of the declaration of the immigration emergency in the Federal Register, except that this subsection shall be immediately effective as to any person who has learned or been informed of the existence of the declaration.

(2) All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeiture; and the compromise of claims and the award of compensation to informers in respect to such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred, under the provisions of this section insofar as applicable and not inconsistent with the provisions hereof, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws may be performed with respect to seizure and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

(3) Whenever a conveyance is forfeited under this section the Attorney General may:

(i) retain the conveyance for official use;

(ii) sell the conveyance, in which case proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs, with the remaining proceeds, if any, turned over to the United States Treasury;

(iii) require that the General Services Administrator, or the Federal Maritime Commission if appropriate under 40 U.S.C. 484(i), take custody of the conveyance and remove it for disposition in accordance with law; or

(iv) dispose of the conveyance in accordance with the terms and conditions of any petition or remission or mitigation of forfeiture granted by the Attorney General.

(4) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant: Provided, that probable cause shall be first shown for the institution of such suit or action, to be judged of by the court.

(b) Any person who knowingly engages or attempts to engage in any conduct prohibited by the terms of section 240B(b)(2) or section 240C(a) shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $50,000 or by imprisonment for a term not exceeding five years, or both, for each separate prohibited act. This subsection shall become effective on the day following the day of publication of the declaration of the immigration emergency in the Federal Register, except that this subsection shall be immediately effective as to any person who has learned or been informed of the existence of the declaration.

(c) Any alien who willfully violates a condition of his admission under section 240B shall be guilty of a misdemeanor and upon

conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(d) The requirements and sanctions imposed by this section shall be in addition to those set forth by other provisions of law.

(e) Violations of any provisions of the Immigration and Nationality Act committed during the immigration emergency may be investigated by the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Coast Guard, or any component of the Department of Treasury. Assistance in investigating or enforcing this section may be provided by any Federal, with the approval of the Attorney General, state or local agency including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

Sec. 240E. Definitions.

As used in chapters 240A through 240D:

(1) The term "vessel" means any ship, boat, barge, submarine, raft, or other craft or structure capable of being used as a means of transportation on, under or immediately above the water.

(2) The term "vehicle" means any automobile, motorcycle, bus, truck, cart, train, or other device or structure capable of being used as a means of transportation on land.

(3) The term "aircraft" means any airplane, helicopter, glide, balloon, blimp, or other craft or structure capable of being used as a means of transportation in the air.

(4) The term "United States vessel, vehicle or aircraft" include any vessel, vehicle, or aircraft documented, registered, licensed, or numbered under the laws of the United States or any political subdivision thereof.

(5) The term "agency" includes any executive department and component thereof, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency."

SEC. 702. Subsection (b) of section 273 of the Immigration and Nationality Act (8 U.S.C. 1323(b)) is amended by substituting the figure "$3,000" for the figure of "$1,000" in the first sentence thereof, by deleting the last sentence of that subsection, and by adding the following at the end thereof: "Such sums shall be a lien upon the vessel or aircraft involved in a violation of the provisions of subsection (a) of this section, and such vessel or aircraft may be "libeled therefore in the appropriate United States court. In addition, pending the determination of liability to the payment of such sums or while such sums remain unpaid, said vessel or aircraft may be denied clearance, or summarily seized, or both, unless a deposit is made of an amount sufficient to cover such sums or of a bond with sufficient surety to secure the payment thereof satisfactory to the Attorney General."

SEC. 703. Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended to read as follows:

"SEC. 235(b). Provided that an "immigration emergency" has not been declared, an immigration officer shall inspect each alien, who is required to have documentation seeking entry to the United States and shall make a determination on each alien's admissibility. (1) The decision of the immigration officer on admissibility of an alien shall be final, and not subject to further agency review or to judicial review, if the immigration officer determines an alien to be an alien crewman, a stowaway under section 273(d) of this Act, or an alien who does not present documentary evidence of United States citizenship, or lawful admission for permanent residence, or a visa or other entry document, or a certificate of identity issued under section 360(b) to support a claim of admissibility. (2) Any alien not excluded under paragraph 1 of this subsection who does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to admission shall be detained for further inquiry by a special inquiry officer under section 236."

SEC. 704. There are authorized to be appropriated to the President specifically to fund expenses incurred in carrying out the purposes of sections 240A through 240E of the Immigration and Nationality Act an amount not to exceed $35 million. Amounts appropriated under this section are authorized to remain available until expended.

TITLE VIII—THE UNAUTHORIZED ENTRY AND TRANSPORTATION ACT

SEC. 801. Section 274 of the Immigration and Nationality Act is amended to read as follows:

BRINGING IN AND HARBORING CERTAIN ALIENS

(a) Any person who—knowing or in reckless disregard of the fact that the alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, any alien, regardless of any official action which may later be taken with respect to such alien,

(1) shall, for each transaction constituting a violation of this subsection, regardless of the number of aliens involved, be guilty of a misdemeanor and upon conviction shall be punished by a mandatory fine of $2,500, the imposition of which shall not be suspended by the court, and, in the court's discretion, may be punished by an additional fine of not more than an amount equal to $2,500 for each such alien in respect to whom any violation of this paragraph occurs, or by imprisonment for a term not exceeding one year, or both; or

(2)(A) for a second offense under this section;

(B) for an offense done for the purpose of commercial advantage or private financial gain;

(C) for an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration official; or

(D) for an offense during which either the offender or the alien with the knowledge of the offender, makes any false or misleading statement, or engages in any act or conduct intended to mislead any officer, agent, or employee of the United States, shall be guilty of a felony and upon conviction shall be punished by a fine not exceeding $10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this paragraph occurs.

(b) Any person who—(1) knowing or having reason to know that the person is an alien, brings to or attempts to bring to the United States in any manner whatsoever, any such person at a place other than a designated port of entry or place other than as designated by the Commissioner of the Immigration and Naturalization Service regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

(2) knowing or in reckless disregard of the fact that the alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move any such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(3) knowing or in reckless disregard of the fact that the alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, any such alien in any place, including any building or any means of transportation; or

(4) knowing or having reason to know that a person is an alien, willfully encourages or induces or attempts to encourage or induce, either directly or indirectly, the entry without prior official authorization, into the United States of any such alien—

shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs: *Provided*, however, that for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

(c)(1) any conveyance, including any vessel, vehicle, or aircraft, which has been, is being, or is intended to be used, in the commission of a violation of subsections (a) or (b) shall be seized and subject to forfeiture except that—

(A) no conveyance used by any person as a common carrier shall be forfeited under the provisions of this section if the offense occurs when the conveyance is being used in the business as a common carrier unless the owner, operator, or other person in charge of the conveyance at the time of the offense was a consenting party or privy to the illegal act; and

(B) no conveyance shall be forfeited under the provisions of this section if the offense occurred while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State.

(2) Any conveyance subject to seizure under this section may be seized without a warrant if there is probable cause to believe the conveyance has been, is being, or is intended to be used in a violation of subsection (a) or (b) and circumstances exist where a warrant is not constitutionally required.

(3) All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeiture; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred, under the provisions of this section insofar as applicable and not inconsistent with the provisions hereof, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws may be performed with respect to seizure and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

(4) Whenever a conveyance is forfeited under this section the Attorney General may—

(A) retain the conveyance for official use;

(B) sell the conveyance, in which case the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs;

(C) require that the General Services Administration, or the Federal Maritime Commission if appropriate under 40 U.S.C. 484 (i), take custody of the conveyance and remove it for disposition in accordance with law; or

(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.

(5) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause shall be first shown for the institution

of such suit or action, to be judged of by the court. In determining whether probable cause exists, any of the following shall be prima facie evidence, of the presumption that an alien involved in the alleged violation had not received prior official authorization to come to, enter or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law;

(B) Official records of the Immigration and Naturalization Service or State Department showing that the alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law; and

(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that the alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law.

(6) Any officer or employee of the Service designated by the Attorney General, either individually or as a member of a class, and all other Federal officers and officers of a state or political subdivision thereof whose duty it is to enforce criminal laws shall have authority to make any arrest for a violation of any provision of this section.

TITLE IX—THE LABOR CERTIFICATION ACT

SEC. 901. Nowithstanding the provisions of section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is hereby amended to read as follows:

"(a)(34) Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that at the time of application (A) there are not sufficient workers available in the United States in the occupations in which the aliens will be employed and (B) the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States who are similarly employed. In making such determinations, the Secretary of Labor may use labor market information without reference to the specific job opportunity for which certification is requested. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States, except that the Secretary of Labor may waive this requirement in the case of an alien of exceptional ability. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(7). Notwithstanding any other provision of law, decisions of the Secretary of Labor made pursuant to this paragraph, including the issuance and content of regulations and the use of labor market information under this paragraph, shall be reviewable by the appropriate United States district court, but the court shall not set aside such a decision unless there is compelling evidence that the Secretary made such decision in an arbitrary and capricious manner;".

TITLE X—THE EMERGENCY INTERDICTION ACT

SEC. 1001. Subsection (f) of section 212 of the Immigration and Nationality Act 8 U.S.C. 1182(f) is amended to read as follows:

(f)(1) In order to prevent the illegal migration of aliens to the United States, the President is authorized to conclude arrangements with other countries for the purpose of preventing such illegal migration. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country, on such terms and conditions as he may determine, for the control of the immigration of persons from such country to the United States.

(f)(2) Notwithstanding any provision of law, the President may direct the Coast Guard or any other federal agency including the Army, Navy and Air Force, to stop and examine, on the high seas, vessels of the United States, vessels subject to United States jurisdiction, or foreign flag vessels for which the United States Government has an arrangement authorizing such action. Upon boarding, the Coast Guard or other federal agency may make inquiries of those on board, examine documents, and take such actions as are necessary to establish the registry, condition, and destination of the vessel and the status of those on board the vessel. When these measures indicate that an offense against United States immigration laws, or an offense under the laws of a foreign country with which the United States has an agreement to assist is being committed, the Coast Guard or other federal agency may return the vessel and passengers to the country from whence they came or to some other location. An alien who qualifies as a refugee under the terms of the United Nations Convention and Protocol Relating to the Status of Refugees may not be returned to a conutry where such person's life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group, or political opinion.

(f)(3) Notwithstanding any other provision of law, the Attorney General is authorized to establish by regulation, procedures to determine the admissibility of those aliens who have not landed in the United States.

(f)(4) Nothing contained in this section shall be construed as limiting the President in any way from exercising his Constitutional powers.

(f)(5) For purposes of this section the terms "vessel of the United States" and "vessel subject to the jurisdiction of the United States" shall have the same meaning as set forth in 21 U.S.C. 955b.

NOTICE

Incomplete record of Senate proceedings. Senate proceedings for today will be continued in the next issue of the Record.

SOCIAL SECURITY

• Mr. DOLE. Mr. President, on October 15 this body agreed to a number of social security amendments designed to help insure that the old-age and survivors retirement fund could meet benefit payments next year. In addition to providing this measure of security the amendments also allowed for a nearly complete restoration of the minimum benefit for those currently on the rolls. These changes were necessary and important, but at the time we considered them, and again today, the Senator from Kansas would like to remind his colleagues that they should be under no illusion that we have taken care of the long-term social security problem or even insured the solvency of the system through the 1980's. This concern is heightened by the very recent release this week of revised estimates on the Health Insurance trust fund outgo.

As you will recall the social security amendments included a tax reallocation provision which, while keeping the overall social security tax rate the same, increased the OASI tax, decreased the disability insurance tax, and decreased the hospital insurance tax through 1985. We used the most current program data available on the trust funds status at the time this proposal was agreed to. Under those estimates the health insurance trust fund was secure to 1990.

Under the new estimates the actuaries show the reserve ratio in the health insurance trust fund to be at 4 percent on January 1, 1984. This would be substantially under the minimum amount needed to meet the cash flow demands of the medicare program. When viewed in terms of the combined reserves of the three trust funds, we would be at the dangerously low reserve ratio of 12 percent on January 1, 1985, rather than during 1988 as the actuaries had projected earlier.

Mr. President, as noted during the consideration of the social security amendments, we presume a good deal about the forecasting abilities of our actuaries. We ask them to predict with precision anticipated economic behavior and its effect on the social security trust funds as far in the future as 2040. We have to trust this information each time we make a decision in these programs.

So it is with concern we reviewed these most recent medicare estimates. Clearly whatever adjustments necessary, in the context of our recent amendments, to protect the medicare trust fund will be considered during our conference with the House on these same amendments. In viewing the long-run however, the Senator from Kansas again cautions his colleagues as to the necessity of proceeding carefully. Quick, easy

NATIONAL CENTER FOR IMMIGRANTS' RIGHTS
1550 WEST EIGHTH STREET
LOS ANGELES, CALIFORNIA 90017
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THE IMMIGRATION LAW CENTER

MEMORANDUM

TO: National Immigration and Refugee Network and Interested Organizations

FROM: Peter A. Schey, NCIR

RE: Resolutions and Work-Plans Adopted by the National Immigration and Refugee Network

DATE: August 18, 1981

One hundred and fifty (150) participants attended the National Immigration and Refugee Consultation held at Trinity College, Washington, D.C., on August 3-5, 1981. More than ninety (90) organizations directly involved in the defense of immigrants and refugees were represented at the conference.

A complete list of conference participants along with their organizational affiliations and addresses is attached hereto.

Conference Materials:

A 500-page manual of materials was distributed to each participant at the conference. This manual contains in-depth articles analyzing various aspects of U.S. immigration and refugee policies. Included in the manual, are articles reviewing the work of the Select Commission on Immigration and Refugee Policy, detailing the negative impacts of the proposed employer sanctions law, analyzing French and Swiss "guest" worker programs, examining the rights of detainees after detention or apprehension, analyzing U.S. refugee laws, exploring the myths of immigrant utilization of social services, exposing the relationship between U.S. aid, trade and investment to migration pressures in major countries of origin, etc. These articles are all very timely in terms of providing background information for use in developing positions with regards the recently announced Reagan immigration and refugee plan.

The National Center for Immigrants' Rights has 150 additional copies of this important manual for distribution to persons and organizations unable to attend the National Consultation. If you would like to receive a copy of this 500-page manual, please write us a letter (to the Los Angeles office) requesting a copy of the manual and enclosing a check or money order in the amount of $25.00 payable to the National Center for Immigrants' Rights. The fee for the manual will solely cover our costs of reproduction and postage. No additional copies will be made once we have distributed the 150 copies which are currently available.

Formation of the National Immigration and Refugee Network:

Participants at the national conference voted to form the National Immigration and Refugee Network. It was decided that the Network would be an advocacy coalition as oppose to a grouping of organizations for information-exchange purposes. Concrete work-plans and resolutions were adopted by the Network (copies of the work-plans and resolutions are attached hereto).

It was further decided that the National Immigration and Refugee Network should extend an invitation to other organizations directly involved in the defense of immigrant workers and refugees to join the Network. Organizations joining the Network should be in agreement with the fundamental concepts outlined in the attached resolutions and work-plans, including the attached position paper adopted at the conference in opposition to the Reagan immigration & refugee plan. Organizations interested in joining the Network should communicate with the Los Angeles Office of the National Center for Immigrants' Rights.

Resolutions and Work-Plans:

Conference participants discussed, formulated and voted upon various work-plans and resolutions concerning both work that needs to be accomplished in response to current immigration and refugee policies and additionally in response to the recently announced Reagan immigration and refugee plan. Copies of the positions, resolutions and work-plans adopted by the Network are attached hereto for your review.

Network Coordinating Committee:

Conference participants voted for the formation of a Network Coordinating Committee. A list of those persons voted to serve on this Committee is attached hereto. It was further agreed that members of the Coordinating Committee will be empowered to invite representatives of additional organizations to serve on the Committee. Organizations interested in having a representative on the Coordinating Committee should contact the Los Angeles offices of the National Center for Immigrants' Rights. Members of the Coordinating Committee will meet in October to review implementation of the work-plans and resolutions adopted by the Network.

