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REGISTERED PARTICIPANTS

CONSULTATION ON OVERSTAYED AND
UNDOCUMENTED PERSONS

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UNDOCUMENTED WORKERS AND UNITED STATES IMMIGRATION POLICY

This monograph examines current dilemmas of United States immigration policy, dilemmas arising from the presence in our midst of very large numbers of undocumented workers with a dubious, extralegal status, and then evaluates the most prominent provisions of the President's new program for dealing with these workers.

I

The analysis of policy in this paper rests on a particular argument about the origins and nature of long-distance migrations from underdeveloped to developed regions in general and the current undocumented migration in the United States in particular. Space does not permit us to develop that argument, but it may be summarized in the following points:

First, industrial societies appear systematically to generate a series of jobs which nationals with a firm commitment to the labor market either reject out of hand or accept only grudgingly and under conditions of unemployment or extreme economic deprivation. Such jobs have three salient characteristics: insecurity, a lack of advancement opportunity, and menial and degrading social status. Manning such jobs poses a continual dilemma for the industrial system.

Second, long-distance migrants from relatively backward, rural areas provide one way of resolving that dilemma and have been utilized for this purpose in most industrial countries virtually from the start of the industrial revolution. The basic characteristic of such migrant populations, which makes them accepting of the work which nationals reject, is the fact that they view their stay in the industrial area as short term and purely instrumental. They plan to accumulate a fund quickly, return home, and

invest their earnings in a project which will promote their social advancement in their place of origin. They are untroubled by insecurity and lack of advancement because they do not plan to remain in a job long enough to take advantage of either job security or provisions or promotion opportunities. They are unaffected by the menial status of the job because their work in the industrial society is divorced from the social setting of the home area in terms of which they define themselves and from which they derive their identity and self-image. The temporary character of the current migration of undocumented workers into the United States is evidenced in a variety of studies. For example, the apprehended Mexican aliens in the North-Houstoun study went home on the average every six months.¹ In its circular character the Mexican migration resembles the migrations in Western Europe today, the black migration from the rural south in the United States and, popular beliefs notwithstanding, the large scale immigration from Europe to the United States in the late nineteenth and early twentieth centuries. To the extent that migrants are of this type and are confined to secondary jobs, they are essentially complementary to native workers.

Third, the basic problem with migration as a solution to the dilemma of manning jobs in the secondary sector lies in the fact that, although the migrants do not plan to remain for very long, many nonetheless do so. Some of these develop permanent commitments to the industrial society. More importantly, they have children who are born or raised in an industrial setting. The children, whatever their citizenship, are native in terms of their perspective on the labor market. They belong to industrial societies and because the work they perform there tends to define them as social

¹ David S. North and Marion F. Houstoun, The Characteristics and Role of Illegal Aliens in the U.S. Labor Market: An Exploratory Study (Washington, D.C.: Linton & Co., 1976 [report prepared for the U.S. Department of Labor]).

beings they feel degraded by low status work; similarly, for them job security and advancement are important job characteristics.

There is nothing in the migration process which insures that this second generation will be able to move up to the higher level jobs toward which they aspire. Indeed, historically industrial societies appear consistently to disappoint the expectations of the second generation in this regard. That disappointment has in turn been the source of enormous social tensions. The sit-down strikes in the late thirties which sparked the industrial union movement in the United States may in large measure be attributed to the reaction of the children of pre-World War I European migrants to their labor market conditions. Similarly, the racial disturbances in the Northern urban ghettos in the middle and late 1960s may be looked upon as a revolt of the children of black migrants against a society bent upon confining them to their parents' jobs.

Fourth, migrants are not the only group which is capable of filling secondary jobs. The chief alternatives in the United States are (a) those youth who have not yet settled down and are primarily looking for money to finance leisure activities and (b) those women who define themselves in terms of their roles in their home and are seeking employment mainly to supplement family earnings. It is possible that undocumented workers are taking some jobs that would otherwise go to such women or youth. But, public rhetoric notwithstanding, there is no evidence that the basic structure of opportunities available to these groups has changed since the new wave of undocumented migration began in the late 1960s. This finding is perhaps more plausible when one recognizes that both women and youth who want secondary jobs place severe geographic and time restrictions upon the kinds of

work which they will accept. These restrictions have made them very imperfect substitutes for migrants. The women and youth who are most vocal about the available employment opportunities are interested in careers, which secondary jobs do not provide.

Fifth, the circular migration patterns of the kind with which we are here concerned have important impacts upon the place of origin. Some of these are favorable and may be conducive to expanded consumption and economic development. But the migrations also raise expectations in the communities of origin and over time change the value structure in a way which degrades traditional activities, reducing the willingness to perform them, and, in a great many cases, ultimately destroying traditional industries altogether.

Sixth, the major force in initiating and maintaining migrant flows is the developmental process within the industrial region. Only this can explain the character and timing of the migration flows. But it is also generally possible to trace new migration flows to deliberate recruitment by industrial employers or their agents. The current undocumented migration from Mexico and the Caribbean began in this way in the late 1960s. These new migrants have taken places in the industrial structure previously filled by black migrants from the rural South: the timing of the undocumented migration is explained by the fact that the labor reserves in the black South were nearing exhaustion, what labor remained was increasingly absorbed by Southern industrial development itself, and the black labor force in the North had come to be dominated by a second generation which had grown up there and developed an intolerance for the jobs which their parents had migrated to fill. As just noted, that intolerance manifests itself in riots in urban ghetto areas

and rising turnover and insubordination on the job. The black migration had, in turn, originated in the first World War, again in response to employer recruitment designed to replace European immigration which the war had cut off.

There is little evidence that income and population pressure in underdeveloped areas are by themselves sufficient to initiate or maintain the kind of migration movements with which we are concerned. Such differentials have existed for very long periods of time without generating migration; the migrants typically dislike the industrial regions and are interested only in the money that can be earned there --and that only if it permits them to accumulate savings. When they cannot find a job quickly, they prefer to return home.

The pivotal role of industrial societies in initiating and maintaining these streams suggests that the ability to control the migration flow is heavily dependent upon the ability to limit the types of jobs which migrants hold. Our understanding of these jobs is by no means complete, but they appear to divide into two groups. First is a group of jobs which sustain the more desirable employment opportunities of native workers in the sense that without labor to fill them certain other really attractive job opportunities would have to be eliminated. Examples range from a variety of declining industries which provide good jobs for natives but which also depend upon a willing source of low wage labor without which they would be forced to move abroad, on the one hand, and, on the other hand, many of the most secure industrial jobs in blue chip firms which guarantee the employment of their own workers by transferring peak demand to subcontractors who employ migrants and other secondary workers. Second, are low-level

jobs which are not necessarily complementary to native occupations but which are important in the native standard of living. Household workers typify this second category.

The dimensions of the secondary labor market appear to be defined by legislative standards governing the wages and working conditions at the bottom of the job hierarchy. These standards would seem in turn to be responsive to the needs for the first type of job. If they are set too high, then some of the secondary jobs will be eliminated and employment of prime native workers will be threatened in the process. If they are set too low, employers will be tempted to transfer what would otherwise be primary employment opportunities to the secondary sector and the effect will be much the same.

The demand for jobs in the second group may serve to push the floor somewhat below what it would otherwise be, but by itself it is probably not the governing factor. It may be very difficult to eliminate certain kinds of work once the demand has been created, but the mere existence of a potential labor supply does not appear by itself to generate that demand. Given the ease with which new migration streams have been generated historically, and the apparent elasticity which the current undocumented migrant stream exhibits, this must be the case, or there would be no limit to the menial labor the American economy absorbs. Without the minimum wage, or with a minimum wage which was determined solely by our capacity to consume, every American household would have a foreign maid. Thus, it would seem that the floor of the labor market is largely responsive to the need for the first category of jobs, and the second category consists of whatever menial jobs the society can absorb at those wages.

II

What does a migration process characterized in this way suggest for public policy? It suggests, first, the basic irrelevance of the conventional dilemma, i.e., the apparent conflict between the interests of foreigners and nationals who share the labor market with them. The process is arguably in the interests of the migrants themselves, since they would presumably not leave home if they did not feel they could further their aspirations in this way. But the effect of the migration is to generate a set of aspirations and expectations in the children of the migrants at the destination and, eventually, within the communities from which the migrants came, expectations which there is no guarantee in the nature of the process can be met. Indeed, there is reason to believe that the processes are such that the opportunities open to the second generation will systematically fall short of their aspirations. The migration process also affects the aspirations of the migrants themselves in ways that cannot be foreseen and discounted in their decision to leave home and, hence, even for the migrants the end result may prove disappointing. When one takes the underdeveloped communities from which the migrants come as a whole and includes the several generations of people affected directly or indirectly by the process, it is not clear that on balance it makes a net contribution to social welfare. Clearly there is room for improvement through intervention and control of the basic parameters of the process.

The impact of the migration upon the nationals who share the low income labor market is also unclear. Their basic interest is in advancement

to higher status and more secure jobs. If the types of jobs which they share with migrants are actually improved by curtailing the migrant labor supply, the nationals might well be better off. But, to the extent that the existing characteristics of the jobs are in some way critical to the socioeconomic system, the jobs will not be improved. The society will instead look for other ways to maintain the labor supply and in the process it may actually seek to curtail the upward mobility of other groups who presently fill those jobs or to change such institutions as welfare, unemployment insurance, and social security-- which govern the labor market decisions of nationals --so as to expand the available labor force.

Given these considerations, an ideal immigration policy would be one which: 1) minimizes the number of jobs for which migrants are required in the first place; 2) minimizes the degree of competition between nationals and foreign workers in the first generation; 3) minimizes the size of the second generation but; 4) maximizes the chances of upward mobility for the second generation which does emerge. Evaluated in these terms, existing policy is nowhere near being the failure which it is presumed to be. Indeed, in these terms it is in fact a much more rational approach to the policy problem than any of the protagonists in the current debate are willing to admit.

The critical factor in determining the way in which the system operates is the underlying nature of the immigration flows and, in particular, the natural tendency of the immigrants themselves to return home. But the principal institutional feature which makes the system operate is ironically the very feature which makes it appear so irrational in terms of its announced goals, the fact that it is "underfunded": the Immigration and Naturalization

Service has a budget which is so small in relation to the magnitude of the alien flows that it cannot possibly enforce the law as written. The effect of this underfunding, and of the fact that it has developed apparently by "default", with little congressional guidance as to priorities in the spending of the funds which are allocated, is to give tremendous discretion to the Immigration Service in determining when and where the law is to be enforced. On the whole, the Service appears to utilize this discretion to minimize the competition between undocumented and other workers. This is evinced in patterns of enforcement activity. Thus, for example, the INS appears to give priority to apprehending undocumented workers, as opposed to other undocumented persons, and, among workers, to those in relatively high paying, high status jobs. The lowest level, most menial job category, private household help, receives virtually no attention at all. The Service concentrates its enforcement activities in the Southwest, ostensibly because of the heavy traffic from Mexico there, but the effect is to drive undocumented Mexicans out of the region where they are in direct competition with Mexican-Americans and towards Los Angeles, San Francisco, and the Middle West, where the native wage scales are much higher and there is a scarcity of low wage labor. Some INS offices make a practice of varying enforcement activities seasonally so that alien workers are forced into a role which complements native youth: when school lets out in June, they raid various restaurants and hotels in order to open jobs for youth; when school resumes in the fall such enforcement activities are relaxed. Enforcement activity also varies cyclically in some industries: in the 1974-75 recession, for example, the Service was active in pursuing Canadian workers in the construction industry; the entry of such workers had been tolerated in the preceding boom when there

had been a shortage of skilled natives.

One need not, however, rely solely upon inferences from patterns of enforcement activity to determine the rationale underlying current practices. INS agents recognize the power which the current institutional framework places in their hands; they are anxious to justify the way in which that power is exercised, and they speak quite freely of their enforcement philosophy. Their rationale is complex and has implications which extend beyond the immediate issues at hand. The goal of maintaining a labor force which complements native workers under varying economic conditions is a very prominent part of that rationale.