Analysis of the Reagan Immigration and Refugee Plan:

The Network developed and endorsed a position paper responding to the recently announced Reagan immigration and refugee plan. A copy of that position paper is attached hereto. It was agreed that this position paper would serve as a guide for our work around the Reagan immigration and refugee plan during the coming weeks. It was further agreed that a more detailed analysis would be prepared by the National Center for Immigrants' Rights, with assistance from the La Raza Legal Alliance and the American Friends Service Committee. This more detailed analysis will be circulated to all members

of the Network by September 10, 1981. Members of the Network will review the detailed analysis and submit comments to NCIR within 10 days after receiving the paper. Shortly thereafter, NCIR will integrate all comments into a final draft which will be published in booklet form and distributed to members of the Network and other interested organizations to guide our future work in response to the Reagan immigration and refugee plan.

The National Center for Immigrants' Rights wishes to express its thanks to Erica Gordon, Marlene Watkins and Amit Pandya for their diligent work in organizing the National Immigration and Refugee Consultation.

RESOLUTIONS AND WORK-PLANS ADOPTED BY THE NATIONAL IMMIGRATION AND REFUGEE NETWORK AT THE NATIONAL CONSULTATION HELD IN WASHINGTON, D.C. ON AUGUST 3-5, 1981

1. The National Immigration and Refugee Network is totally and unequivocally opposed to the Reagan immigration and refugee plan announced on July 30, 1981 in its entirety (see attached position paper).

2. The National Immigration and Refugee Network resolves to work at local, state and national levels to explain it opposition to the Reagan immigration and refugee plan to community organizations, church groups, independent unions and afiliated unions. The Network further resolves to build a massive national coalition opposed to implementation of the Reagan immigration and refugee plan.

3. The National Immigration and Refugee Network resolves to make special efforts to explain our opposition to the Reagan immigration and refugee plan to representatives of affiliated labor at local, regional and national levels.

4. The National Immigration and Refugee Network resolves to meet with as many members of Congress as possible during the months of August and September, 1981, to explain our opposition to the Reagan immigration and refugee plan.

5. The National Immigration and Refugee Network resolves to support the All-Peoples Congress (specific resolution attached hereto).

6. The National Immigration and Refugee Network resolves to support the AFL-CIO sponsored March for Jobs to be held in Washington, D.C. on September 18, 1981.

7. The National Immigration and Refugee Network resolves to advise immigrant communities throughout the United States to not

surrender to the Immigration and Naturalization Service in anticipation of a "legalization" program.

8. The National Immigration and Refugee Network resolves to establish a National Coordinating Committee which will serve as an interim body to provide direction and coordination for the Network (members of the National Coordinating Committee are listed on a separate sheet of paper attached hereto).

9. The National Immigration and Refugee Network resolves to call upon the United States government to adhere to current U.S. laws and regulations concerning the treatment of refugees and asylees and the United Nations Protocol on Refugees and to halt all deportations to Haiti and El Salvador and to grant refugee status to all Haitians and Salvadoreans currently residing in the United States.

10. The National Immigration and Refugee Network resolves to call upon the United States Government for fair and humane application of the Refugee Act of 1980 in accordance with the United Nations Protocol on Refugees and all international treaties to which it is a signator.

11. The National Immigration and Refugee Network resolves to call upon the United States Government to end its repressive application of domestic and international refugee obligations currently applied on the basis of foreign policy considerations totally extraneous to the merits of individual refugee and asylum applications.

12. The National Immigration and Refugee Network resolves to join with the National Center for Immigrants' Rights and other interested organizations in initiating national and local litigation challenging the United States' Government treatment of Salvadorean

refugees currently residing in the United States.

13. The National Immigration and Refugee Network resolves to defeat the Reagan plan to initiate interdiction in the open seas of Haitian boatpeople.

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THE IMMIGRATION LAW CENTER

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*The conference participants voted that these organizations should be represented on the Coordinating Committee, leaving it to the organizations to choose representatives for the Committee. Names are supplied here as interim candidates pending decisions by these organizations who should serve on the Committee.

Resolution on the ALL-PEOPLES CONGRESS

August 5, 1981

WHEREAS: the Reagan program aims at eliminating every social gain won by working and poor people over the past five decades including the wholesale destruction of vital service programs and the erosion of civil rights.

AND WHEREAS: undocumented workers, as a significant section of the workforce, will suffer along with all other people from the Reagan program of cutbacks.

AND WHEREAS: undocumented workers who already suffer an additional burden will be faced with even greater hardships and injustice as a result of the recommendations of Reagan's Task Force on Immigration.

AND WHEREAS: undocumented workers are still fighting for the most elementary and basic rights accorded to other workers.

AND WHEREAS: there is a compelling need to find unity in action with all those sectors and constituencies who will be hard hit by the Reagan program.

BE IT RESOLVED: that the Network endorse the ALL-PEOPLES CONGRESS to be held in Detroit on October 16-18. That furthermore, the Network designate representative(s) to sit on the National Coordinating Board for the ALL-PEOPLES CONGRESS so as to insure that the issues of undocumented workers are adequately and properly represented on the agenda of the ALL-PEOPLES CONGRESS and in the publicity and preparatory work for the Congress.

NATIONAL IMMIGRATION AND REFUGEE NETWORK

ANALYSIS OF AND OPPOSITION TO

THE

REAGAN IMMIGRATION AND REFUGEE PLAN

(AUGUST 1981)

NATIONAL IMMIGRATION AND REFUGEE NETWORK*

ANALYSIS OF AND OPPOSITION TO THE REAGAN IMMIGRATION AND REFUGEE PLAN

(The following position paper was adopted by participants in the National Immigration and Refugee Consultation held in Washington, D.C. on August 3-5, 1981. Participants at the Conference elected a committee which drafted this analysis and presented it to a meeting of all participants for discussion and adoption. What follows is the position paper as finally adopted by the conference participants.)

The National Immigration and Refugee Network, a recently formed coalition of over 90 organizations active in immigration and refugee defense work, expresses its total and unequivocal opposition to the Reagan immigration plan announced on July 30, 1981.

The Reagan immigration and refugee proposals entirely fail to address the fundamental social and economic causes of migration into the United States. Instead, the proposals serve to further the administration's economic policies targeted against poor and

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*The National Immigration and Refugee Network is an advocacy coalition formed at the National Immigration and Refugee Consultation, sponsored by the National Center for Immigrants' Rights and held in Washington, D.C. on August 3-5, 1981. The Consultation was attended by 150 participants representing over 90 organizations involved in defense work on behalf of immigrant and refugee communities in the United States. This position paper analyzing and opposing the Reagan immigration & refugee plan announced on July 30, 1981 was endorsed by a majority of the participants at the conference. Conference participants also voted to assign the National Center for Immigrants' Rights the task of preparing a detailed analysis of the Reagan immigration & refugee proposals based upon the positions espoused in this paper. The more detailed analysis will be completed by September 10, 1981, and forwarded to all participants of the conference and other interested organizations. Until a more detailed analysis is completed, conference participants agreed to utilize the analysis contained in this paper as the foundation for local and regional work around the Reagan immigration & refugee proposals.

working people living in the United States. Implementation of the Reagan immigration and refugee plan will institutionalize the disruption of nuclear families, the exploitation of immigrant workers and will promote negative international opinion against the United States and its people.

For many years undocumented communities in this country have expected and have worked for a just and humane legalization program which would recognize and accept their full participation in the economic and social life of this nation. During this period these immigrants have significantly contributed to the economic, social and cultural development of this country, while concurrently suffering family separations, threats of deportation, extreme vulnerability at the hands of employers and lack of access to basic health, education and social services.

THE LEGALIZATION PROGRAM

Rather than proposing a full and expeditious legalization program for persons currently living in the United States without lawful immigration status, the Reagan Administration's plan would create a ten-year waiting period during which time immigrant workers would only be guaranteed temporary status, would not be eligible for family reunification and would be required to pay taxes without gaining eligibility for many basic social services. In addition, the Reagan plan calls for the importation of at least 50,000 temporary workers, most of whom would be Mexican nationals. Rather than being the legalization program for which immigrant communities have waited for many years, the Reagan plan would simply legitimize and perpetuate the exploitation of immigrant and refugee

workers:

1. Implementation of the Administration's "legalization" plan would force the long term division of nuclear families;
2. The ability of workers involved in the "legalization" program to improve their wages and working conditions would be severly curtailed by the threat of losing jobs (putting into jeopardy the workers' ability to renew his/her immigration status), the inability to lawfully immigrate family members whose incomes could be united to support the family, and their lack of access to unemployment compensation and other social services;
3. Under the "legalization" program, workers would be required to renew temporary status visas every three years. The need for this institutional review will increase rather than decrease the fear of deportation and will therefore perpetuate the economic and social vulnerability caused by the threat of deportation;
4. While workers involved in the "legalization" program would be required to pay taxes, they would not be eligible for most public services resulting in a windfall to U.S. citizens;
5. No guarantee is provided that after ten (10) years the "legalization" program applicant will be granted permanent residency. Exclusion laws which would be

applied at the end of the ten years residency period will result in hundreds of thousands of persons being denied permanent resident status;

6. The imposition of an English-speaking ability requirement for permanent residency at the end of the ten year period places an additional burden on program applicants not required of any other applicants for immigrant status. This requirement will strongly discriminate against program applicants from Asia, Central and South America.

The planned "legalization" program leaves many questions unanswered, such as:

1. Does the ten year period require continued physical presence in the United States?
2. If a continuous physical presence is not required, precisely how will absences from the United States be measured?
3. Would undocumented children and unemployed spouses now living in the United States be eligible for a renewable temporary visa?
4. Would undocumented persons with seven (7) years continuous residence remain eligible to apply for suspension of deportation under existing law?
5. What would the rights be of an undocumented work with nine (9) years residence who loses an arm while on the job and becomes unable to accept employment in order to complete the ten (10) year residency requirement?

The program offered by the new Administration provides no incentive for workers to register but rather serves as a deterrent to their full and meaningful participation in society. The "legalization" program, taken with the proposed 50,000 "pilot" guestworker program, would, if implemented, create the largest temporary worker program in the history of this country. The power of employers over their employees would be increased rather than decreased and immigrant communities will experience a growth in exploitation.

EMPLOYER SANCTIONS

The Reagan plan's proposal for an employer sanctions law will only serve as a tool for spreading anti-immigrant attitudes and perceptions. The sanctions will be borne by the workers rather than the employers. The proposal would create a legal basis for employment discrimination against minority workers, who will seldom have meaningful access to an already over-worked Department of Labor. The superficial nature of the proposal with regards the process for determining worker eligibility will, in almost every case, remove any liability on the part of the employers. Historically, employer sanction laws already enacted by several states and local jurisdictions have never been enforced. Neither the inclination nor the resources will be available to achieve a level of enforcement which would begin to deter employers who use undocumented labor. While the proposed law would be largely unenforceable from the standpoint of achieving employer compliance, it would provide yet a further excuse for businesses to close factories, terminate minority workers and disrupt the

organization of labor.

ENFORCEMENT

The Administration's policy calling for increased enforcement of immigration laws through expansion of the U.S. Border Patrol would further perpetuate the historical role of the Patrol as a repressive police force which militaristically and in a racially discriminatory manner serves as the primary tool for the exploitation of undocumented workers. Recent Government figures indicate that the Mexican component of the undocumented population is approximately 45%, while some 95% of those detained, arrested and deported by the Border Patrol are of Mexican origin. It is this precise targeting of Latino communities for deportation which more than any other factor ultimately allows for their exploitation by employers. As such, the National Immigration and Refugee Network rejects any efforts to further militarize the U.S.-Mexico border as a supposed solution to the complex issue of international migration.

FOREIGN POLICY IMPLICATIONS

Specific elements of the Administration's immigration and refugee proposals also contain grave implications for U.S. foreign policies. In relation to Mexican and Haiti, the proposals seek to directly dictate the actions of sovereign nations:

1. The attempt to enlist the assistance of Mexico in restraining third countries' nationals from migrating to the United States through Mexico:
   - will disrupt unity efforts between Latin

American and Caribean countries;

- Violates Mexico's sovereignty;
- Runs counter to internationally acceptable practices.

2. The attempt to enlist the Haitian government's cooperation in preventing the exodus of Haitian people:
   - Endorses the repressive character of the Duvalier regime in Haiti;
   - Serves to defeat domestic and international obligations concerning the plight of refugees;
   - Will result in even more perilous forms of escape from Haiti.

The proposal to "interdict" boats in the high seas sets a dangerous precedent for international relations. It is a practice that has been rejected by most of the world, and was specifically rejected by the United States government when other governments attempted to interdict Vietnamese and Cambodian boatpeople. Implementation of this proposal will violate international obligations entered into by the United States government with regards to the treatment of refugees.

IN CONCLUSION, the National Immigration and Refugee Network condemns the Reagan immigration and refugee plan. Taken in its totality, the plan is a logical extension of previous efforts to institutionalize the subjugation of undocumented workers and drive a wedge between the working people of this country. The plan represents more than anything else a capitulation to those forces

which wish to continue and expand their exploitation of foreign-born workers in this country. The Network opposes the plan and rather supports full labor and social rights for undocumented workers residing in this country and the full reunification of families without regard to quotas, backlogs and age limitations.

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IMMIGRATION AND NATURALIZATION PROJECT
Community Service Administration
Local Initiative Program, Region IX

LEGISLATIVE HIGHLIGHTS

Reagan Administration's Proposals

On Immigration And Refugees Policy

On July 30, 1981, Attorney General William French Smith unveiled the Administration's recommendations concerning U.S. Immigration and Refugee Policy. They encompass the following topics: (1) provisions to control future emergency refugee influxes, such as Coast Guard interdiction of vessels on the high seas and construction of facilities to temporarily detain refugees; (2) expedited exclusion procedures, with asylum applications to be adjudicated by newly-created INS asylum officers; (3) reduced cash assistance levels for refugees; (4) adjustment provisions for Cuban and Haitian entrants present in the U.S. before January 1, 1981; (5) civil sanctions against employers of 4 or more employees who knowingly hire undocumented workers; (6) a two-year experimental temporary worker program which would admit 50,000 Mexican nationals each year: (7) increased border enforcement; (8) a legalization program that would grant "renewable term temporary residency" status to undocumented persons present in the U.S. before January 1, 1980.

MALDEF issued a press release (a copy of which is attached) in response to the Administration's proposals. It is currently preparing an analysis and position statement on the Reagan Immigration/Refugee recommendations.

Restrictions On Alien Access

To Public Assistance Programs

Section 214 of the Housing and Community Development Act of 1980 has been amended to preclude the Secretary of HUD from making financial assistance available to any alien unless that alien is a resident of the U.S. and (1) lawfully admitted for permanent residence as an immigrant; or (2) adjusted under INA Section 249; or (3) lawfully present after admission as a refugee under INA Section 207 or after asylum granted under INA Section 208; or (4) lawfully present following parole under INA Section 212(d)(5); or (5) lawfully present pursuant to withholding of deportation under INA §243(h) or conditional entry under former §203(a)(7). Specifically excluded are alien visitors, tourists, diplomats and students.

In addition, the eligibility of aliens to Aid to Families with Dependent Children (AFDC) benefits is severely restricted in the case of those applying for benefits for the first time after September 30, 1981. Such aliens, who must be either lawfully admitted for permanent residence or permanently residing in the U.S. under color of law, would be deemed to have the income and resources of their immigration sponsors available for their support for a period of three years after entry. The eligibility of such aliens for AFDC would be contingent upon their obtaining the cooperation of their sponsors in providing necessary information to the State welfare agency to carry out this provision. The alien and the sponsor would be jointly and severally liable for repayment of any benefits incorrectly paid because of misinformation provided by the sponsor or

because of his failure to report, and any such incorrect payments not paid would be withheld from any subsequent payments for which the alien or sponsor would otherwise be eligible under the Social Security Act. The new restrictions do not apply to aliens (1) admitted as conditional entrants under former §203(a)(7); (2) admitted as refugees under §207(c); (3) paroled in as refugees under §212(d)(5); (4) granted political asylum under §208; (5) defined as Cuban/Haitian entrants in §501(e) of the Refugee Education Assistance Act of 1980, PL 96-422.