It would appear that, in terms of the labor market requirements which we have outlined, the present system is least effective in its handling of permanent settlement and the second generation. To the extent that the undocumented workers are indeed illegal, one would expect them to live at the margin of society and minimize the exposure of their children to the kinds of institutions and experiences which would help them advance in the U.S. labor market. In part, these expectations are borne out. One can cite a variety of cases where, for example, the parents have been afraid to send their children to school or seek medical attention for fear of making their presence in the country known to official agencies. Again, however, these effects are greatly mitigated by the way the law is enforced in practice. The actual chances of getting caught are extremely small, and, to the extent that there is a pattern, it has to do basically with the role in the labor market and not the utilization of public services -- the INS already has so much more information about the undocumented population than it can possibly act upon that it need not rely upon the kinds of data that the aliens fear.

But the other mitigating factor is that the de jure immigration system is not nearly as divorced from the prevailing de facto system as the term "illegal" suggests, and actually it provides a variety of channels through which the kinds of people who become permanent settlers and have children can regularize their status. Several mechanisms, which from another perspective are extremely invidious and inequitable, are involved here. The most important of these is the system, termed in the business equity, whereby people with close relatives in the U.S. are given priority in immigration visas. This, and the fact that children born in the United States are automatically accorded citizenship, assures that anybody who has children in the United States and then returns to his home country and applies for legal entry is virtually assured of regularizing his status. A second procedure, which enhances the value of equity as a means of regularizing status is voluntary departure. A record of illegal entry into the United States would normally act as a bar to subsequent entry through regular, legal procedures. However, very few aliens apprehended by the INS pass through the kind of formal deportation procedures which are necessary to invoke this legal barrier. Most leave through voluntary departure, a kind of nolo contendere procedure in which the illegal character of their previous entry is never formally established. The INS prefers this procedure since it saves greatly in time and expense; but they also value it precisely because it preserves "equity," and I have seen immigration judges grant voluntary departure in place of formal deportation for no other reason than that the defendant had an American-born child. The fact that voluntary departure is so common means that an undocumented worker need not wait for his documents at home, a wait which is extremely long. It is apparently

quite common for people to enter without documents or work, establish the relationships upon which equity is built, return home to file papers, reenter without documents and continue working until notified that the papers are ready, then return once again, pick up their papers, and reenter the United States, this time as legal immigrants.

While voluntary departure and equity appear to be the most important factors in legitimizing undocumented workers, other procedures work toward the same end. It is, for example, relatively common for the INS to parole an undocumented worker whose papers are in process, so that apprehended aliens whose status shows promise of being regularized need not even leave the country temporarily. Another common practice is to obtain work permits for "labor scarce" occupations for jobs which the applicants acquired as undocumented workers and for which the main proof that immigrants are required is the fact that the applicants are already holding the jobs.

The success of the system in terms of the goals which we have outlined is evident in available statistics. It works best with respect to Mexican migration on the West Coast. Most Mexicans appear to enter the country by crossing the border. Many are apprehended, but they are quickly returned to Mexico where, by all reports, they simply turn around and reenter a second time, in most cases successfully. The process is temporary: the best available data suggest as noted earlier that the average Mexican returns home every six months; total length of stay averages about two and one half years.² Family formation, which may be taken as both an indicator of permanent settlement and a measure of the size of the second generation, is also low. Only 11 percent of apprehended aliens had a spouse in the United

² Ibid., pp. 85 and 86

States, although 50% were married. Similarly, while 50% had children, fewer than 10% had children in the United States.³ Most Mexicans seem to work in the kind of secondary jobs which are complementary to those of native workers: penetration into the higher wage, presumably more attractive employments to which natives aspire has been slight.⁴ At the same time, the system of equity works as described to provide a means of legitimation for people who do acquire permanent attachments to the U.S. and presumably operates in this way to facilitate the access of their children to the institutions which will provide them with means of upward mobility.

Judged by these same standards the system operates somewhat less effectively for non-Mexican, Western hemisphere workers. Most of these people appear to enter as visitors or tourists, with documents but without the right to work. They then violate the terms of their visas by taking a job; typically they further violate the conditions of entry by staying in the United States after their visa has expired. The migration of these workers also appears to be essentially temporary, with relatively low rates of family formation, and the migrants are concentrated in the secondary sector of the labor market. But each of these characteristics is decidedly less pronounced than it is for the Mexicans. Migrants from elsewhere in the hemisphere go home less frequently than Mexicans (every 22 months), a larger proportion have families in the United States (28% had spouses in the U.S.), they send less money back to their place of origin, and they have advanced further up the occupational hierarchy into positions competitive with native workers.

³ Ibid., pp. 76-79, p. 82.

⁴ Ibid.

III

Once the character of the present immigration system as it actually operates is recognized, it becomes clear that certain relatively minor changes in rather obscure characteristics of the system can produce substantial gains in terms of the goals which we have outlined initially, whereas other proposals, which seem obviously beneficial, are likely to have quite negative consequences.

The most obvious defect of the present immigration system is the disparity between the experience of Mexican and other Western hemisphere aliens. Given available information, it is impossible to confirm any particular explanation for differences between the two populations, but discussions with the workers themselves suggest that a major factor is the relative difficulty of reentry. Mexican workers have very little difficulty moving back and forth across the border, while other workers, who enter on regular documents, face very great difficulties in doing so. The documents are difficult to obtain in the first place: the State Department officials who issue them are extremely suspicious of the motives of would-be entrants. The migrants also fear that, having violated the terms of entry once, they will be unable to gain entry again. Hence, because they cannot return, many feel obligated to stay much longer than they originally anticipated, and in the process develop attachments, often in the form of second families, that they never intended but which make it still more difficult to leave. This paradoxical effect of a tight entry policy upon the size and character of the migrant population is not unique to the population of visa violators in the United States. Western European countries have experienced similar effects in their attempts to curtail immigration in the last several years

by restricting entry: workers already in the country, fearing that they could not reenter, delayed departure, often illegally, so that while the in-flow did in fact decline the out-flow declined as well. The net effect may well have been an increase in the total alien population: there has certainly been an increase in the size of the second generation.

This suggests one obvious improvement in existing immigration policy: a change in the character of reentry for holders of tourist visas which would eliminate the current deterrence to return. Ideally, tourist visas should be issued for quite long periods of time and allow unlimited trips between the States and the place of origin. Such a change need have no effect upon the attempt of the State Department to prescreen applicants to exclude potential violators. It would simply recognize the fact that a mistake in the screening process cannot be rectified ex post facto and that the attempt to do so will simply aggravate the problem.

Similar dangers appear to be present in proposals which have been recently adopted, or seem about to be adopted, designed to make marginal changes or to improve the enforcement of what is believed to be the existing immigration system. The one which follows most directly from the difference in the character of the Mexican and the non-Mexican migration streams concerns increased efforts to patrol the Mexican border. The success of such efforts is problematic, but it should be clear from the foregoing that the implications of success, if it is achieved, are also problematic, and that it is quite possible that increased difficulty in crossing the border will simply cause those migrants who are successful to stay longer, thereby increasing the rate of permanent settlement.

Three other changes which are particularly troublesome and are likely to create more problems than they solve are recent restrictions in the number of legal entrants, the denial of public services to undocumented laborers, and proposals to penalize employers for hiring aliens. The restrictions on legal entry were introduced by Congress last year as part of a revision in the distribution of immigration quotas among countries. The thrust of the reform was supposed to be a more equitable treatment of Western hemisphere countries relative to those of Europe. However, in the process, a limit of 25,000 was placed upon the immigration from any single nation. This is substantially below the 70,000 immigrants who were being admitted at the time from Mexico. Because legal immigration constitutes the principal channel through which permanent settlers can regularize their status and that of their children, this restriction may represent a major change in the capacity of the second generation to achieve their labor market aspirations.

This is especially likely to be the case given trends, at the state and local levels, to limit the access of undocumented people to public services. The most subversive of these efforts is the movement in New York City to bar their children from the public education system. Given past difficulties even among second generation children who have had access to public education, it would be difficult to exaggerate the potential damage of this policy in the long run both to the individuals involved and to the social stability of the city itself. Education is a sine qua non for any kind of upward social mobility. One cannot argue that the denial of other services will have the same damaging effect upon the future opportunities of the individuals involved. On a statistical basis, however, the denial of health, housing, food stamps, and the like will increase the size of

the second generation with frustrated labor market aspirations.

Against these effects must be weighed, it is true, the potential of such services to attract migrants and encourage permanent settlement. The thrust of our earlier argument, however, is that migration is the outgrowth of a process in which social variables predominate and in which this kind of conscientious economic calculation plays a very subsidiary role.

These effects, because they have developed unnoticed and are, by and large, not being carefully monitored by either the policy makers or the general public, may be the most significant in terms of the long-run evolution of immigration policy. But the proposal which has received the greatest public attention is one which would make the employer liable for employing illegal aliens.

The issue of employer liability is really related to the broader question of the size of the secondary labor market and the possibility of controlling its size, and hence the demand for aliens, through public policy. We will explore this question in some detail below. Here what seems important to emphasize is that however large the secondary market currently is, its size appears to be limited by a network of legislative restrictions imposing minimal health and safety standards and mandating a minimum wage. The market for undocumented workers lies more or less within these standards. By and large, that market also respects a series of other legal standards involving income, social security, and unemployment taxation. It is somewhat less effectively controlled by union organization, but it is not totally beyond that control either.

It is not exactly clear why the market for undocumented workers respects these standards. Such workers are an easily exploited group;

they are afraid of being reported to authorities and are often willing to work below prevailing wages and under substandard conditions. There is considerable money to be made by forcing them to do so. One could easily imagine a market in which employers, by evading taxation and letting working conditions deteriorate, were able to make a higher profit while paying their workers substantially less than what they take home now. It is possible that the market is already drifting in this direction: we have no good data about alien job characteristics over time, and it is quite possible that the limited violations found in the one-shot studies are the first signs of a long-run deterioration.

A chief factor in limiting the abuse which is taking place, however, must be the particular legal situation of employers. They risk nothing in employing the aliens; they risk substantial financial and criminal penalties in tax evasion and in violations of labor and work standard laws. Were penalties to be imposed for the employment of aliens, this balance would, however, be upset, and many employers might feel that having already placed themselves in legal jeopardy by hiring aliens, they might as well take full advantage of the profits to be made. In many industries where aliens work, only a few employers need make this calculation to place the remainder under irresistible competitive pressures to follow suit.

IV

To argue, as we have, that the present migration system has been misrepresented in the public debate, that it is more effective than is generally recognized in meeting the society's real goals, and that many proposals to reform the system are misguided, unlikely to work as intended, and likely to aggravate the social problems surrounding the migration process is not to argue that the present system is ideal. In terms of the goals outlined initially, three major reforms seem desirable: first, restrictions on the now-legal entry of higher level manpower; second, a concerted effort to reduce the size of what we have called the secondary sector; and third, the legitimization of the migrant labor force required to fill the jobs which remain. Brief comments upon each area of reform follow: space prohibits extensive elaboration.

Restrictions upon High-Level Manpower

In terms of the current immigration system this is probably the most radical proposal, but it follows directly from our earlier analysis. If labor shortages in industrial society are concentrated in low-level occupations, if the problem with migration as a solution to those low-level shortages is a lack of opportunity in higher-level positions for the offspring of the migrants, and if the society already has an accumulated obligation to black workers which it is unable to meet, then obviously we cannot afford to allocate the high-level positions we do have to foreigners. Indeed, it appears that in a number of areas, most especially in the medical industry, immigration has been used to avoid social pressures to expand employment opportunities for nationals.

Reduction in the Size of the Secondary Sector

Many of the advocates of restricting immigration see such restrictions as a way of reducing the size of the secondary sector; however, as suggested earlier this cannot be assumed. The argument developed in the earlier portions of the essay suggests that in fact it is a dangerous way to approach the policy goal.

The basic dangers are twofold: The first danger is that if the restrictions are successful but the work cannot be dispensed with, the society will attempt to create a labor force by restricting the upward mobility of nationals. The extreme limit to this process would be the reimposition of the type of racial caste system which prevailed in the South. The second danger is that if the restrictions are unsuccessful -- and history is extremely discouraging on this score -- the immigration becomes clandestine: it is then likely to escape present legal restrictions upon the size of the secondary sector. And to the extent that these restrictions actually set limits upon employment in that sector, the sector will expand beyond its present limits. Eventually, social forces will presumably react to check the expansion. But by that time we may have become accustomed to the expanded standard of living which immigration permits, making it difficult or impossible to reverse the process. Thus, efforts to curtail the secondary sector by curtailing the supply of labor are likely to have exactly the opposite effect.