Legal Services Corporation Authorization

H.R. 3480, the Legal Services Corporation Act Amendments of 1981, was introduced as a clean bill in lieu of H.R. 2506 on May 7, 1981 by Rep. Rodino, Chairman of the House Judiciary Committee on behalf of himself and seven others. After hearings and mark-up sessions on May 12 and 13, 1981, the bill was favorably reported. As passed by the House on June 18, 1981, the measure contains a number of important amendments. The Legal Services Corporation was reauthorized for another two years at $241 million a year. However, legal assistance is precluded for aliens unless the alien is a resident of the U.S. and (1) is lawfully admitted for permanent residence as an immigrant; or (2) is the spouse, parent or minor child of a U.S. citizen who has pending an application for adjustment to permanent residence; or (3) has been admitted as a refugee or asylee or as a conditional entrant under former §203(a)(7) or has been granted §243(h) withholding. The bill was referred to the Senate Committee on Labor and Human Resources, which on July 29, 1981 reported its own original bill, S. 1533, in lieu of the House bill. The Senate bill contains reauthorization at $100 million a year for three additional years, without the House bill's alien restrictions.

Refugee Assistance

H.R. 2142, introduced on February 25, 1981 by Rep. Lungren (R-Cal.) for himself and numerous others, extends to October 1, 1982 the period for full federal reimbursement of states' costs for cash and medical assistance and child welfare services provided to refugees. Hearing was held before the House Judiciary Subcommittee on Immigration, Refugees, and International Law on March 24, 1981. At a mark-up session on July 22, 1981 it was voted to introduce a clean bill, which was reported to the full Judiciary Committee on July 23, 1981.

Rescissions

PL 97-12, the Supplemental Appropriations and Rescissions Act, 1981, approved June 5, 1981, covers the balance of the fiscal year ending September 30, 1981. It includes a supplemental appropriation of $8,869,000 for salaries and expenses of INS. Of the funds previously appropriated for the Department of State for migration and refugee assistance, $17,500,000 are rescinded. Of the funds previously appropriated for the Department of HHS for refugee assistance, $41,805,000 are rescinded and $10,000,000 are rescinded from the funds provided for Cuban and Haitian entrants reception and processing.

Addendum

For further information concerning Immigration/Refugee Policy, contact:

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FOR IMMEDIATE RELEASE

MALDEF ASSAILS REAGAN IMMIGRATION PLAN

"The Reagan immigration plan is extremely disappointing to the Latino community. The amnesty program is the most repressive approach to the problem we have yet seen. It takes all undocumented, regardless of their equities, and requires them to serve in a 10 year temporary status without full protection of thier labor and civil rights", asserted Vilma Martinez, President and General Counsel of the Mexican American Legal Defense and Educational Fund (MALDEF) in response to the announcement of an immigration plan by the Administration.

The plan includes: employer sanctions legislation which penalize employers who knowingly hire undocumented workers; guest worker programs that import Mexican laborers temporarily; and an new visa entitled, "renewable term temporary residency", intended to legalize immigrants. The plan was unveiled in Washington today by the U.S. Attorney General William French Smith.

Ms. Martinez called the "renewable term termporary residency" program, "the most disturbing and repressive feature of the plan". According to Ms. Martinez, this visa establishes a "sub-class"

for all undocumented workers who have resided in the United States since January 1, 1980.

The new visa would require undocumented workers to work and pay taxes; yet they would be ineligible for benefits that other Americans receive, such as social security and unemployment. The renewable term temporary residency holder would not be permitted to be accompanied by spouse or minor children for the 10 year in the program. After ten years of such sub-class and upon proof of English ability, the renewable term temporary residency visa holder could apply for permanent residency.

John E. Huerta, National Director of MALDEF's Immigration Law Project, contrasted this with the recommendation of the Select Commission on Immigration and Refugee Policy in which persons who had been present in the U.S. prior to January 1, 1980 and had continuously resided in the U.S. for a period of years to be determined by Congress should be eligible for permanent residency.

Martinez and Huerta called the employer sanctions proposals a sham - "designed not to address the immigration problem but to appease big business and those who reap tremendous benefits from the labor of the undocumented. The proposals are more symbolism than substance. They give the impression that employers will no longer be able to hire the undocumented, but employers will not be prosecuted if they certify they inspected the applicants' social security card or other form of identification. Thus, we will have the status quo - but with more bureaucracy, paper work

and opportunity to discriminate against Americans who 'look foreign'".

MALDEF continues to oppose quest worker programs. In currently operating temporary worker programs, health and safety violations are rampant.

Ms. Martinez, concluded "MALDEF is willing to work with this Administration and this Congress to develop a positive and comprehensive immigration proposal." MALDEF will submit to the Congress this fall its recommendations for U.S. immigration and refugee policy.

MALDEF is a national civil rights and advocacy organization, founded in 1968 to protect the civil rights of more than 14 million Hispanics in the U.S. MALDEF is headquartered in San Francisco and operates regional offices in Los Angeles, San Antonio, Denver, Chicago and Washington, D.C.

# # # #

REMINDER

TO: DATE:

Estimado Herman:

Aqui te envio algunos documentos de RAZA SI. Take a look at them and I would appreciate any feedback on them.

As I informed you over the phone our campaign against the Reagan plan is going well. We are nearing the 1,000 signatures Please read the plan for the campaign to get an idea what is our political perspective on it, our goals and methods.

RAZA SI would like as much cooperation as possible with the CCR. If there is any thing that we can facilitate for you do not hesitate to call us.

Pleas don't forget to send us as soon as possible your statement on the Silva Letters. We want to incorporate that case into our campaingn.

Sin mas por ahora y deseandote suerte,

RAZA SI-MIGRA NO

Jorge R. Gonzalez

FACT SHEET
Reagan's Administration's Immigration Bill
SB 1765/HB 4832

The Omnibus Immigration Control Act (Reagan's Immigration Bill) was formally presented to Congress on October 20, 1981. The sub-committees on immigration of both houses are now considering the bill. It is not know when they will finish their hearings and give their recommendations.

The bill seeks to amend present immigration law, and adds to it new temporary and parmanent provisions.

TITLE I: Temporary Resident Status For Illegal Aliens, sets forth the following:

*Undocumented persons who entered the U.S. prior to January 1, 1980 and have resided here continuously, may register with the INS (Immigration and Naturalization Service) to petition legal temporary residency

*Once and udocumented person has registered for this "amnesty", he/she will continue to pay taxes but will not be elegible for:

-welfare (general assitance)
-food stamps
-housing subsidies
-Medi-Cal, Medicare
- unemployment and most social services

*Spouses and children of people who have been granted the temporary residency status who are still abroad will not receive special consideration in their efforts to immigrate to this country to reunite their families.

*A person who has been granted "temporary residency" under Reagan's "amnesty will have to renew their status with the INS every 3 years. At this time his/her record will be reviewed to assure that this person has behaved well in the last 3 years.

*If, according to the Attorney General, a person has "misbehaved" his/her temporary resident status will be taken away.

*After a person under temporary residency status has completed 10 years from the time of entry, he/she may be granted "permanent residency", provided the person demostrates ability to understand, speak, read, write English.

RAZA SI analysis

Given that there are from 3 to 6 million unducumented persons in the U.S., if approved, the bill could create a workforce of millions of workers on a 10 year probationary period. During this time, given that most unducumented workers labor in the most unstable, dangerous and seasonal industries, those who applied for the temporary residency, would be forced to work in any job, under any conditions, for any wage, fearful of protesting, because come their 3 year review they might lose their temporary residency status for being "troublemakers" Also if any of these workers got sick or injured they would have no protection under any government medical plan.

Having millions of workers in this situation would be very profitable for business interests. It would depress wages and would give business the ability to break unions since there would be thousands of people desperate for a job even willing to be strikebrakers.

FACT SHEET 2

Since it is up to the Attorney General to define what is meant by continuous residency, it is possible that persons registed for the so called "amnesty" would not see thier families for up to 10 years.

Demanding that an applicant for permanent residency be able to demosntrate that he/she understands, speaks, reads and write English is and attack against the rights of people to speak and function in their native languages. It is an attack aganist the Spanish language and an attempt, along with other schemes, to stamp it out. Why should only Anglos have the right to speak in their native language and no one else?

TITLE II: The Unlawful Emploment of Aliens Act, sets forth this:

*Employers who have more that 4 employees will be fined $500 per every undocumented alien they hire. Further violations will be fined by $1,000 per alien.

*The Attorney General will provide the employer a way of telling who is an illegan alien or not. The Attorney General could decide to have every person seeking employment carry an ID card with their picture and vital statistics that would identify him/her as a legal resident. Or it may be decided to put every one on a computer so that when we look for a job the employer will call this data bank and see if we are "legal". Or still, we may heve to fill out a legal affidavit stating and proving the we are legal.

*Any person who enters the country illegally, if convicted, will be fined up to $500 and/or be inprisoned for up to 6 months. Further violations will be punished by up to 2 years in jail and/or $1,000 fine

RAZA SI analysis

All the possible schemes to determine the legality of a worker would be severely discriminatory aganist Latinos and other "foreign looking" persons. They would be the ones that would find it more difficult to obtain their ID cards; employers would either be more careful in hiring them or would use "suspicion of being illegal" as an excuse to continue discriminating aganist Latinos and other peoples.

In reality these schemes are more disigned to harass RAZA than to give employers protection aganist being fined. Currently 11 states have fines against employers who hire undocumented persons, but in the last 10 years there has only been one conviction.

Making it harder for families to reunite is also going to increase the number of people who will enter "illegally" to see their loved ones. Yet the bill calls for stiffer penalties aganist these people.

TITLE VI: The Temporary Mexican Workers Act, says this:

*will bring 50,000 Mexican workers for 2 periods of 12 months.

*They will work in industries where it is determined that there is a labor shortage.

They will not be elegible for any government social services or programs.

*Their families will not be allowed to come to the country.

RAZA SI analysis

This Bacero Program, along with the provisions of Article I will give Reagan's rich friends the ability to make superprofits and break union activities. The existance of 50,000 workers who will work for the lowest wages, who have no rights, will lower everyones wages and water down their rights.

Worst union affected will be the farmworkers which was only formed after the defeat of the old Bracero Program in 1964. That program severely abused, exploited and humiliated braceros. It made them work from sun-up to sundown; it housed them in shacks and held them as virtual prisones. They would even spray them with DDT before they entered the country to make sure that they would not bring in "piojos from Mexico". Breceros, without their knowlwdge, were used to break strikes and organizing drives. And if they didn't go along they would be deprted.

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In brief these are the main features of the racist Reagan Immigration bill. In total it has 10 articles which are:

I. Temporary resident Status for Illegal Aliens
II. The Unlawful Employment of Aliens Act of 1981
III. Cuban/Hatian Temporary Resident Status Act of 1981
IV. The Fair and Expeditious Appeal, Assilum and Exclusion Act Of 1981
V. The Immigrant Visas for Canada and Mexico Act
VI. The Temporary Mexican Workers Act
VII. The Immigration Emergency Act
VIII. The Unauthorized Entry and Transportation Act
IX. The Labor Certification Act
X. The Emergency Interdiction Act

The bill is Reganomics applied to the undocumented person. It is an attempt to increase the severe exploitation and lack of rights that this people already suffer. It is an attemt to weaken and destroy the small measure of politica and economic power of the Chicano-Mexicano people. It tryes to make sure that this power will not develop in the future.

We Chicanos and Mexicanos demand IMMEDIATE UNCONDITIONAL RESIDENCY FOR ALL UNDOCUMENTED PERSON IN THE U.S. This is what we, the real ownwes of this land feel should be our policy toward undocumented oersons in AZTLAN.

With this demand we arepracticing ans aspect of self-dermination.

HOJA INFORMATIVA
Proyecto de Ley de Inmigración de Reagan
SB 1765/HB 4832

El Proyecto de Ley de Inmigración de Reagan fue presentado formalmente en el Congreso el 20 de octubre, 1981. Actualmente los subcomitéstsobreeinmigraciónedeeambasocámarasdel Congreso están analizando el Proyecto. No se sabe en qué fecha terminarán sus indagaciones y emitirán sus recomendaciones.

La fianalidad del Proyecto es enmendar la actual ley de inmigración y añadirle cláusulas temporarias y permanentes. El Proyecto contiene 10 títulos, de los cuales los siguientes son los más importantes.

TITULO I: Estado de Residentes Temporarios Para los Extranjeros Ilegales estipula lo siguiente:

*Personas inducumentadas que entraron a los Estados Unidos antes del 1° de enero de 1980 y han redicado aquí continuamente, tienen derecho a registrarse con el INS (Servicio de Inmigración y Naturalización) para solicitar la residencia legal temporaria.

*Una vez que la persona indocumentada se ha registrado para este "indulto", el/ella seguirá pagando taxes pero no tendrá derecho al:
-welfare (asistencia pública)
-cupones de alimentos
-subsidio de vivienda
-Medi-Cal, Medicare
-desempleo y la mayoría de los servicios sociales

*Esposa(o) e hijos de personas a las que se les ha otorgado la residencia temporaria no recibirán consideraciones especiales en sus esfuerzos para inmigrar a este país para reunificar a sus familias.

*La persona que reciba la residencia temporaria bajo la "amnistía" de Reagan tendrá que renovar su estado de inmigración con el INS cada 3 años. Entonces se le investigarán sus antecedentes para asegurar que dicha persona se ha portado bien en los previos 3 años.

*Si, según el Procurador General, la persona no se ha "portado bien" se le quitará la residencia temporaria.

*Después que una persona con residencia temporaria ha completado 10 años de residencia continua partiendo de su fecha de entrada, dicha tendrá derecho a solicitar la "residencia permanente", contal que la persona demuestre la capacidad de conprender, hablar leer y ecribir el inglés.

Análisis de RAZA SÍ

Puesto que hay de 3 a 6 millones de personas indocumentadas en los Estados Unidos, la aprobación del Proyecto podría crear una fuerza de trabajo de millones de trabajadores bajo una especie de "libertad condicional" por 10 años como si fueran criminales. Durante ese período, a sabiendas que la mayoría de los trabajadores inducumentados trabajan en las industrias más inestables, peligrosas y temporales, aquellos que que aplicaran para la residencia temporaria (ya sin derecho al desempleo)

serían obligados a trabajar en cualquier empleo, bajo cualesquiera condiciones, por cualquier sueldo, temerosos de protestar, por miedo a que se les quite su residencia temporaria cuando investiguen sus antecedentes cada 3 años. También, si alguno de estos trabajadores se enfermara o se lesionara en el trabajo, no tendría ninguna protección bajo un plan médico del gobierno.

La existencia de millones de trabajadores en esta situación rendiría millones de superganancias para los patrones. Deprimiría los sueldos y daría a los patrones la capacidad de quebrar uniones puesto que habría miles de parsonas desesperadas por conseguir trabajo, dispuestas hasta de prestarse de esquiroles.

Puesto que el Procurador General va a definir en lo que consiste la residencia continua, es posible que las personas que se registren para la llamada "amnistía" no verían a sus familias por hasta 10 años.

Requerir que los aplicantes por la residencia permanente demuestren dominio de la lengua inglesa es un ataque velado contra el derecho de los pueblos de hablar y funcionar en sus idiomas natales. Es un ataque contra el idioma español; junto con otras embestidas intentan eliminarlo. No es justo que solamente sean los anglos los únicos que tengan el derecho de practicar su idioma natal.

En realidad lo que el Proyecto pretende no es terminar la explotación que sufren los inducumentados, sino legalizarla y aumentarla. Aparte, puesto que deprimirá los sueldos y debilitará a los sindicatos, afectará adversamente a todos nosotros, tengamos documentos o no, especialmente a las minorías.

TITULO II: Acta Sobre el Empleo Ilegal de Extranjeros, estipula lo siguiente:

*Patrones que tengan a más de cuatro empleados serán multados $500 por cada indocumentado que empleen. Violaciones posteriores serán multadas por $1,000 por cada indocumentado.

*El Procurador General dará al patron una manera para determinar quién es un extranjero ilegal. El Procurador General podría decidir que toda persona en busca de trabajo carge una tarjeta de identificación con su fotografía y antecedentes que lo identificaran como residente legal. O es posible que se decida que los antecedentes de toda persona se pongan en una computadora y cada vez que alguien busque trabajo, el patrón acudirá a la computadora para ver si el aplicante es legal. O también, es posible que requieran que toda persona en busca de empleo llene un afidávit legal declarando que es legal.

*Cualquier persona que entre al país ilegalmente, tras su convicción legal, será multado $500 y/o apresado por hasta 6 meses. Violaciones posteriores serán castigadas con una multa de $1,000 y/o hasta 2 años de carcel.

Análisis de RAZA SÍ

Cualquier medio utilizado para determinar la legalidad de algún trabajador sería severamente discriminatorio contra los latinos y demás personas de "aspecto extranjero". Estas personas serían las que encontrarían más difícil obtener las tarjetas de identificación. Los patrones tendrían más cuidado antes de emplearlos o usarían la "sospecha de ser indocumentados"como excusa para continuar la discriminación contra los latinos y damás pueblos.

En realidad estos medios de identificación están diseñados más para amedrentar a la RAZA que para dar protección a los patrones contra las multas. Presentemente 11 estados tienen multas contra patrones que a sabiendas empleen a indocumentados, pero en los últimos 10 años solamente uno ha sido multado.

Ya que el título I hace más dificil que las familias se reunifiquen, esto entonces aumentará el número de familias que entraran ilegalmente para reunirse con sus seres queridos. Sin embargo el Proyecto pide castigos y multas más severos contra la entrada ilegal.

TITULO VI: Acta de Trabajadores Temporarios Mexicanos estipula lo siguiente:

*Permitirá la entrada de 50,000 trabajadores mexicanos como braceros por 2 períodos de 12 meses.

*Dichos trabajarán en las industrias donde se ha determinado que existe escaces de mano de obra.

*No trandrán derecho a ningún programa o servicios del gobierno.

*No se permitirá que sus familias entren al país.

Análisis de RAZA SÍ

Este programa de braceros junto con las estipulaciones del Título I darán a los amigos ricos de Reagan la capacidad de realizar superganancias y romper las actividades sindicales especialmente en el Suroeste donde vive el pueblo chicano-mexicano y donde se necesita la sindicalización. La existencia de 50 mil trabajadores que trabajarán por sueldos bajos y carecerán de todo derecho, deprimirá los sueldos y debilitará los derechos de todos.

La unión que será peor afectada será la unión de campesinos, la cual fue formada solamente después que se derrotó al viejo programa de braceros en 1964. Ese programa severamente abuso, explotó y humilló a miles de braceros. Los obligó a trabajar de sol a sol, albergándolos en dilapidados campamentos de trabajo donde estaban casi como presos. Hasta les echaban DDT antes que los dejaran entrar al país para que "no trajeran piojos de México" según los oficiales racistas. Sin tener conocimiento los braceros fueron utilizados como rompehuelgas en numerosas situaciones. Y si no obedecían los amenazaban con la deportación.

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En breve estas son las principales estipulaciones del Proyecto de Reagan. En total tiene 10 títulos.

El Proyecto es la política reaganista aplicada contra el indocumentado. Es una embestida para aumentar la severa explotación y falta de derechos que esta gente ya sufre. Es un intento para debilitar y destruir la pequeña cantidad de poder político y económico del pueblo chicano-mexicano. Trata de asegurarse que esta fuerza no se desarrollará en el futuro. Reagan ataca al indocumentado con el fin de debilitar a toda la RAZA.

Nosotros los chicanos y mexicanos demandamos la RESIDENCIA INMEDIATA INCONDICIONAL PARA TODOS LOS INDOCUMENTADOS EN ESTADOS UNIDOS. Ésta es la que nosotros, los verdaderos dueños de esta tierra creemos debe ser nuestra política hacia las personas indocumentadas en AZTLÁN. No son criminales, tienen derecho de vivir en esta tierra que le fue arrebatada a México por la fuerza en 1846.

Con esta demanda ejercemos un aspecto de nuestra autodeterminación.

STOP the Reagan Immigration Plan!

NO IMMIGRATION DETENTION CENTER IN SAN JOSE

IMMEDIATE UNCONDITIONAL RESIDENCY FOR ALL UNDOCUMENTED PERSONS

Senator Edward Kennedy, U.S. Senate (D-Massachussets)
Senate Sub-Committee on Immigration and Refugee Policy

Representative Pat Schroeder U.S. House of Representatives (D-Colorado)
House Sub-Committee on Immigration, Refugees and International Law

We the undersigned strongly oppose the racist Omnibus Immigration Control Bill (S.B. 1765/H.B. 4832). This bill violates the constitutional rights of the three to six million undocumented persons in the U.S. This bill will not grant amnesty to the undocumented, but will in stead legalize their exploitation. It will be harmful to labor by creating a bracero program and a caste of workers with no option but to accept the lowest wages without any ability to organize against these conditions. It is unconstitutional in that it would require the undocumented to pay taxes without receiving any benefits like unemployment insurance, food stamps, welfare and most social services.

We are also opposed to increasing funding for the Border Patrol and the construction of its detention centers. We specifically oppose the construction of a Border Patrol detention center in San José, California.

We demand in stead IMMEDIATE UNCONDITIONAL RESIDENCY FOR ALL UNDOCUMENTED PERSONS IN THE UNITED STATES. These people have already proven that they can contribute to this society. They've already suffered enough. They shoud not be penalized, but in stead granted full participation and rights in this country.

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Return to: RAZA SI Community Organization, PO Box 2382 San Jose, CA 95109

¡ALTO al Plan de Inmigración de Reagan!

NO AL CENTRO DE DETENCIÓN EN SAN JOSÉ

RESIDENCIA INMEDIATA INCONDICIONAL PARA TODOS LOS INDOCUMENTADOS

Senador Edward Kennedy, Senado de los Estados Unidos (D-Massachussets)
Subcomité del Senado Sobre Inmigración y Política de Refugiados

Representante Pat Schroeder, Cámara de Representantes de EE.UU. (D-Colorado)
Subcomité de la Cámara Sobre Inmigración, Refugiados y Ley Internacional

Los que aquí firmamos nos oponemos enérgicamente al racista Proyecto de Ley de Inmigración de Reagan (S.B. 1765/H.B. 4832). Dicho viola los derechos constitucionales de los tres a seis millones de personas indocumentadas en los Estados Unidos. Este proyecto no concederá indulto a los indocumentados, sino que legalizará su explotación. Causará daño al movimiento obrero al crear un programa de braceros y una casta de trabajadores sin ninguna alternativa mas que trabajar por los peores sueldos sin la alternativa de organizarse para mejorar sus condiciones. También es inconstitucional porque obligaría a los indocumentados a pagar impuestos sin tener derecho al seguro de desempleo, al welfare, a los cupones de alimentos, y a la mayoría de los servicios sociales.

También nos oponemos al incremento de fondos para la Patrulla Fronteriza y a la construcción de sus centros de detención. Específicamante nos oponemos a la construcción de dichos centros en San José, California.

Pedimos la RESIDENCIA INMEDIATA INCONDICIONAL PARA TODOS LOS INDOCUMENTADOS EL LOS ESTADOS UNIDOS. Estas personas ya han mostrado qué tan valiosas son pare este país. Ya han sufrido bastante. No se merecen ningún castigo, sino el derecho a la plena participación en esta país.

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Regresar Petición a: Organización Popular RAZA SÍ, PO Box 2382 San José CA 95109

¡ALTO al Plan de Inmigración de Reagan!

SABIA USTED QUE.....

El Presidente Reagan quiere que el Congreso apruebe una ley de inmigración que ataca a nuestra RAZA y nos quita más de los pocos derechos que tenemos?

--obligará a esos indocumentados quienes se registren para el llamado "indulto" o "amnistía" de Reagan pagar taxes sin tener derecho al:

* seguro de desempleo
* welfare (asistencia pública)
* cupones de alimentos
* Medi-Cal, Medicare
* y a la mayoría de los servicios sociales

--esto causará muchas penas para estas personas especialmente porque muchos trabajan en industrias de temporada y dependen del seguro de desempleo. También, como estos trabajos son peligrosos y estos trabajadores no tendrán seguro médico, cuando se lastimen o se enfermen no tendrán dónde acudir.

--una vez que los indocumentados se registren para el "indulto y les otorgen "residencia temporaria", serán puestos en una especie de libertad condicional como si fueran criminales. Se tendrán que reportar cada 3 años y entonces investigarán su comportamiento como condición para renovar la residencia. Una vez que completen 10 años de residencia continua (puede que no los dejen salir del país durante ese tiempo), tendrán derecho a solicitar residencia permanente contal que demuestren dominio del idioma inglés.

--el proyecto de ley de Reagan separará a familias por hasta 10 años y aumentará multas y sentencias de cárcel contra los que entren al país sin documentos.

--quebrará uniones y empeorará sueldos y condiciones de trabajo para todos nosotros porque iniciará un programa de braceros y producirá una fuerza de trabajo de semiesclavos dipuestos a trabajar por los peores sueldos.

--obligará a todos los trabajadores de "aspecto extranjero" a cargar tarjetas de identificación para comprobar su legalidad. Sin esta tarjeta no les darán trabajo.

--El plan de Reagan pretende debilitar al movimiento de los chicanos y mexicanos por la justicia social y la liberación.

--dará $75 millones a la migra para la compra de medios de represión y para la contrucción de centros de detención. QUIEREN PONER UN CENTRO DE DETENCIÓN AQUÍ EN SAN JOSÉ!!!

Todos nos debemos oponer a este racista y opresivo proyecto y demandar la RESIDENCIA INMEDIATA INCONDICIONAL PARA LOS INDOCUMENTADOS. Ya han sufrido bastante y tienen derechos en esta, la tierra de los chicanos y mexicanos. AYUDE!! Circule las peticiones de RAZA SÍ. Para más información llame al 295-0656.

RAZA SI Campaign Plan Against the Reagan Immigration Plan and the Border Patrol Detention Center in San Jose 1981-82

Perspective:

We Chicanos and Mexicanos are a people in the U.S. fighting for the right to control our land and our future--for the right to self-determination. For well ofer 130 years the Chicano-Mexicano Movement has fought to keep our culture alive, demanding equality for the Spanish language and the right to know our history. Our movement continues fighting to organize our working people who are severily discriminated and exploited on the job and denied union representation.

In the communities the Chicano-Mexicano people is fighting to better our living conditions. We want better housing and social services; we want an end to police abuse and brutality; we want jobs and recreation for our youth and the control of our institutions, land and resources.

In all of these struggles it has not mattered whether we were born here or in Mexico; it hasn't mattered if we had papers or not, we were abused and we fought back.

But in spite of the fact that Chicanos and Mexicanos have been oppressed in much the same way. The undocumented Mexicanos have suffered the most. Because they have no papers, they are taken advantage of by bosses, landlords, businessman and police--specially the Border Patrol, a political police formed to break the organizing efforts of our people.

Undocumented Mexicanos come to this country mainly bacause U.S. companies exploit the Mexican economy and create poverty that forces people to come north. Here they have slaved in the fields, mines, factories and plants of the Southwest. Without their work this area would not be as rich and productive as it is. This country cannot do without the labor of the Mexican. When Mexicans come to the U.S., they don't arrive at a foreig country, they return to lands that were taken away from Mexico by force in 1848.

The millions of Mexicanos that have come to the U.S. have also helped to keep our language and culture alive, creating an even bigger demand and fighting for radio, TV, newspapers, social services and education in Spanish.

For all these reasons we cannot separate the struggle of the undocumented Mexicano from the struggle for Chicano liberation. It is the same fight; we face the same oppression; we have the same enemy. When we allow the Migra to hunt Mexicanos like animals; when we allow the government or the corporations to exploit and abuse the undocumented, we make it that much easier for this to happen to Chicanos. This system that serves the interests of the ricos wants to see Chicanos and Mexicanos divided. They know that the ten million Chicanos and the five million Mexicanos, if united, would be a powerful force agaist them. The fight for the liberation of Aztlan is much more powerful if Chicanos and Mexicanos luchan mano a mano.

This is why fighting against the Reagan Immigration Plan is part of fighting for Chicano liberation, for the freedom of our Raza. Our campaign agaist this immigration bill can help to unite Chicanos and Mexicanos so that our movement will be stronger. RAZA SI can make a contribution to our movement and at the same time become stronger to be able to be more effective.

U.S. in trouble

Right now the U.S. economic system has problems. Its corporations are having more trouble taking out profits from other countries. People all over the world are rising up and slamming their door to U.S. exploitation.

The U.S. is no longer 'king of the mountain'; it has competition from the Soviet Union, the other much hungrier superpower. The U.S. is trying to hang on to its old empire and the Soviets are trying to build theirs. Both superpowers are locked in a deadly nuclear arms race that could destroy the world.

At home the U.S. rulers are trying to squeeze the population as much as they can. The economic policies of the Reagan administration are aimed at taking from the poor to give to the rich. They have slashe welfare, food stamps, social security, medicare, programs for the elderly, education--all programs to help people. But the people that are suffering the most are the Blacks, Chicanos, Native Americans etc. Minorities always carry the heaviest weight in this country.

Yet, the large corporations and upper income individuals get tax breaks and the arms manufacturers get more business.

Polit ically the Reagan administration is trying to destroy the peoples ability to fight back. It has attempted to destroy the air controllers union; its giving extra power to law enforcement agencies to spy infiltrate and destroy progressive organizations and movements.

Reagan is giving way to a racist right wing trend made up of hate groups like the KKK, the Nazis an some so called 'christian' groups. This right wing movement is aganist anything that is not in the interest of the white power structure. It specially targets the communities and movements of Blacks, Chicanos, Native Americans, Asians, etc.

The Reagan Bill

The Reagan Bill is then, part of this attempt to squeeze working people and minorities more; it is part of this right wing trend. Specifically it is an attack on la Raza, an attempt to break up our movement and keep us in a state of confusion and fear. They are already attepting to destroy bilingual education, Chicano Studies, affirmative action; They are firing Chicanos and Mexicanos from hundreds of jobs and attepting to deny public education to children of undocumented persons. The attacks against our people come because the white power structure is afraid of us. They know that our population is growing and fear they might not be able to control us, specially as our movement for self determination grows.

Reagan's Bill is an attept to create a labor pool of 3-6 million workers forced to take any job, at any wage, under any conditions, unable to complain about this situation for fear of losing their "Temporary residency". (See fact sheet for datails)

This will have the effect of lowering wages and working conditions for everyone; it would make easier to break unions like the Farmworkers, and would weaken the political power of Chicanos as well as increase discrimination aganist Latinos.

Reagan's proposal will also divide Mexican families increasing the suffering of women and children.

Goals, objectives and methods of the campaign

We want to move on the campaign step by step, taking up as much work as we can handle. We don't want to be all over the place and not consolidating any of our efforts. In other words, we don't want to do outreach to 1,000 homes and 100 organizations and not attract any one to help in the campaign or to join RAZA SI. Our ojectives are education and mobilization of our community. This is what we want to accomplish:

1) Educate and mobilize community people against the Reagan bill.
2) Educate and mobilize people against a migra detention center in San Jose.
3) Help unite as many individuals and organizations against the bill and the detention center.
4) Build the network and membership of RAZA SI specially in the Gardner area.

Our first priority in outreach is going to be the very people that will be affected if the bill were to be passed. Directly it means undocumented people and their relatives as well as legal residents and citizens. We know that the Gardner area has a high concentration of RAZA, particularly Mexicanos who are either undocumented or have relatives without papers. This is one of the main reasons to concentrate our efforts principally in the Gardner.

Concentration in the Gardner means that in the first 3-4 months, the campaign will focus our door-to-door, presentations to organizations and petition and information tables to the area bounded by 280 in the East, Alma on the West, First on the South and Bird in the North.

Organizations that we should target for priority outreach are as follows: Cannery Workers Committee, Bilingual Committee, Gardner Center, Sacred Heart Youth Group, Alma Center, Gardner Clinic, PACT (formerly ESC), Club Latino. By 2-28-82.

The purpose of this outreach is to disseminate information on the bill and detention center, ask for endorsements for the campaign, donations and volunteers. Some of these groups may want to do some joint work with us. There are Church-based organizations like in Guadalupe Church that we should contact for presentations.

Organizations of high priority are also the MEChAs and youth groups like SJSU, Evergreen, West Valley, Lincoln, Mtn. View. By 1-15-82 we should see if they be willing to take up the campaign on their campuses in some form. Tables with petitions, letters to the Congress, speakers in their classes, fundraisers etc.

Other organizations to outreach are: MAPA, CMHA, CEC, LULAC, GI Forum, CCREO, Chicana Coalition, IMAGE, etc. By 4-15-82.

Will will also do extensive use of the media according to the events and demonstrations in favor of the campaign.

With all of this work we want to build a movemnt that will unite Chicanos and Mexicanos--the Chcaino Movement, aganist the Reagan bill and the Border Patrol center in San Jose.