The wiser course of action appears to be to approach the problem directly by attempting to tighten the legal standards which act to limit the sector. At the current time this implies four types of reform: (1) increases in the minimum wage; (2) more stringent health and safety standards,

particularly for low paying jobs; and (3) great encouragement and protection for union organization. In this sense current proposals to repeal 14b of the National Labor Relations Act, to extend to agricultural workers the right to organize and bargain collectively, to restrict employers' unfair labor practices, to index the minimum wage, etc., are tightly bound up with immigration policy and ought to be considered in combination with it. (4) Finally, to make all of these laws more effective, the INS should be prohibited from responding to employers' complaints about undocumented workers in their establishments when union organizing campaigns are in progress or when the employers are found in violation of labor statutes.

The Legitimation of the Present Alien Labor Supply

The arguments against attempts to curtail the secondary sector by restricting the supply of labor also argue in favor of regularizing the status of the existing labor supply. As we have repeatedly emphasized, so long as the labor supply is extralegal, there is a danger that the market will escape its present legal limits and, once it does so, begin to expand. Available data suggests that this has not yet happened, at least on a large scale, but the data do not permit us to analyze the evolution of this phenomenon over time. The violations of statutory restrictions which the data do reveal, while themselves trivial, would be disturbing if read as the beginning of a long-run trend.

Proposals for legitimizing the existing migrant labor force have recently been outlined by the Carter Administration. The basic thrust of these proposals seems reasonable but they will very much depend upon how a number of specific practical problems in their implementation are resolved.

In evaluating the proposals I would distinguish, at least conceptually, between relatively permanent settlers, on the one hand, and temporary workers on the other. The object with respect to permanent settlers should be to legitimize their status and that of their children as completely as possible so as to maximize access to channels of upward social mobility. For temporary workers, on the other hand, one wants to provide legitimization without encouraging any forms of permanent attachment. In addition, because some temporary workers are likely to develop permanent attachments in any case, and because any administrative process is likely to make mistakes in its initial classification, there must be some mechanism through which temporary workers can convert to permanent status.

The proposals presently being discussed appear to be attempting to handle the problem through a two-tier amnesty. One tier covers people who have been in the country for over seven years and would give them immigrant status, which would enable them to bring their families from abroad or to regularize the status of family members already here. The second tier would cover workers in the country last January and would give them a legitimate status in the country but would provide no rights for their families abroad. The distinction could be construed, more or less, as corresponding to the conceptual distinction between permanent and temporary migrants. The correspondence is quite imperfect since some permanent settlers will have been here less than seven years and a number of temporary migrants will be legitimized as relatives of people who fall within the seven year amnesty. However, it is not obvious what would constitute a more appropriate division. The chief problem is that no provision is made whereby the currently temporary migrants could convert their status.

The conversion might be handled easily by giving temporary migrants priority in the allocation of existing immigration quotas, with the order of priority based upon length of stay in the United States. People should be able to exercise this priority at any time in the future in order to minimize the incentive for immediate conversion. It may also be desirable to expand the existing immigration quotas to accommodate these adjustments in status or to create a special quota for this purpose. At a minimum, it would seem advisable to raise the Mexican quota, either permanently or as a special quota for conversion from temporary to permanent status, to the rate of 60,000 to 70,000 which prevailed before the 25,000 per country limit was established in 1976.

There is a presumption in current proposals that, if the present alien population can be legitimized, further entry can be handled by more effective law enforcement. Indeed, the amnesty problem has been justified on essentially humanitarian grounds. If the program is developed instead, as we have tried to argue here, as a means of bringing an essentially irreversible process within the law and under some form of control, one is forced to face the distinct possibility that illegal entry will continue after the amnesty. The tenor of the preceding analysis is that such entry will initially be limited; that the secondary labor market is a contained one; and that so long as sufficient legal labor is available to meet its needs, any tendencies to draw upon illegal labor can be controlled. Over time, however, one would expect the pool of legal labor to decline, hopefully through the return of temporary migrants to their place of origin but, if not, through upward mobility. It would remain desirable to have

some means of expanding the available labor pool. One such measure, which would introduce a safety valve in the system without creating the open-ended immigration stream which the electorate seems to fear, would be to provide a special temporary work permit for those people who, because of their status as relatives of resident aliens, would eventually become eligible for permanent immigration but who are now barred from entry by the quota and by administrative delays: this valve might be activated by the Secretary of Labor. Over the long run this proposal would not expand the number with immigration rights, but it would enable us to adjust the time at which those rights are exercised to accord with the requirements of the economy.

It should be noted that if a regular labor supply large enough to fill existing jobs were created in this way the force of the objections to employer liability expressed above would be substantially weakened.

V

Unmentioned in the preceding analysis are two factors which are prominent in most discussions of immigration policy: unemployment among U.S. nationals and equity and due process in the allocation of opportunities for immigration.

With regard to the first, it is frequently alleged that in the absence of undocumented workers it would be possible to cure our unemployment problem. There is probably some sense in which this is true, but it is not true in any obvious sense. The principal cause of current U.S. unemployment is the low level of economic activity at which first the Ford and now the Carter Administrations have chosen to run the economy. Unemployment could be eliminated by an economic expansion through policy instruments readily available to the President and to Congress. The instruments have not been used, allegedly out of fear of the inflationary pressures which they would generate. I believe those fears to have been greatly exaggerated but, in any case, none of the theories which have been used to justify the fear suggest that the inflationary pressures would be less under a policy which sought to reduce the unemployment of nationals by expelling alien workers. This is an extremely important point but one which could only be developed in a separate paper.

A second important point concerns the equity, or lack thereof, of the present immigration system. However the failings of the current system have been exaggerated in public debate, what has not been exaggerated is how unfair and inequitable the present system is and how far it departs from standards of justice and due process. The discretion which the INS exercises may be very good for control of the market to preserve job opportunities for nationals, but it leads to the dispensing

of the jobs available to foreigners in an erratic and personalistic manner and penalizes those who attempt to respect the law. The proposals in this monograph will not greatly improve matters in this regard: in some respects, they may make them worse. I am not unmindful or untroubled of this.