Forms and methods for outreach and education

Door -to-door canvassing will be the main form of outreach along with house meetings. The reason for the door-to-door and the house meetings is that we still consider this form of outreach as the best way to build a grassroots organization from the bottom up. It is the best way to have one-to-one contact with with people where we can learn their opinions, concerns and coditions. It is the best way to identify progressive households to be able to return to them and draw them to RAZA SI or have them support our activities. This outreach will take place between 4 and 6 pm, Wednesday to Friday and 10 to 12 noon on Saturdays.

For outreach to organizations we should do a slide show on immigration and the bill. Our basic outreach kit should include: petitions, letters, buttons, brochures, donation can, list for volunteers, a couple of pens, clipboard.

Outreach should be done in teams of two, men ans woman, one or both Spanish speaking, one with canvassin experience if possible. One of the most important things in direct contact with the community is having good manners and promoting RESPETO among our RAZA. Our attitude is to convince people, if they don't agree with us we are not going to argue or get hot we'll explain as long as they are open.

When you knock on a door introduce yourself, say buenas tardes. You represent RAZA SI etc. The impression that you leave with people will the the impression they will have of RAZA SI.

Build RAZA SI

Though this campaign we want to increase the membership and influence of our organization. Membership should be increased by 50%. This means general membership as well as active commitee members. This can happen by 3/82. By 9-1-82 we want to have raised $5,000 to finace the campaign and other costs. By 4-82 we want 5,000 names in petitions.

During our outreach door-to-door we want to identify people and families that are open to us. If they are not willing at this point to get involved, then they might be the type of people that will support our activities and demonstrations. They would be part of our network. These people are very important, because the ability to mobilize means having clout.

Demands:

1) STOP THE REAGAN IMMIGRATION BILL
2) IMMEDIATE UNCONDITIONAL RESIDENCY FOR ALL UNDOCUMENTED PERSONS
3) NO BORDER PATROL CENTER IN SAN JOSE
4) SELF-DETERMINATION FOR THE CHICANO-MEXICANO PEOPLE

A word about our demand for unconditional residency; we don't believe that undocumented persons are criminals that shoud be put on probation for 10 years. They are hardworking people who are making their contribution to this country with their labor and taxes. If we Chicanos and Mexicanos controled this, our land, we would not hunt undumented Mexicans like amimals, we would recognize their right to this land. This is why when we damand unconditional residency, we are exersizing an aspect of our self-determination--we are deciding what our policy is toward people who arrive in Aztlan without papers.

Campaign calendar

Thursday December 3----RAZA SI meeting to approve campaign plan. We should go over the plan, make any changes consolidate the members around it and approve it.

Saturday December 5----Workday to workout calendar for next four months and prepare for outreach workshop. The committees should meet to plan out how to relate to the campaign, what their role will be. We will also decide on time, place and goals of the outreach workshop.

Saturday December 12---Outreach Workshop to teach people about the contents of the bill, the reasons for our demands, techniques and mechanics of outreach. Very important for all to attend.

Saturday January 23----Community program on the immigration bill in Spanish. Draw as many Spanish speaking people to inform them about the bill and recruit them into the campaign

Tuesday February 2-----Pickett/press conference in front of the Federal Courhouse. This will the official public announcement of the campaign aganist the bill and the dentention center. Feb. 2 is the day when the Treaty of Guadalupe Hidalgo was signed. It will be important to mobilize as many people as we can being that its the official launching of the campaign.

Saturday May 1---------Cultural-political program is support of the campaign. Invite a wide variety of organizations and individuals against the bill and the detention center. Public figures, artists, community leaders etc. This will be a way to involve as many Chicano-Mexicano organizationa as possible, to develop a working relationship with them.

These are only a few events, there may be others as needed. Also periodically we will need to sum up our activities and see if we need to do any adjustments.

This is a very important campaing for the community and for RAZA SI. Its really great how dedicated and enthusiastic everyone is. With the understanding of our objectives, our enthusiasm, our love for our RAZA and our hard work we will go places as a people.

RAZA SI, MIGRA NO TIERRA, LIBERTAD Y UNIDAD

CHICANOS, MEXICANOS LUCHANDO MANO A MANO VIVA LA RAZA

VIVA AZTLAN SELF-DETERMINATION FOR THE CHICANO-MEXICANO PEOPLE

RAZA Sí Community Organization is a part of the Chicano-Mexicano community in San Jose. Our organization was established to help address the many important issues facing our community — from the defense of bilingual education, to the rights of the undocumented, to unemployment and job-related problems, to the defense of our language and culture, to the lack of adequate Chicano-Mexicano representation in government office. Our central aim is to help develop a strong sense of Chicano-Mexicano pride, leadership and unity in San Jose.

TIERRA

Our fundamental perspective is summarized in the words "Tierra, Libertad y Unidad" — Land, Liberty and Unity. We believe that these concepts represent the genuine sentiments of our people.

The Chicano-Mexicano people have lived in the Southwest for more than 300 years, and we have contributed more than anyone else to its economic development. This is our **land.** We should have the right to govern ourselves in our own territory. We are entitled to control our communities and our political destiny as a people. **RAZA Sí believes that the Chicano-Mexicano people have the right of self-determination.**

LIBERTAD

We have a right to **liberty.** Because we are denied our right of self-determination we are treated as second-class citizens in all aspects of life — political, economic, social and cultural. Our language is outlawed and persecuted. Our culture is degraded and trampled. Many of our people are hunted down like animals by the migra. In most of the Southwest, Chicano-Mexicano workers are denied the basic right to organize, and must labor for substandard wages under increasingly poor conditions. Our youth are denied an adequate education and offered a hopeless future. The basic social services we need are being taken away or provided at minimal levels.

RAZA Sí is committed to fighting to improve these conditions and to helping our people win genuine liberty and social justice.

UNIDAD

We believe that in order for us to improve our lives and achieve substantial social progress we must have **unity.** Our organization will strive to help build unity among all sectors of our people — young and old, men and women, workers and professionals, students, businessmen, artists. All sectors have an important role to play in our efforts to win self-determination.

RAZA Sí is also committed to promoting trust and respect between Chicanos and Mexicanos in the U.S.. We are one people with a common history and common goals.

We will also strive to build respect for women as a component part of our movement. We can achieve our aspirations only with the full participation of **La Chicana.**

We strongly believe that the unity of our people is strongly rooted in **La Familia.** We will work to strengthen our familias and promote them as a source of strength in our struggle.

RAZA Sí recognizes our kinship with other Latino peoples in the United States and with the people of Latin America. We pledge our warmest support to their efforts to secure social justice and self-determination.

Our history shows that the Chicano-Mexicano people are not afraid to fight for justice. Our organization is committed to helping continue that tradition, to helping build all forms of our struggle — political, economic and cultural. The gains which we made in the last several decades, and which are being threatened today, were won only with the broad involvement of our people. **Reliance on the involvement of our people in our struggle for self-determination is also a basic principle of RAZA Sí.** We are a strong people and as a people united there is nothing we cannot win. Our destiny is in our own hands.

We invite all those who share our ideals and who wish to work with us towards improving conditions in our community to join with us in building a strong and unified Chicano-Mexicano movement in San José.

TIERRA! LIBERTAD! UNIDAD!

* * * * * * * * * *

RAZA Sí Community Organization meets on the 1st and 3rd Thursday of each month. We invite you to attend our meetings. They begin at 7:30 PM. If you would like more information about RAZA Sí or about our meetings please call (408) 293-0748 or 295-0656.

* * * * * * * * * *

ARE YOU INTERESTED IN HELPING YOUR COMMUNITY?

If so, please clip out this form and send it to RAZA Sí Community Organization, P.O. Box 2382, San Jose, CA 95109

☐ I am interested in becoming a member of RAZA Sí.
☐ I would like to be placed on RAZA Sí's mailing list.
☐ I would like to make a financial donation to RAZA Sí.

Name_____

Address_____

City_____ State_____ Zip_____

PHONE: _____

- **STOP THE REAGAN IMMIGRATION BILL!**
- **IMMEDIATE UNCONDITIONAL RESIDENCY FOR ALL UNDOCUMENTED PERSONS!**
- **NO BORDER PATROL CENTER IN SAN JOSE!**
- **SELF-DETERMINATION FOR THE CHICANO-MEXICANO PEOPLE!**

Did you know that President Reagan wants Congress to approve a bill that attacks La Raza by:

—forcing undocumented people who register for his "amnesty" to pay taxes but not be eligible for:
—unemployment insurance
—welfare
—food stamps
—Medi-Cal, Medicare
—and most social services
—forcing undocumented people to be on a type of probation for 10 years before they are eligible for permanent residence
—keeping families separated for as long as 10 years
—union-busting by creating a new Bracero Program and captive labor force.
—identification cards for all "foreign looking" workers
—providing $75 million for detention centers and weaponry for La Migra (border patrol)

Join *RAZA SÍ*'s Campaign To Stop This Racist Plan

—call us to distribute petitions or **join our organizing efforts.**

Call Jorge González, campaign coordinator, at (408) 295-0656.

Labor Donated

RAZA SÍ

Community Organization

TIERRA! LIBERTAD! UNIDAD!

La Organización Popular RAZA SÍ pertenece a la comunidad chicano-mexicana de San José. Nuestra agrupación fue formada para lidiar con las muchas necesidades que enfrenta nuestra comunidad, tales como la educación bilingüe, los derechos de las personas indocumentadas, el desempleo y problemas relacionados al trabajo, la defensa de nuestro idioma y cultura y la falta de representación para los chicanos y mexicanos en el gobierno. Nuestro proposito principal es ayudar a desarrollar el orgullo nacional el liderato y la unidad de los chicanos y mexicanos en San José.

TIERRA

Las palabras "Tierra, Libertad y Unidad" expresan nuestras creencias fundamentales. Sostenemos que estos conceptos representan las aspiraciones más genuinas sentidas por nuestro pueblo.

El pueblo chicano-mexicano ha vivido en el Suroeste por más de 300 años, y hemos aportado más que nadie a su desarrollo económico. **Esta TIERRA es nuestra.** Debemos tener el derecho a decidir nuestro destino en nuestro propio territorio. Tenemos el derecho a controlar nuestras comunidades y nuestro destino político como pueblo. **RAZA SÍ sostiene que el pueblo chicano-mexicano tiene derecho a la autodeterminación.**

LIBERTAD

Tenemos el derecho a la **LIBERTAD.** Debido a que nos han negado el derecho a la autodeterminación, nos tratan como ciudadanos de segunda clase en todo aspecto de la vida, en lo político, económico, social y cultural. Nuestro idioma ha sido prohibido y perseguido y nuestra cultura degradada y pisoteada. Muchos de nuestros hermanos y hermanas son perseguidos como animales por agencias represivas como la migra. En gran parte del Suroeste, los trabajadores chicanos y mexicanos son negados el derecho a organizarse y tienen que trabajar por sueldos inferiores bajo condiciones cada vez peores. A nuestra juventud se le niega una educación decente y se le ofrece un futuro sin esperanzas. Se están eliminando los servicios sociales de primera necesidad, o se proporcionan a un nivel insoportable. **RAZA SÍ está dedicada a luchar para mejorar estas condiciones y ayudar a nuestro pueblo a conquistar la libertad y la justicia social genuinas.**

UNIDAD

RAZA SÍ sostiene que para que nosotros mejoremos nuestras vidas, y logremos un progreso social substancial, tenemos que lograr la UNIDAD. RAZA SÍ se esforzará para forjar la unidad entre todos los sectores de nuestro pueblo — la juventud, los ancianos, los hombres y mujeres, los trabajadores y los profesionistas, los estudiantes, los comerciantes y los artistas. Todos los sectores tienen un papel importante que desempeñar en los esfuerzos por ganar la autodeterminación.

RAZA SÍ se dedica a reforzar la fe y el respeto entre los chicanos y los mexicanos en los Estados Unidos. Somos un pueblo con una historia y metas comunes.

RAZA SÍ se esforzará por crear respeto a la mujer como parte integral de nuestro movimiento. Podemos conquistar nuestras aspiraciones solamente si **La Chicana** participa plenamente.

Sostenemos que la unidad de nuestra gente está basada en **La Familia.** Trabajaremos para fortalecer a nuestras familias y promoverlas como fuente de inspiración en nuestra lucha.

RAZA SÍ reconoce la hermandad que existe entre nosotros y los demás pueblos latinos en los Estados Unidos y en América Latina. Prometemos brindar el más cálido apoyo a sus esfuerzos por ganar justicia social y la autodeterminación.

Nuestra historia muestra que el pueblo chicano-mexicano no teme luchar por la justicia. Nuestra organización se compromete a ayudar a continuar esa tradición y ayudar a desarrollar las distintas formas de lucha — en el frente político, económico y cultural. Las mejoras que logramos en las últimas décadas, y que están amenazadas hoy, las ganamos únicamente con la amplia participación de nuestra gente. **Otro principio básico de RAZA SÍ es nuestra dependencia en la amplia participación de nuestra gente en la lucha por la autodeterminación.** Nuestro pueblo es fuerte y estando unidos podemos ganarlo todo. El destino está en nuestras manos.

Las personas que compartan estos ideales y quieran trabajar con nosotros para mejorar las condiciones en nuestra comunidad quedan invitadas a participar con nosotros para crear un movimiento chicano-mexicano fuerte y unificado en San José.

¡TIERRA! ¡LIBERTAD! ¡UNIDAD!

La Organización Popular RAZA SÍ tiene sus reuniones el primer y tercer jueves de cada mes. Lo invitamos a asistir. Empiezan a las 7:30 p.m. Si desea más información acerca de RAZA SÍ o de nuestras reuniones por favor llame al (408) 293-0748 ó 295-0656.

¿ESTÁ UD. INTERESADO EN AYUDAR A SU COMUNIDAD?

Si tiene interés, favor de recortar este formulario y enviarlo a: Organización Popular RAZA SÍ, P.O. Box 2382, San José, CA 95109.

☐ Me interesa ser miembro(a) de RAZA SÍ.
☐ Ponga mi nombre en la lista de direcciones de RAZA SÍ.
☐ Quiero hacer una donación monetaria a RAZA SÍ.

Nombre _____

Dirección _____

Ciudad _____ **Estado** _____ **Zip** _____

TELÉFONO: _____

- **¡ALTO AL PLAN DE INMIGRACION DE REAGAN!**
- **¡RESIDENCIA INMEDIATA INCONDICIONAL PARA TODOS LOS INDOCUMENTADOS!**
- **¡NO CENTRO DE MIGRA EN SAN JOSE!**
- **¡AUTODETERMINACION PARA EL PUEBLO CHICANO-MEXICANO!**

Sabía Ud. que el Presidente Reagan quiere que el Congreso apruebe una ley de inmigración que ataca a la Raza?

—obligará a esos indocumentados que se registren para el "indulto" de Reagan a pagar taxes sin tener derecho a:
- seguro de desempleo
- welfare (asistencia pública)
- cupones de alimentos
- Medi-Cal, medicare
- y a la mayoría de los servicios sociales.

— pondrá a los indocumentados en una especie de libertad condicional por **10** años antes de calificar para la residencia permanente.

—separará a familias por hasta 10 años

—quebrará a uniones con un programa de braceros y una fuerza de trabajo de semiesclavos.

—obligará a todos los trabajadores "de aspecto extranjero" a portar tarjetas de identificación.

—dará $75 millones a la migra para armamentos y centros de detención.

¡Participe En La Campaña De *RAZA SI* Contra Este Plan Racista!

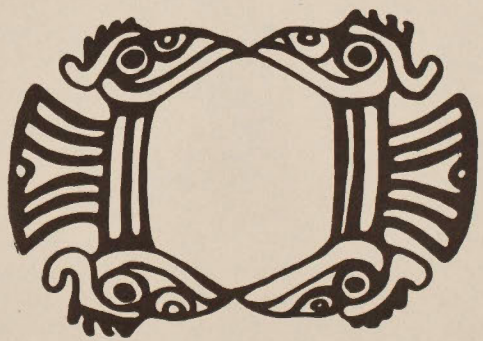
—llámenos para adquirir peticiones, **o súmese a nuestra labor organizativa.**

llame a Jorge González, coordinador de la campaña, al (408) 295-0656, ó escríbanos a la dirección en este folleto.

Labor Donado

Organización Popular

RAZA SÍ



¡TIERRA! ¡LIBERTAD! ¡UNIDAD!

TEMPORARY WORKERS

Alien Visa Plan Near Decision

By BENJAMIN SHORE
Copley News Service

WASHINGTON — A proposal to issue temporary work visas to 800,000 Mexicans a year will be the most controversial item on the agenda this afternoon as President Carter considers a broad administration plan to combat the steadily growing number of illegal aliens entering the United States.

White House aides said Mr. Carter is scheduled to meet with Labor Secretary Ray Marshall and Atty. Gen. Griffin Bell to make final decisions on a plan that has been under study for two months.

If the President approves the Cabinet-level recomendations today, he may make his views public before the end of the week, one aide said.

Congress has delayed holding hearings on illegal-alien legislation until the administration's proposal is finalized.

The concept of issuing temporary work visas to 800,000 Mexicans a year as a means of providing necessary labor in the United States while relieving pressures for illegal entry originally was rejected by presidential aides assigned to finalize the Marshall-Bell recommendations, a White House source says.

Will Include Proposal

However, Mr. Carter reportedly was made aware of the proposal by other aides just before he left for his European summit meetings early this month. He directed his staff to include the proposal with the options that will be discussed with Marshall and Bell.

Marshall, the most knowledgeable Cabinet member on the subject of illegal aliens, is firmly opposed to a temporary-worker program. His view coincides with that of organized labor, which still has considerable political clout in Congress despite recent setbacks on major labor legislation.

Editorial — Page B-6
Younger's plan — Page A-8

The concept of issuing 800,000 temporary work visas a year to Mexicans is being advanced by Prof. Wayne E. Cornelius of the Massachusetts Institute of Technology's department of political science.

Cornelius is the director of a three-year study, sponsored by the U.S. National Institutes of Health's Center for Population Research, of the illegal migration of Mexicans in the United States.

Cornelius has spent 18 months in Mexico studying the economic reasons for illegal migration and interviewing hundreds of illegal aliens to gain statistical data and determine motivations.

'Shocked By The Reaction'

Interviewed yesterday by telephone from his MIT office in Cambridge, Mass., Cornelius said he has been "rather shocked by the vehemence of the (adverse) reaction" that his proposal has generated at the White House and the Labor Department.

Cornelius' proposal is based on the conclusions that:

— The U.S. economy, primarily its agriculture sector, needs the temporary, able and willing labor provided today by illegal aliens.

— Few Americans will do this work, as it is dirty, physically demanding and generally pays less than an American can receive in tax-free welfare support.

— No amount of police-style measures will be able to stem the tide of illegal aliens.

— Mexico's economy needs the economic "safety valve" of temporary jobs in the United States for its unemployed and underemployed workers, and it is in the best interests of the United States to help Mexico economically.

Cornelius' figure of 800,000 is one-third the estimated 2.4 million illegal aliens who enter the United States annually from Mexico.

In the inteview, he acknowledged that even if his proposals were implemented, there still would be efforts by Mexicans to enter illegally, "but a one-third reduction is better than none."

He also believes 800,000 is the maximum it would be politically reasonable to expect Congress to approve.

S.D. Sun 5-24-77

(Continued on A-8, Col. 1)

TEMPORARY WORKERS

Visa Action Weighed

(Continued from Page A-1)

Interviews in Mexico with Mexicans who have worked illegally in the United States have led Cornelius to the conclusion that the overwhelming majority are "shuttle" workers who spend only four to six months a year in the United Staes then resume their former jobs in Mexico.

Furthermore, he and his Spanish-speaking research aides discovered that most of the Mexicans would choose to return to Mexico, as they do now, if they could enter the United States on temporary work visas.

The need for this labor in the United States and the strong likelihood that most legal Mexican temporary workers would not become illegal permanent residents, coupled with Mexico's economic need for these work opportunities in the United States, form the foundation of Cornelius' proposal.

Cornelius advocates that work visas be granted on a first-come, first-served basis regardless of age, sex or occupation and for a maximum of six months a year, though not necessarily consecutively.

SUGGESTS BASIS

Cornelius suggests that the 800,000 visas be allocated on the following annual basis: January, 50,000; February, 200,000; March, 200,000; April, 150,000; May, 50,000; June, 50,000; July, 50,000, and August, 50,000, with none in the remaining four months.

This allocation pattern would reflect a combination of greatest need in the U.S. economy and greatest demand among Mexican workers, he says.

Holders of such visas would be permitted to take jobs where they could find them, since most of the illegal aliens are unskilled farm workers and the rest can fill only unskilled urban jobs. Cornelius believes legalized temporary workers simply would continue to perform jobs held today by illegal aliens.

SEES BENEFITS

By not requiring these legalized workers to have sponsorship by specific employers, Cornelius contends, the U.S. government would be protecting them from economic exploitation that today victimizes many illegal aliens whose employers can threaten them with deportation if they complain about substandard wages and working conditions.

"In other words, what they seek is free-market competition among U.S. employers seeking their services," Cornelius says.

"The proposed system of temporary worker visas would have the effect of encouraging the existing temporatry character of Mexican migration to the U.S. and discouraging permanent settlement."

FARMERS PRAISED

Butz Urges New Bracero Program

By BILL PARRY
Agri-Business Writer,
The San Diego Union

Former Agriculture Secretary Earl Butz yesterday bemoaned the fact that the annual American harvest of crops is dependent on "an illegal system of illegal aliens."

Butz said some form of the bracero program should be reinstituted to provide farmers a dependable source of field workers to harvest crops.

Butz, as blunt and outspoken as ever, spoke to 100 delegates at the 58th annual convention of the National Association of Flour Distributors, Inc., at La Costa Hotel & Spa in Carlsbad.

At the end of his 45-minute talk, interspersed with barnyard humor, the professor emeritus at Purdue University received a standing ovation.

EARL BUTZ
. . . speaks in Carlsbad

NO RACIAL JOKES

The former secretary told several humorous stories, lambasting Congress and big government, but none had the racial overtones that forced him to resign from office last year during the presidential campaign.

"What we've got now is an illegal system based on illegal aliens (from Mexico)," Butz said in an interview later. "It is not a dependable labor supply, no matter how you look at it. We should renew the bracero program or something like it, but I'm not not smart enough to say how it should be done."

The bracero program began during World War II when Mexican nationals were allowed to enter the United States on a contract basis. The program was abandoned in 1964 because of pressure from labor unions who considered the braceros unfair competition.

"But I don't think we're about to do it (resume the bracero program)," Butz said. "The UFW (United Farmer Workers Union of Cesar Chavez) won't allow it. They think it would be some kind of competition."

Butz termed Congress as the "most irresponsible branch of government at the moment. They have 70 new members being trained at our expense."

1930s POLICIES

And he said the Carter administration is reverting to the policies of the 1930s. "I hate to see us go full cycle back to the 30s, back to controls, price supports and shackles on the farmers."

Butz said he was proud of the fact that during his tenure in office (1971-76) his administration had pursued a free-market philosophy and that during that time the American farmers' total income had nearly doubled from $12 billion to $23 billion a year.

He said his national food policy could be summed up in one word — "plenty," meaning free production of food. "We took off the handcuffs that had been on it for 40 years." Today Americans spend only 17 per cent of their income on food. "This is lower than any country in the world," said Butz, praising the American farmer again. "We have more food than anywhere else and it's of better quality."

Eastland's Office Halted Alien Arrests

GREENVILLE, Miss. (AP) — Sen. James O. Eastland's office requested a halt of a roundup of alien laborers near Clarksdale, Miss., in October, 1972, so cotton ginners could finish the harvest, a spokesman for Eastland's office said.

Courtney Pace, longtime administrative assistant to Eastland, told the Greenville Delta Democrat-Times that he asked the federal Immigration and Naturalization Service on Oct. 17, 1972, "to hold off until they (ginners) could get some other help."

Eastland is chairman of the Senate immigration subcommittee, which is expected to receive President Carter's immigrant labor legislation within two weeks.

The legislation is designed to reduce the number of illegal aliens entering the United States. One of the bill's key elements involves the creation of sanctions against employers who knowingly hire illegal aliens.

In the past, Eastland has opposed such sanctions without guaranteeing employers access to sufficient labor.

A spokesman for the immigration service said 17 of the 21 Mexicans arrested before the 1972 roundup was called off came from the King and Anderson gin at Clarksdale. Pace said he telephoned the immigration service about the roundup after he received a call from that gin.

Pace said Eastland "wants to stop the flow of illegal aliens" into the country. But he stopped short of saying Eastland would support Carter's plans for sanctions against employers.

"There will probably be some sanctions of some kind against employers, but we don't know what they will be right now," Pace said.

Union 5-22-77

Union 5-22-77

Burgener Urges Renewal Of Bracero Work Program

(Continued from Page B-1)

issue under questioning from a panel of three newsmen at the chamber luncheon meeting. About 200 persons attended.

Burgener said the bill calls for the "return to the bracero program . . . which is a good one because it guarantees good pay and working conditions" for legal aliens to come into the United States to work for a period of time and then return to Mexico.

Under the bracero program, Mexican nationals were given permits to enter and work in this country.

STARTED IN 1951

The program started in 1951. It was abandoned in 1964 by the federal government in order to give U.S. workers priority for jobs.

However, Burgener noted yesterday, many of the jobs formerly taken by braceros now go unfilled, with the only choice being for them to be filled by illegal aliens. This is especially true in the agricultural area.

On the subject of requiring Social Security cards for all workers, the congressman said, "We ought to have some certainty of a foolproof Social Security card, with the date and place of the worker's birth and other information."

CONFISCATION

That way, Burgener explained, an employer would be able to check the status of a potential employe by making a telephone call.

The bill would provide a penalty for employers who hire illegal aliens, the congressman said, but specific language along that line is yet to be spelled out.

Burgener also said authorities now confiscate vehicles carrying illegal drugs, but not illegal aliens. He said the new bill would change that so such vehicles also would be confiscated.

The congressman did not go into detail on what he meant by increasing the Border Patrol.

Burgener said there are believed to be between 8 million and 10 million illegal aliens in the this country today and that he is confident something will be done.

Questioning Burgener yesterday were Clayton Brace, vice president and general manager of KGTV-Channel 10 in San Diego; Ronald T. Kenney, editor of the Times-Advocate in Escondido, and Peter Kaye, associate editor of The San Diego Union. Chamber Vice President Charles Marvin III served as panel moderator.

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7-7-77 B-1-2

Bracero Program Proposed

Burgener Criticizes Alien Amnesty Plan, Offers Alternative

By JOHN BERHMAN
Staff Writer, The San Diego Union

ESCONDIDO — Rep. Clair W. Burgener, R-La Jolla, criticized President Carter's amnesty plan for illegal aliens here yesterday and said a bill will be introduced next week calling for a return to the bracero program.

The measure also would strengthen the U.S. Border Patrol and subject to legal action employers who hire illegal aliens.

Burgener, speaking at the Escondido Chamber of Commerce's fourth annual Congressional Luncheon, said the bill would be submitted by the Republican Task Force on Illegal Aliens, which he said has studied the illegal alien problem in the United States for the last three months.

The task force is composed of 25 Republican congressmen. Burgener is chairman of the task force.

KEY ELEMENTS

Burgener said the bill to be introduced by the Republican task force includes five key elements:

1. Reinstatment of the bracero program and prosecution of employers of illegal aliens.

2. Provisions for development and issuance of a forge-proof Social Security card for identification.

3. Provision for confiscation by arresting officers of vehicles used in smuggling aliens.

4. Appropriation of additional funds to increase U.S. Border Patrol forces.

5. An amnesty provision for aliens already in the country.

Burgener said he considers the amnesty provision the least important of the five points in the legislation.

NEWS PANEL

Burgener said he considers the bill better than President Carter's proposal to grant amnesty to illegal aliens who have lived in this country for at least seven years.

"Amnesty is the last thing we need on this issue," the congressman said. "The President appears to be putting the cart before the horse."

Burgener made his comments on the illegal alien

(Continued on B-3, Col. 2)

Hayakawa Urges New Bracero Plan

By DONALD HARRISON
Staff Writer, The San Diego Union

BEVERLY HILLS — U.S. Sen. S.I. Hayakawa, R-Calif., urged the United States yesterday to "restore a whole system of temporary work passes for Mexicans" who are willing to accept the kind of work "that neither whites nor blacks will take at any price."

Hayakawa, in effect urging the re-establishment of the bracero program abolished more than a decade ago, said renewable work permits for aliens should be issued for periods of from three months to a year.

The senator made the admittedly controversial proposal during an interview covering a wide variety of topics at the Beverly Hilton, where he was honored Friday night by nearly 1,200 fellow Japanese-Americans.

Hayakawa later flew to San Diego where he opened his new field office at 880 Front St. yesterday.

"There's a demonstrable need for labor obviously because the illegal aliens are getting jobs now," Hayakawa said. "There is an enormous amount of work — this is a problem for the whole society — that neither whites nor blacks will take at any price."

He said these jobs include "stoop labor, field labor, all kinds of domestic and menial tasks, all kinds of things that people won't do anymore."

Several million Mexican workers were recruited by the U.S. government to work as seasonal laborers on farms in the U.S. under federal law that existed from 1943 to 1964. The bracero program was abolished under pressure from organized labor and Mexican-American groups.

California's junior senator said he anticipated Cesar Chavez and the United Farm Workers would oppose his suggestion because of the difficulty there would be in unionizing such workers.

"But Cesar Chavez doesn't run the country," Hayakawa said. "Illegal aliens are lowering wages already, or else

(Continued on A-8, Col. 4)

SD. Union 3-27-77

Hayakawa Urges New Bracero Plan

(Continued from Page A-1)

they are taking jobs that no one else will take."

Hayakawa's comments came at the end of a discussion about the problem of illegal immigration in which the senator indicated opposition to the Rodino bill and favored the production of forge-proof Social Security cards for identification.

The Rodino bill would penalize employers who knowingly hire an illegal alien. Recently in San Diego, U.S. Atty. General Griffin Bell suggested the Rodino Bill would be acceptable if employers could be made exempt from prosecution by showing they had seen the employe's Social Security card. Such a procedure, Bell said, would require forge-proof Social Security cards.

Used For Other Purposes

Hayakawa said such cards are necessary for other purposes because "there are all sorts of situations in which people other than Mexican-Americans possibly will need proof of identification."

He said the Rodino bill is wrong "because you are asking the employer to do essentially what is police work."

The senator said he favored another suggestion by Bell that aliens in this country be permitted to apply for citizenship."

"I would say seven years if they've kept off welfare and kept out of trouble," Hayakawa said. "They should be able to come out from underground and apply for citizenship another two years after that.

"It should be a good long time because we don't want the law to say anybody who sneaks over can become a citizen."

He also urged the United States to give Mexico technical and economic assistance "so they can improve the employment situation" and so that Mexicans won't "feel it is necessary to skip across the border."

Vietnam Refugee Subsidies

The senator said he favors continued federal subsidies to counties like San Diego that have substantial numbers of Indo-Chinese refugees.

"Not only that, I would like to see programs established whereby they can be moved to areas where there is need for their labor."

He said jobs in other parts of the country should be found and offered to California-based refugees just as "the War Relocation Authority looked for jobs in Cincinnati, Toledo, and Chicago for Japanese-Americans who were interned in camps during World War II.

Friday night's dinner here, attended by Mayor Wilson and other political figures, was the Japanese-Americans' salute to the first man of their ancestry to be elected from California to the United States Senate.

"If I have obtained a little more than others among the Japanese-Americans in California, it is because I stood on the shoulders of the accomplishments of all the Japanese-Americans who preceded me," Hayakawa said.

(Continued on A-9, Col. 1)

Hayakawa Urges New Bracero Plan

(Continued from Page A-8)

"After the war(when California didn't want to welcome you back to an atmosphere that was hysterically anti-Japanese even in 1949 . . . you came back and rebuilt your studies, your businesses, your farms and you made it a tremendously honorable place for yourselves . . .

"It was on top of that achievement that my own candidacy ad4 was seen," said Hayakawa to an audience that included many persons moved to tears by his remarks. "It's to you I want to pay tribute. I owe all of you an awful lot."