I have not attempted to argue the issues involved because that too would have required a separate paper. It seems to me that the civil rights and liberties issues here have consistently been fought in the wrong place: in the battle for substantive legislative rather than in the battle for the budget through which substantive provisions would acquire some force. Nor have the advocates of equity and due process faced up to the conflict of values inherent in the situation: to give meaning to the philosophy expressed in the de jure immigration system would seem to require either a Berlin Wall on the Mexican border or a national identity card. Probably it would require both.

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Response to the Carter Legislative Proposals

I wish to limit my remarks to the raising of some questions about the proposals by the Carter Administration on the undocumented alien. I will end my comments by summarizing some additional developments in Washington which may affect the whole question of treatment of undocumented aliens and the policy of the United States in this area.

Perhaps the first thing to note about the Carter proposals, which is of course true of all immigration legislation, is that the reality will be defined by the actual legal language and its judicial interpretation rather than by summaries of the desired goals which are often put out in news releases concerning such legislation. Immigration law is extremely complicated; it is second in complexity only to the internal revenue law of the United States. In this regard, the language contained in the actual bills which embody the Carter proposals raises a number of questions. The first is, whether the year allowed for registration by those who would benefit from the amnesty or the temporary resident program, would result in a year of no deportations from the United States. If persons who are undocumented have a year to register, it becomes a problem to justify a deportation or voluntary departure of a person who would claim at the time of arrest that he or she qualifies for the amnesty and has a year to satisfy the requirements to prove that he or she in fact does qualify.

Secondly, the employer sanctions section of the Carter proposals refers to a requirement for the Attorney General to act if there is a "pattern or practice" of hiring undocumented aliens by a firm or individual.

The "pattern or practice" language is taken from civil rights legislation. It is not clear that this language will be easily adaptable to the enforcement of this particular type of labor law. Further, it ought to also be emphasized that although the law as proposed says that the Attorney General shall act in a case of pattern or practice of hiring undocumented aliens, it also empowers the Attorney General to act if only one person is hired illegally. I emphasize this point since much of the discussion contained in handouts from the Administration emphasizes the pattern or practice but does not equally emphasize that the act of hiring a single undocumented alien is also prohibited, and an injunction against a further single hiring can also be obtained.

These two examples are indications of the very difficult questions which any immigration related law raises. This is not an easy area in which to legislate, nor is it always clear that the intentions of legislation will in fact result.

In the area of sanctions for persons who would employ an undocumented alien, it is necessary to emphasize that such a practice could result in discrimination against persons of Spanish background or from Asian countries. Here it should be noted that alienage is not covered by the Civil Rights Act of 1964. This means that a person can be discriminated against on the basis that he or she is foreign. It is not legal to discriminate against a person on the basis that he or she comes from a particular foreign country (e.g., that a person is Italian, or Mexican, or of some other group), however, it is legal to discriminate against all aliens in the question of hiring. In fact, it is the policy of the United States to discriminate against aliens in hiring for civil service jobs. Thus, any set of procedures that is aimed at giving the employer a defense that

he or she did not knowingly hire an undocumented alien is very difficult and may in fact result in discrimination by employers in order to avoid any possibility of violating the law in regard to undocumented aliens.

Secondly, it ought to be pointed out that in the United States, it is now an offense to hire an undocumented alien in the agricultural sector. The Farm Laborer Contractor's Act prohibits contractors from referring undocumented aliens and employers from hiring undocumented aliens to work in agriculture. It would be very instructive to know how many indictments have been brought under this law. My understanding is that they are very few and that most of the indictments under the Farm Laborer Contractor's Act are not for hiring the undocumented, but for failing to register as a contractor. If the experience of the Farm Laborer Contractor's Act is at all predictive, it is clear that sanctions legislation will not have a very great impact on hiring practices concerning undocumented aliens.

The third aspect of sanctions which ought to be looked at very carefully is whether such a policy will in fact open up jobs for United States citizens. The assumption is that the undocumented displace Americans or lower wages and working conditions. It is assumed that if this source of labor were dried up, then jobs would open up at wage levels and working conditions which would attract Americans to fill these jobs. It is not all that clear that such an outcome will result. It is possible for employers who now depend on relatively inexpensive labor to make capital investments which would in fact eliminate jobs. It is also possible for employers to relocate their operations to overseas areas which would supply the cheap labor that they want. The net result in either case would not be necessarily an increase in jobs but perhaps even a decrease in jobs including jobs now held by Americans who work in such firms, or who work in other firms that provide materials or support services to firms which depend on migrant labor.

I wish to point out that these hesitations which I express about employer sanctions opening up jobs are not meant to justify exploitation of workers. I bring them up in order to emphasize the fact that new jobs as a result of employer sanctions are not such an automatic result as is sometimes presented.

The concept of amnesty contained in the Carter proposals is an important change in the atmosphere concerning undocumented aliens. The concept was not acceptable only a very short time ago. The Carter proposals have led to the concept being more acceptable than it previously was.

In this context, it is important to note that the amnesty proposed by the Carter Administration is really of two sorts. The first is an amnesty for those people who have been in the United States since January 1, 1970. The second part of the amnesty is really a temporary work permit for persons to remain in the United States if they entered the country after January 1, 1970 but before January 1, 1977. In essence, the proposals would result in a group of temporary workers in the United States with a five year stay under the law. The two-tier amnesty system is obviously a compromise on the part of the Carter Administration. On the one hand, it was clear that the president wanted to deal in a humane but practical manner with the undocumented persons in the United States. It would be impossible as well as costly both in monetary and image terms for the United States to try to mount a massive deportation at this point. On the other hand, an amnesty across the board was not politically acceptable either. Thus, the two-tier system. The first part of the amnesty basically conforms to the idea of a statute of limitations on behavior. Persons who have remained in the United States for seven years or more are in essence forgiven their disobedience to the law by entering the United States without

documents or violating the terms of visas. The other group is permitted to stay in the United States to continue to work, which would ease the transition not only of the migrants but of the American economy to a situation where temporary migrant labor that is undocumented is not permitted. The promise of a possible adjustment after the five-year period is also implied, although no formal promises are made.