During the interview, Hayakawa was quizzed on a variety of topics. Some of his responses follow:

The ethics bill now pending before the U.S. Senate: "The whole measure is an attempt to legislate morality and it is approaching the whole matter of ethics from the wrong end. This whole business of being moral to take $8,000 in fees beyond your salary, but immoral to take $9,000 is just nonsense . . . To attempt to make a sharp delineation between personal service and that which is part of your business is very difficult and I think absurd . . . If, let us say, a staff member goes out to order flowers for his wife's anniversary a senator's anniversary, is it a personal service or is it saving the executive time in order for him to do the things he is being paid for? If a member of the office staff — one of the girls — does nothing but sleep with the senator, that's a personal service that can very much be criticized, that's a very different matter altogether."

President Carter's proposal for a $50 rebate: "It's an extremely superficial kind of action. It's effect won't last more than 10 days. It puts the federal government another $14 billion in debt, or whatever the amount is, without doing anything structurally, without improving the business situation or the business climate. . . . whereas if you give business tax credits directly, you get the same effect as far as people are concerned who pay small taxes . . . but to the larger taxpayer . . . it's $1,000, $2,000 or $10,000 extra to invest. If it's invested in business it creates jobs and improves the economic climate."

On the tuna-porpoise controversy: "One idea is to keep a record of boats — the amount of their kill of porpoises. On the basis of that record, you might classify boats into two classes. Class 1 would be those with a very low rate of porpoise kill. Class 2 would be those with a high rate. Then when the quota for the year is two-thirds or three-quarters reached, then the class 2 boats can not fish any longer . . . that's one alternative. . . , at the present time it's the one I find very attractive."

On news reports that he has fallen asleep during meetings: "I did fall asleep during the first few days of the Harvard seminar (for incoming U.S. senators). That surely is attributable to fatigue and also the fact that the speeches had nothing to do with what we were there to hear about. (Also) I was unaccustomed to central heating . . . that knocked me out."

Regarding reports he asks "stupid questions": "If I've asked any questions that some people might regard as stupid, other people regard them as questions that they were hoping the hell someone would ask. Like, for example, I was at an agriculture hearing and I said to the chairman, Herman Talmadge, 'You'll forgive my asking this question, but I'm new to this committee — but what's a support price?' You could see a lot of people in the audience were waiting to ask the same question, but everyone thought that everyone else knew the answer to the question and didn't ask it."

On reports that his staff is ineffective because of a lack of capital veterans: "We've got more newcomers than veterans, but we've got a good mix of veterans to see that the newcomers are trained. Actually, the rumor out in the corridor is that our office is better organized in less than three months than most offices are after a year. . . . Of the 28 to 30 in the Washington office, I would say about 8 to 10 are veterans. We knew the newcomers. Many of them were people who worked in the campaign. . . . whereas the veterans in Washington were unknown to us."

CARTER OFFERS MEXICO A BRACERO (H-2) PROGRAM FOR IT'S OIL AND GAS! WHAT A BARGAIN???

The U.S. Government, is preparing the conditions for the implementation of a new bracero program, a new program of massive importation of Mexican workers into the U.S. To serve as cheap labor and to be used against the organized labor movement in the fields and the cities.

In the past several months, the voices of the Administration, here and in Mexico, have been advocating for a "new, humane, bracero program", as the solution to the so-called problems of "illegal immigration" of mexican workers into the U.S., Wayne Cornelius, the administrations liberal immigration expert researcher, and head of the Rockefeller Foundation Study Group, and liberal Mexican spokespersons like Jose Angel Gutierrez, Crystal City Judge and one of La Raza Unida Party's leaders in Texas, some elements within Catholic charities and Social Services of the U.S. Catholic Conference and LULAC, have been advocating that position as the "solution" to the immigration problem. Along with a "Bracero" program they also propose an employer "sanctions" bill--a new Rodino-type bill.

In Mexico, Hugo Margain, Mexico's Ambassador to the U.S., has long called for a new Bracero Program as a way to alleviate Mexico's critical 40 plus percent unemployment rate, while President Lopez-Portillo discretely asked Carter to implement it.

Jimmy Carter's trip to Mexico left clear the U.S. Government's intent to use the threat of deportations and the promise of a new bracero program as leverage to pressure the sale of Mexico's gas and oil to U.S. monopoly interests at cheap prices.

In the exchange only the large users of cheap labor win and the workers of the U.S. and Mexico lose. The monopolists will get cheap labor, cheap oil and gas and can use Mexico against the OPEC.

But the new bracero program may come in a different package this time. The U.S. government will not be so foolish as to attempt a bilateral agreement, and expose its plans to import massive numbers of contracted workers, as it did in 1942 with Public Law 78.

On the other hand, the Mexican government would most likely not agree to enter into the compromising position of agreeing to the contracting of great numbers of Mexican citizens to work in a foreign land where 1) Their human rights are being constantly violated, 2) They suffer economic and social discrimination and 3) They will be openly used to break the back of the labor movement, to break strikes and organizing drives.

The solution to the dilemma, in the eyes of both Governments, is in the development of a program that closes the door to possible protest in the U.S., prevents criticism against the Mexican government and insures cheap labor in massive numbers to U.S. economic interests. And it is presented like Carter's former "Amnesty" program as a "honey-on-the-claw" solution that supposedly will satisfy any and all involved.

Their aim can only be accomplished by the implementation of a solution that needs no congressional or judicial approval. A move that appears to require no legal steps, no qualitative, legal or political

changes, while it permits quantitative increases in the legally controlled importation of cheap labor. Additionally, it must be a program that does not require a formal treaty or agreement between the two countries.

The solution being promoted by the Carter Administration is a massive administrative increase of the importation of temporary or guest workers with H-2 permits.

Until now, an H-2 permit can be obtained when an employer certifies to the U.S. Department of Labor that he is in need of a certain type of worker, that there is no ready, willing and available workers to fill that need within the U.S. labor market. Once that is done, the labor department verifies a permit for the worker, or workers that employers claim are needed, and the employer can then bring the workers under contract to work with the company, for a specific period of time, for a specific job and for specific wages.

When the contract expires it can be renewed. If it is not renewed, the worker has no permission to remain in the U.S. In any case, the contract can be terminated by the employer under any excuse that can be justified as actions of the worker that break his/her agreement to perform certain work, i.e. insubordination, tardiness, absenteeism, disloyalty, etc. Some sops such as the payment of dues to workers associations, some limited social services and window-dressing controls and government supervision are being thrown in to deceive the American and Mexican public.

Some have been deceived into thinking that the conditions of the H-2 workers is not worse but better then that of the undocumented workers. There are some essential similarities:

a. All migrant workers are driven by need, but in response to the imbalances existing between the capitalist economies- between the sending and receiving countries.

b. Regardless of whether the immigration is undocumented or under contract, the benifit is an economic windfall to the economy of the entire society and to big business, its guiding hand, with its ever growing hunger for cheap labor, and for conditions that enable them to hold down wages;

c. Big business seeks to create and use competition between the local and immigrant labor force in order to gain higher profits and to weaken workers unity;

d. Migrant workers are used for the worst, poorly paid, unskilled jobs, they are paid less for equal work, discriminated in promotion and appointments, and have problems getting compensated for industrial accidents;

e. Because of their low wages immigrant workers are forced to live in crowded uninhabitable housing, while most of those who are married are unable for long periods of time to be reunited with their families.

f. Undocumented workers, because of their condition inevitably become the most vulnerable sector of the work force. They are constantly under threat of deportation, a fact used by the companies to intimidate them and attempt to defeat their efforts to organize together with other workers for higher salaries, better and safer working conditions and other benifits;

g. The bosses are constantly attempting to take advantage of the extreme need of immigrant workers by seeking to use them as tools against trade-union organizing movements and to break strikes,

h. In addition to extracting high profits from their labor, U.S. companies deduct taxes and other contributions from the wages of immigrant workers for Social Security, unemployment and disability insurance; although the state and federal governments deny them such ber.fits, which fattens these government funds. They create even more harsh, needy and precarious, conditions for undocumented workers and their families directed at forcing them to work under the worst, unsafe and lowest paid conditions;

i. Working in colusion with large users of cheap labor the government, through the mass media creates racist hysteria against immigrant workers, falsely accuses them of collecting the very benefits it denies them, accuses them of depleting the coffers of government social services and programs, and of increasing the costs of others such as social welfare. At the same time they call for a denial of such basic human rights as health and medical services and education for their children;

j. To further make undocumented immigrants a human sub-class, the government institutes and attempts to implement special, virtually summary deportation proceedings and arrest procedures, while arguing that the constitution and civil rights must be frozen so that immigration authorities can carry out want on persecution of undocumented people;

Yet, in spite of the use of INS to attack the labor movement and the organization of the unorganized, the government, has been unable to prevent the recognition of the right of undocumented workers to organize themselves into trade unions with other workers, and their present militant efforts, strikes and victories in many plants through out the country. As in our past history undocumented immigrant workers

are now increasingly active in unionizing movements. It is within the above context that the government smiles with its liberal face and calls for massive deportations to "alleviate" the plight of undocumented workers and prevent their harsh "exploitation" by policy of killing the patient to cure the disease. In doing so they reject the correct policy of enforcing the present laws to guarantee workers rights such as a decent minimum wage; effective enforcement of OSHA, against discrimination and for the enactment of new laws to further those same rights. In reality, mass deportations are directed at carrying the message to workers that "they better not organize". The same reasoning underlies the U.S. government's and employers call for a new bracero program to alleviate the "problems and inhumanities suffered by undocumented workers" and a solution to massive immigration.

The big bosses and government are not content with the present conditions. Faced with the undocumented workers growing militancy, organizing drives, and their growing reluctance to be used as anti-union tools, they are seeking better methods, the answer, they have concluded, lies in a new program of mass importation of labor, in a new bracero program. It may guarantee them their most sought after commodity, a cheap, temporary labor force, which may not have raises, promotions, will do the same job as long as necessary, which cannot be organized into trade unions and most important can be returned and disposed

cost for the reproduction of this work force is staggering to a country such as Mexico.

By exporting its best and useful workers, its economy and therefore entire society, does not receive the benefits of this huge productive force.

By exporting this productive force to the U.S., it denies to its economy, even the reimbursement that so dramatically is needed for the further development of its economy and for the providing of badly needed social services for millions of its poor and dispossessed workers and peasants.

In essence it is Mexico, a poor underdeveloped and dependent country, that is subsidizing the U.S., which is a rich, highly developed and dominating country. On a grand scale, the poor are subsidizing the rich.

What must be done in order to stop this new attack upon the interest of the working people of both Mexico and the United States? An attack that is clothed as usual in the disguise of a "solution" and as "beneficial to those most affected?

Immediately we must mobilize all of our coalitions against these efforts reaching out in all of the areas where they exist to the most broad groups especially of the labor unions, the churches and other community groups. Our coalitions must reach out to the black, native American and Asian communities, to women's groups and all of the disenfranchized that are seeking a way out of their oppression and exploitation. We must un-

mask Carter's new Temporary Worker importation for what it really is and alert the broad masses of the American workers to its real dangers. We must mount the same type of campaign as we mounted against the Rodino bills in 1973 and 1974...in the streets, at the factory gates, in the meeting halls, in the schools, through whatever press and media may be willing and able to carry our message.

We must also establish coalitions and effective fraternal communications and solidarity actions with our brothers and sisters in Mexico and especially amongst the workers and campesinos who are struggling to build their organizations and movements in defense of their life conditions and for their right to build and function through democratic trade unions. There are a growing number of trade union and campesino organizations in Mexico that are daring to confront the terrible violence of the Mexican armed forces that deny workers and peasants the right to organize and be active by massive repression, beatings, killings and kidnappings. Such a situation as exists in Northern Mexico at La Caridad Copper Mine of the world wide monopoly of American Smelting and Refining Company (ASARCO) located at Nacozari, Sonora. Here just 85 miles south of the U.S. Border from Douglas, Arizona some 5,700 miners have been waging a heroic fight through strikes, stop-work actions and effective mass organization of themselves and their families for a decent and living wage, (they now receive one sixth the wages of U.S. workers), human housing and sanitary conditions for the more than 18,000 humans that live in the tar-paper shacks of Nacozari, without sewage, running water, lights, gas, schools, doctors, clinics and other mini mal human and civilized conditions.

The workers of the AS & R Co. at La Caridad in Nacorzari are here in the U.S. talking to the thousands of U.S. workers that work for A.S. & R. Co. They also want to talk to thousands of other U.S. miners, smeltermen and allied industr s workers. But they are also here asking and seeking to build an international alliance and coalition with those of us who are also in struggle against the same multi-national monopolists such as ARCO, Clayton-Anderson, W.R. Grace, Tenneco, Castle & Cooke, Kennecott, ITT, GM, Nestle, Campbell Soups, Coors, J.P. Stevens, Ralston Purina, the Coal Operators and Steel giants. We can implement our concepts of international solidarity of workers by assisting these brothers in their efforts to get their story across to U.S. workers, to obtain support for their struggles in Nacozari and other work sites in Mexico. They need our help and support. Their struggle can make it possible to put an end to the U.S. multi-nationals using of Mexico and other Latin-American countries as sources of cheap raw-materials and cheap labor that can be used to depress and cheapen our labor here by fattening the huge profits that these multi-nationals reap on both sides of the border.

Two brothers are here, Rolando and Ignacio, both miners from Nacozari, and it gives me great pleasure to present them so that they can address this gathering of La Raza Legal Alliance....

Submitted by:

Herminio R. Sonora

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California, New Mexico and Arizona, which were torn away from Mexico, contain about 265 million acres of pasture and plow land, generally superior in quality."

Once the pattern of domination was initiated over Mexico and the Mexican people of the Southwest the next phase of the 'reality' is begun. This phase is the exploitation under capitalistic economic and social forms of the vast newly acquired lands of the southwest and of the economy of the contigious motherland of Mexico. This is carried out by the most powerful economic and political forces in the U.S. Their predatory exploitation of the West and Southwestern USA and their penetration of Mexico's economic life for the same purposes gave them the name of "The Robber Barons". Then and now they are the Rockefellers, the Morgans, the Vanderbilts, the Carnegies, the Mellons, the Huntingtons and their present descendants and associates. Their present-day holdings through the vehicle of the multi-national corporation sprawl over the entire Southwest, northern, central and southern Mexico. They reach as an imperial group into the very heart and core of Mexico's financial and political structures. They dominate more totally than ever the great agribusiness enterprizes of our state... grapes, lettuce, tomatoes and other crops. But they also dominate much more such as the oil and energy, mining, banking, housing, transportation, food processing and food services industries.

The human consequences of migration upon the Mexican people here have been motivated by these powerful economic, political and social forces' needs for profits and domination. The consequences are the oppression of the Chicano people on both sides of the border utilizing the virulence of racial discrimination and chauvinist ideology in the same manner that it has been historically practiced against all dark people in this most racist of all nations. For it has been and still is this exploitation and domination of Mexico and the Southwest USA

CCR

Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

SAN DIEGO, CA. JUNE 5, 1981

THE CCR, ON BEHALF OF 200 ORGANIZATIONS, SENT A TELEGRAM TO BOTH PRESIDENT JOSE LOPEZ PORTILLO AND PRESIDENT RONALD REAGAN URGING BOTH PRESIDENTS TO "REFUTE ANY TYPE OF "BRACERO" FOREIGN IMPORTATION PROGRAM AS A SOLUTION TO THE IMMIGRATION PROBLEM" IN THEIR UPCOMING JUNE 8,9, 1981 MEETING.

CCR CHAIRPERSON HERMAN BACA IN THE TELEGRAM STATED "THAT SUCH AN AGREEMENT CAN ONLY LEAD TO A SLAVE TYPE SYSTEM FOR THE IMPORTED MEXICAN WORKER AND AN APARTHEID SYSTEM FOR THE 20 MILLION CHICANO/LATINO IN THE U.S." "WE CALL ON BOTH PRESIDENTS TO TAKE THIS OPPORTUNITY TO TURN AWAY FROM THE PROVEN "BANKRUPT" FAILURES OF THE PAST AND INSTEAD SEEK SOLUTIONS TO THE IMMIGRATION PROBLEM ON THE PRINCIPLES OF PROTECTING THE DIGNITY, INTEREST AND THE HUMAN, CIVIL AND CONSTITUTIONAL RIGHTS NOT ONLY OF THE UNDOCUMENTED MEXICAN WORKER, BUT ALSO OF THE 20 MILLION CHICANO/LATINOS."