Finally, the Carter proposals prohibit the use of certain federally sponsored social services. This part of the act seems very harsh, since the persons in question in the United States will be required to pay taxes but will not be able to avail themselves of the services for which they pay, if they fall into the temporary resident alien category. The motivation behind these provisions was quite generous in one sense, but the probable outcome is not. The motivation stems from a good deal of the empirical work done by various researchers on undocumented aliens in the United States. The consistent finding of these research efforts has been that undocumented people do not use social services to any large extent. In fact, in a strict monetary-cost-benefit kind of analysis, undocumented aliens are a boon to the United States because their payment of taxes (income taxes, sales taxes, property taxes through their rent, etc.) far outweighs the cost of services provided to them. Further, their contributions to the Social Security system result in a net gain to the United States since many of these people, in fact most of them, will not benefit from the social security system at later times in their lives. Because of this consistent finding, the administration thought that the social services cost argument was basically a red herring and wanted it out of the policy arena, so that people could not object to the amnesty sections of the proposal. Thus the intention of the provisions on social services, motivated in order to

achieve the amnesty, was taken in a spirit of generosity, if you will, in order to improve chances of acceptance and passage of the package. It seems to me that this is another example of good intentions gone wrong.

An often overlooked part of the Carter proposals is the recommendation, not contained in the legislation itself, but presented as part of the announcement for the proposals, of the provision of more personnel to enforce labor law in the United States. It seems to me that the actual enforcement of acts like the Fair Labor and Standards Act and other labor laws protecting all American workers, as well as those undocumented, is long overdue. In fact the performance of the Labor Department in this area has been far from acceptable for a number of years.

Finally, I would end by pointing out that there are a number of new developments that may have an important impact on the chances of the Carter proposals being passed, as well as the efficacy of these proposals in stopping undocumented movement. First there are a number of changes in Congress that could affect immigration legislation. It is probable that Senator Kennedy will become the Chairman of the Senate Judiciary Committee. This may mark a period of active involvement of the Senate side of the Congress in immigration legislation, which for a number of years now has basically been the primary prerogative of the House. Senator Kennedy's long involvement and interest in immigration legislation could result in significant movements on a broad front of immigration questions. Second, there is a proposal for a National Commission on Immigration before the House, which, if passed, could develop a whole new forum for a reconsideration of immigration policy, including the questions of the undocumented and temporary labor movement.

There are a number of important developments within the Administration, as well. An Interagency Task Force on Immigration is being formed within the Administration to review U.S. policy and to develop a set of legislative recommendations within 18 months. Thus, there is an effort within the executive to come up with a unified policy and stance regarding immigration and, in a sense, to come to some reconciliation of the varying viewpoints which exist among the departments in the executive that have a role in immigration matters. It is clear to most observers of immigration in the United States, that the variance of interests and viewpoints within the executive creates major difficulties for the administration of immigration policy. Secondly, there is a border reorganization program going on under the aegis of the President's reorganization plan. The general outlines of the border reorganization are to move the Border Patrol into the Department of the Treasury and merge it with the customs function within the Treasury. Thus, there would be a single agency controlling the border and movements of goods and persons over the border rather than the multiplicity of agencies which now exists. The other thrust of the border reorganization is to put the supervision and regulation authority for the issuing of visas in the Immigration and Naturalization Service of the Department of Justice thus removing it from the Visa Office of the Department of State. Consular offices would continue to issue the visas overseas but would do so under the supervision and rule making authority of the Attorney General rather than the Secretary of State.

All of these possible changes could have a major impact on U.S. immigration policy in general, as well as on particular policies to deal with undocumented movement into the United States. At this point it is far from clear what the shape of things will be in the near future. It is

not clear that the Carter proposals will even pass the Congress during this session. Most observers think in fact that the proposals have a very slight chance of getting through this session and thus the new Congress to take office in 1979 will be faced with the question of undocumented movement as well as with a number of calls for a general reevaluation of immigration policy. It seems that the question will be with us for the foreseeable future and will require careful monitoring by all of those who are interested in the United States having a fair and humane immigration policy, with a fair and humane treatment of persons who wish to come or actually do come within our borders.

GROUP D - SOCIAL & ECONOMIC IMPLICATIONS

(Recommendations adopted by Consultation
on 5/6/78)

Whereas, American history repeatedly demonstrates that the interests of the native and foreign born are inseparable, and that alien-baiting leads to racism, puts workers against workers, and as Jefferson warned, subverts the rights of citizens, and whereas; reactionary propaganda makes Latin American, Asians, Africans and Caribbean overstayed and undocumented persons the scapegoat for unemployment, social services, and for other social problems. Be it resolved that this Consultation recommends:

1. The formation of a coordinating council of the member denomination of the National Council of Churches whose functions should include the setting up of:
 - a. task force on education
 - b. Inter-ethnic relations
 - c. media
2. The organization of a system of service centers for overstayed and undocumented persons.
3. Support of existing community based groups servicing overstayed and undocumented persons.
4. Prepare needed documentary material for education purposes.

Be it further resolved that this consultation recommends action to end the:

1. Separation of families, such as U.S. children from their parents.
2. Physical violence against overstayed and undocumented persons which is especially endemic on the South West border.

Group D

3. Economic exploitation of overstayed and undocumented persons by unscrupulous employers be stopped.

Be it further resolved that we recognize the full rights of overstayed and undocumented persons to organize the same as other workers.

Be it further resolved that this consultation takes measures to build unity between black as well as other workers and overstayed and undocumented persons.

Be it further resolved that this consultation supports the full application of the Bill of Rights to overstayed and undocumented persons and oppose dragnet raids in factories or anywhere else which undermine the Bill of Rights for all.

Be it further resolved that this consultation urge that the church and its constituents consider means to influence the U.S. multi-nationals and U.S. businessmen who operate in third world countries to induce them to improve their methods of operation and;

Be it further resolved that ultimately the church must address the question of uneven trade; which presently favors principally the U.S. and that we must work for the establishment of trade agreements that recognize the inherent right of third world countries to control their own resources for the benefit of their own people.

RESOLUTION ON THE ROLE OF THE CHURCH

As has been repeatedly stated throughout the consultation, the injustices which have been our concern are the result of the operation of the capitalistic system. They are endemic to the system.

The church should state this fact and should admit to itself and to the world

Page 3

Group D

that it is intimately involved in the capitalistic system.

The church should seriously meditate upon and study the implications of this fact for its life, for its message, and for its mission.