BACA WHO EMPHASIZED PAST POSITIONS BY OVER 200 CHICANO/MEXICANO ORGANIZATIONS OVER A 10 YEAR PERIOD STATED THAT "ANY TYPE OF BRACERO LABOR IMPORTATION PROGRAM WILL BE OPPOSED TOOTH AND NAIL BY THE CHICANO COMMUNITY".

"WITH OVER 7 MILLION UNEMPLOYED WORKERS IN THE U.S. THE PROPOSAL TO IMPORT FOREIGN WORKERS IS A MASSIVE CONTRADICTION IN U.S. IMMIGRATION POLICY IN LIGHT OF THE FACT THAT OTHER RECOMMENDATIONS CALL FOR NATIONAL I.D. CARDS, INCREASING THE BORDER PATROL, AND MILITARIZING THE U.S. MEXICAN BORDER.

INSTEAD OF A BRACERO LABOR IMPORTATION PROGRAM BACA RECOMMENTED TO BOTH PRESIDENTS:

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

1) TO A OPT THE BILL OF RIGHTS AS A BASIS FOR THE RESOLVEMENT OF THE IMMIGRATION ISSUE.

2) END THE MILITARIZATION/LAW ENFORCEMENT IMMIGRATION POLICY AS A SOLUTION TO THE IMMIGRATION ISSUE BETWEEN THE UNITED STATES AND MEXICO.

3) SET-UP A BI-LATERAL COMMISSION TO STUDY :

   (a) ECONOMIC DOMINATION OF THE MEXICAN ECONOMY BY U.S. MULTI-NATIONAL CORPORATIONS.

   (b) THE VIOLATIONS OF THE HUMAN,CIVIL AND CONSTITUTIONAL RIGHTS OF PERSONS OF MEXICAN/LATIN ANCESTRY.

   (c) THE CREATION OF A NEW, JUST AND HUMANE IMMIGRATION POLICY TO BENEFIT BOTH THE UNITED STATES AND MEXICO.

CCR

Committee on Chicano Rights, Inc

FACT SHEET ON IMPORTATION OF TEMPORARY ALIEN AGRICULTURAL WORKERS UNDER THE H2 PROGRAM

AT THE PRESENT TIME THERE ARE 7.7 MILLION U.S. WORKERS UNEMPLOYED NATIONWIDE ACCORDING TO BUREAU OF LABOR STATISTICS.

Section H-2 of the Immigration and Nationality Act allows for the importation of temporary alien workers only "if unemployed persons capable of performing such labor cannot be found in this country." There is no such shortage in this country.

THE H-2 PROGRAM DEPRESSES FARMWORKER WAGES.

U.S. farmworkers cannot negotiate for higher wages where the threat H-2 exists. In fact, if farmworkers ask for merely one cent more than the "prevailing wages" (which is considerably lower in states which use H-2 workers), the Department of Labor can certify that these workers are unavailable for work and bring in H-2 workers to fill these jobs.

H-2 WORKERS HAVE FEW FREEDOMS OR PROTECTION.

H-2 workers may not change employers. If an H-2 worker complains about working conditions he may be sent home, black-listed, and never allowed to work in the U.S. again. Only those H-2 workers who are extraordinarily hard working and complacent will be allowed to return for employment in future years.

EMPLOYERS WHO EMPLOY H-2 WORKERS DO NOT PROVIDE BENEFITS REQUIRED OF OTHER EMPLOYERS.

Employers of H-2 workers need not contribute toward social security or unemployment insurance. Even U.S. workers who work for H-2 employers become ineligable for unemployment insurance for that period.

GROWERS PREFER THE H-2 SYSTEM BECAUSE IT PROVIDES THEM WITH A CHEAP, CAPTIVE LABOR FORCE.

For years, growers have used Jamaican workers to cut sugarcane in Florida and pick apples in New England, Virginia, west Virginia and New York. Growers use a variety of means

(over)

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to circumvent Department of Labor regulations and avoid hiring U.S. workers. Last year, growers refused to hire, or harassed and fired more than 2,000 workers from Puerto Rico, so they could hire H-2 workers.

THE H-2 PROGRAM THREATENS TO EXPAND DRASTICALLY.

Approximately, 15,000 H-2 workers were imported into the U.S. last year. The Carter Administration has stated that as many as 500,000 H-2 workers may be imported in the near future. Already apple growers from Oregan and Colorado, citrus growers from Arizona, and tomatoe growers form Virginia have attempted to import H-2 workers.

The Roots of Immigration

A FACT SHEET ON FOREIGN DOMINATION & POVERTY IN MEXICO

- The transnational corporations, with over $5 billion invested, control 35% of Mexico's total industrial production and employ 16% of all industrial workers. $2 billion in profits and payments on royalties, patents and interests were sucked out of Mexico by the transnationals between 1961-71.

- About 3/4 of Mexico's foreign trade is with the U.S. and in 1975 Mexico imported $4.5 billion more than it exported.

- Chronic unemployment now affects more than 40% of all Mexicans of working age. In Ciudad Juarez, across the river from El Paso, 43% of the 800,000 residents are jobless.

- The Mexican government has sought foreign loans to finance development, which has pushed its foreign debt to a staggering $28 billion -- nearly $500 for every man, woman and child in the country.

- Agribusiness corporations like Del Monte and Anderson Clayton have come to dominate Mexican agriculture, fostering a system which produces luxury food items for the U.S. market rather than provide for Mexico's hungry. One half of all the vegetables consumed in the U.S. during winter months come from Mexico, while every day more than 1,000 Mexican children die of malnutrition.

- Largely because of the spread of "modern" agriculture, the number of landless peasants rose from 1.5 million in 1950 to some 5 million today. There are more than 8 million migrant workers constantly on the move in search of temporary jobs, earning an average of $2.50-$3.00 per day in the Northwest region.

- Migration of landless campesinos to urban areas adds 1,000 unemployed per day to Mexico City, already with a population of 13 million. It is the most polluted city in the Western Hemishpere and is expected to be the largest by the year 2000.

- Approximately 3.5 million peasants and fishermen live on less than one peso (five cents) a day, according to a recent study from Mexico. 9.9 million Mexicans eat no meat. 11.1 eat no eggs. 18.3 million consume no milk products. 80 per cent of these families live in rural communities where there is no medical services, electricity or running water.

- Numerous studies have shown that the presence of large foreign corporations and their ties with the Mexican ruling elites has increased the concentration of wealth in fewer and fewer hands. Robert McNamara of the World Bank claims that Mexico's richest 10% now take over 50% of the national wealth, while the poorest 40% have seen their share shrink from 14% to 11% in the past twenty years.

- The average working life of a miner in Mexico is 10 years, due to overwork and black-lung disease, and doctors estimate that every day 4 million Mexican workers are subjected to poisonous fumes in their workplaces.

-NACLA

Committee on Chicano Rights, Inc

RESOLUTIONS PASSED AT THE NATIONAL CHICANO IMMIGRATION CONFERENCE

May 24, 1980

BORDER VIOLENCE WORKSHOP

1. THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the INS/Border Patrol.

2. THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the militarization policy between the U.S./Mexico as a solution to the immigration issue.

3. THAT THIS CONFERENCE GO ON RECORD in calling for the immediate termination of the policy of incarcerating children and their mothers in federal prisons.

4. THAT THIS CONFERENCE GO ON RECORD as appointing a representative group of this conference to present the most degrading violations of human rights(i.e. incarceration of children, rape of women, handcuffed individuals shot and killed, etc.) to international Human Rights Organizations (i.e. the United Nations, International Amnesty, Federation fo the Rights of Man,etc.) with the understanding that the long range solutions be in our people's self-determination.

5. THAT THIS CONFERENCE GO ON RECORD in calling for an end to the racist term of illegal alien.

ADMINISTRATION OF JUSTICE

1. THAT THIS CONFERENCE GO ON RECORD as supporting the creation of a broad-based coalition to end all residential sweeps.

2. THAT THIS CONFERENCE GO ON RECORD in support of the Legal Services Corporation and oppose all legislation that discriminates against immigrants and that the Conference oppose the O'Brien amendment.

3. THAT THIS CONFERENCE GO ON RECORD as opposing any collaboration with the INS/Border Patrol which will result in sweeps being conducted in work places and/or the community.

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CHICANO/MEXICANO PERSPECTIVE

1. THAT THIS CONFERENCE GO ON RECORD as demanding unconditional residency for all people with all rights and privileges of indigeneous people as provided for in the Treaty of Guadalupe Hidalgo.

2. THAT THIS CONFERENCE GO ON RECORD as abolishing all quotas on immigration from countries where the USA has political, economic, and military domination.

3. THAT THIS CONFERENCE GO ON RECORD demanding that Mexican Government support progressive groups in Mexico and Chicano groups in their struggle for Human Rights and demand compliance with the Treaty of Guadalupe of Hidalgo.

4. THAT THIS CONFERENCE GO ON RECORD as supporting the fact "Que Somos un Pueblo Sin Fronteras," and that the struggle for immigrant rights is part and parcel of the struggle for the Chicano/Mexicano rights to self-determination.

5. THAT THIS CONFERENCE GO ON RECORD as supporting the Vogue Coach struggle and other similar progressive Union organizing efforts on behalf of undocumented workers.

6. THAT THIS CONFERENCE GO ON RECORD as calling for the denouncement of U.S. Ambassador, Julian Nava, for his support of the foreign guest worker program and his ignorance on the Immigration Issue.

7. THAT THIS CONFERENCE GO ON RECORD as developing an informational network and campaign to inform and educate our people of the Immigration Issue.

ECONOMICS, LABOR AND FOREIGN WORKER PROGRAM

1. THAT THIS CONFERENCE GO ON RECORD as supporting an Open-Border for immigrant workers and a Closed-Border for Multi-National Corporations.

2. THAT THIS CONFERENCE GO ON RECORD as supporting the demands presented at the International Immigration Conference in Mexico City held on April 28, 1980.

3. THAT THIS CONFERENCE GO ON RECORD as opposing all forms of contract labor such as the H-2 Program, Temporary Visa program or foreign guest-worker program.

RESOLUTIONS: continued

CULTURAL WORKSHOP

1. THAT THIS CONFERENCE GO ON RECORD as recognizing Art and Culture as a link to the Immigration Issue, not just as a form of entertainment.

2. THAT THIS CONFERENCE GO ON RECORD as acknowledging that culture be used as a weapon for Resistence.

3. THAT THIS CONFERENCE GO ON RECORD as opposing the commercialism of cultural workers by big business industries such as Coors and Oil Companies.

EDUCATION WORKSHOP

1. THAT THIS CONFERENCE GO ON RECORD to politicize the Chicano community of its civil and educational rights.

2. THAT THIS CONFERENCE GO ON RECORD as a force to pressure the educational system to be accountable in assuring academic, social and economic competence for all Chicano students.

3. THAT THIS CONFERENCE GO ON RECORD to develop an educational system based on democratic, humanistic and social consciousness principles that guarantee the Chicano community the right to social, economic, and political power, as defined by the Chicano community.

4. THAT THIS CONFERENCE GO ON RECORD demanding the right to free educational services and benefits that maintain and develop the primary language and culture of the Chicano/Mexicano community in all institutions of society.

CHURCH WORKSHOP

1. THAT THIS CONFERENCE GO ON RECORD AS endorsing the Ecumencial Network that met here to affirm its willingness to continue to meet with and give support to Grass Roots organizations concerned with Immigration efforts.

2. THAT THIS CONFERENCE GO ON RECORD as endorsing the Ecumenical Network Southwest's meeting in the spring of 1981 to critique the report of the President's Select Commission on Immigration.

3. THAT THIS CONFERENCE GO ON RECORD AS endorsing the Ecumenical Network's desire to communicate with Grass Roots organizations to aid them in getting theri message to the people.

4. THAT THIS CONFERENCE GO ON RECORD as endorsing an agreement by the Ecumenical Network that the economic, political and social causes of immigration should be emphasized in education on immigration.

HEALTH AND SOCIAL SERVICES WORKSHOP

1. THAT THIS CONFERENCE GO ON RECORD in supporting that all health care and social services facilities must provide their services regardless of citizenship.

2. THAT THIS CONFERENCE GO ON RECORD in supporting health care and social service benefits should be rendered to the undocumented without immigration las consequences past or present.

3. THAT THIS CONFERENCE GO ON RECORDin supporting hehceforth, that the medi-cal standard form MC-6 or its equivalent be eliminated. (the MC-6 form is used in our health service system to identify and eliminate health care benefits to the undocumented)

4. THAT THIS CONFERENCE GO ON RECORD in supporting that the collection of information regarding status and its forwarding to INS or dissemination in violation of the person's right to privacy and due process of law be stopped immediately.

5. THAT THIS CONFERENCE GO ON RECORD in supporting an immediate creation of an emergency lane at all ports of entry to allow emergency medical treatment.

6. THAT THIS CONFERENCE GO ON RECORD in supporting that all providers of health care and social services have bilingual and bicultural professional staff.

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AND FINALLY THAT THIS CONFERENCE GO ON RECORD as ENDORSING THAT A NATIONAL CAMPAIGN BE UNDERTAKEN TO EDUCATE THE GENERAL POPULATION AND ELECTED OFFICAIAL REGARDING THE FULL CHARACTER OF HUMAN RIGHTS, HEALTH NEEDS AND TAX CONTRIBUTIONS OF UNDOCUMENTED PERSONS.

IN ADDITION THAT THIS CONFERENCE GO ON RECORD AS ENDORSING, ENCOURAGING, AND SUPPORTING ALL COMMUNITY GROUPS THROUGHOUT THE COUNTRY TO IMPLEMENT THE STATED GOALS OF THIS CHICANO NATIONAL IMMIGRATION CONFERENCE.

Committee on Chicano Rights, Inc

CONTENT OF TELEGRAM SENT TO
PRESIDENTS REAGAN AND PORTILLO

JUNE 4, 1981

ON THE EVE OF THE MEETING BETWEEN PRESIDENT JOSE LOPEZ PORTILLO AND PRESIDENT RONALD REAGAN ON JUNE 8 and 9, 1981, OUR ORGANIZATION WISHES TO REEMPHASIZE THE POSITIONS TAKEN ON THE ISSUE OF IMMIGRATION BY THE 200 ORGANIZATIONS WHICH ATTENDED THE CHICANO NATIONAL IMMIGRATION CONFERENCE HELD ON MAY 23, 1980 IN SAN DIEGO, CALIFORNIA, THE INTERNATIONAL SYMPOSIUM, HELD IN CULIACAN MEXICO IN JUNE OF 1980, AND THE FINAL FACT FINDING CHICANO NATIONAL IMMIGRATION TRIBUNAL RECENTLY HELD ON APRIL 11, 1981 IN SAN DIEGO, CALIFORNIA. WHITE PAPERS ISSUED AT THESE CONFERENCES CATEGORICALLY OPPOSED THE IMPOSITION OF ANY TYPE OF BRACERO-FOREIGN-LABOR-IMPORTATION PROGRAM. THE ENACTMENT OF SUCH AN AGREEMENT CAN ONLY LEAD TO A "SLAVE TYPE PROGRAM" INVOLVING THE MASSIVE VIOLATIONS OF RIGHTS OF THE IMPORTED MEXICAN WORKER AND COULD LEAD TO AN APARTHEID SYSTEM FOR THE MORE THAN 20 MILLION CHICANO/LATINOS IN THE UNITED STATES.

WHETHER THEY ARE CALLED "GUEST WORKER PROGRAMS,TEMPORARY VISA, OR H-2 WORKER PROGRAM, THESE PROGRAMS WILL DEHUMANIZE,DEGRADE, AND MAKE INDENTURED WORKERS OUT OF MEXICAN CITIZENS AND WILL ALSO CAUSE CHICANOS/LATINOS TO SUFFER THE LOSS OF THEIR CIVIL, CONSTITUTIONAL, OR HUMAN RIGHTS IN THE UNITED STATES.

THE DOCUMENTATION AND POSITION PAPERS FROM THESE CONFERENCES WERE DELIVERED PERSONALLY BY A DELEGATION OF CHICANOS TO PRESIDENT LOPE PORTILLO'S ADMINISTRATION ON APRIL 17, 1981 AND TO PRESIDENT REAGAN'S ADMINISTRATION ON APRIL 23, 1981.

THIS INFORMATION REPRESENTS THE CULMINATION OF A TEN YEAR EFFORT BY THE CHICANO COMMUNITY TO PROPOSE ALTERNATIVE SOLUTIONS TO

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