As representatives of our community's organizations, involved in advocacy, support and defense of the rights of undocumented workers, we hereby, propose to this conference our views, experiences and recommendations. Being aware that the undocumented worker issue is a complex political, social and economic issue because high degrees of racism and hysteria, and also being aware that this is the eleventh hour because of the present hearings in the U.S. Senate Judiciary Committee, we hereby propose to this conference the following immediate recommendations.

BE IT RESOLVED THAT:

- 1) The conference go on record as opposing the Carter Immigration Plan to the U.S. Senate Judiciary Committee because of the following reasons --
 - (a) The proposed amnesty for those undocumented workers who came in before January 1, 1970 is false, and the new proposed "temporary resident alien status" for those who came in before January 1, 1977 is a step toward third class status in violation of the U.S. Constitution and all concepts of human rights.
 - (b) The employer sanctions will cause massive job discrimination against all non-anglo looking persons and proposes a potentially dangerous national working I.D. card.
 - (c) The border enforcement because of the present "recycling policy" of undocumented persons will not secure the international border and the increase of 2,000 new border patrolmen will result in massive violations of our community's constitutional and human rights.

- (d) The foreign worker program will continue the practice of exploitation of imported workers, and will work against the organizing efforts of the farm workers unions by creating a new sugar-coated "Bracero Program."
- (e) The foreign aid program will continue the economic dependency of the source countries on the multi-national corporations which have taken millions of dollars in profits.
- (f) The immigration policy is not a serious effort to create an new immigration policy.

Furthermore, we propose that the conference go on record as proposing:

- (1) An unconditioned amnesty for undocumented persons with emphasis on family reunification.
- (2) The immediate stopping of all deportations and dragnet raids in our communities and churches by the I.N.S.
- (3) That national hearings be held in our communities by the U.S. Congress to form a new, just, fair and humane immigration policy, e.g., New York, District of Columbia, San Antonio, Phoenix, Los Angeles, Chicago, Detroit, San Diego etc.
- (4) That political asylum be granted to those persons fleeing all forms of political oppression and repression.

We strongly urge that this consultation adopt these recommendations and empower the Unit Committee of the Division of Church & Society/National Council of Churches to act for their implementations.

Submitted May 6, 1978 by:

Committee on Chicano Rights
San Diego, California

Farm Labor Organizing Committee (FLOC)
Toledo, Ohio

Mid West Commission For The Defense of
Undocumented Workers
Toledo, Ohio

South Texas Immigration Council
New York, New York

C.A.S.A.
Chicago, Illinois

MANZO Area Council
Tucson, Arizona

National Coalition on the Hanigan Case
Washington, D.C.

La Raza Unida Party
Crystal City, Texas

GROUP C - LEGISLATION

H. Gerald Malmud - recorder
(Recommendations adopted by
Consultation on 5/6/78)

RESOLVED: That the consultation on Overstayed and Undocumented Persons adopts and recommends the following positions to the National Council of The Churches of Christ through the Racial Justice Working Group and the Division of Church and Society:

- I A. That there should be full, immediate, and unconditional amnesty for undocumented and overstayed persons otherwise eligible under our laws; and that the Federal Government should declare an immediate ban on deportations of Undocumented and Overstayed Persons; and that Undocumented and Overstayed Persons should be immediately eligible for civil and social rights; and that the proposals of President Carter on amnesty are therefore opposed.

- B. (i) That there should not be sanctions on employers for hiring undocumented and overstayed persons, whether as contained in President Carter's proposals or as contained in existing or proposed state and local legislation; and that Federal legislation be immediately enacted to prevent and preempt any and all state and local legislation imposing sanctions on employers for hiring undocumented and overstayed persons ; and

- (ii) That there should be uniform and enforceable just minimum wages (adjustable for inflation) for all workers in the United States as well as strict enforcement of federal rules on Job safety and working conditions; and furthermore,

- (iii) That the National Council of Churches of Christ should recommend full employment with jobs for all.

Group C

- C. (i) That we oppose the section of President Carter's proposals relating to changes in Border control enforcement by the immigration and naturalization service; and
- (ii) that we oppose the current oppressive practices of the border patrol of the immigration and naturalization service; and
- (iii) that any additional resources to be given to the immigration and naturalization service should instead be used to improve the service function of that agency in re-uniting families by eliminating high backlogs of applications for persons already documentable.
- D. That the use of the term "amnesty" should be considered by the National Council of Churches of Christ as that term may not be the best terminology to be employed.
- II. A. That to resolve a separate pressing problem, there should be an immediate ban on deportations of documentable persons.
- B. That there is an urgent need to establish a board of visa reviews.
- C. (iii) That the national council of churches of christ allocate the necessary resources to create a capability within its Washington office regarding immigration concerns, so as to pull together and focus the activities of the national council of churches of christ in dealing with congress, the executive departments of the governments, and with the public.

GROUP A - EDUCATIONAL TASK OF CHURCH

Chair Person - NANCY NICALO
(Recommendations adopted by
consultation on 5/6/78)

- I. Concept of service center is affirmed by this group. Goes from local churches or combination of local agencies or church and other community agencies. Service Center components would include legal-social services and advocacy. Use as a tool for awareness and understanding.
- II. Go back to our denominations, find our allies, who are committed ecumenically to work at the undocumented work situation. We need to begin with networking. Need to have techniques for reaching people who can do services and to people who can pay for program, people who would be influenced shaped.
 - A) Within denomination
 - B) Elsewhere
- III. Use media, both public and church to get story told.
- IV. Use Commission on Regional & Local Ecumenism to assist in networking.
- V. Everyone attending this conference that is concerned that this is a matter of primary importance should look for ways to reach their own denominations with a serious personal commitment.

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GROUP B - OPTIONS FOR SPECIAL MINISTRY

(Recommendations adopted by consultation
on 5/6/78)

1. Recommend that the Racial Justice Working Group of D.C.S. be the initiator in relationship with C.W.S. to make an inventory of local service agencies and programs and challenge and facilitate these groups in servicing undocumented persons. In this process attention should be drawn to advocacy for alternative services, health care, etc.
2. Recommend to D.C.S. that they encourage all local groups (Council of Churches, regional ecumenical groups, etc.) and local congregations through C.O.R.L.E. to become aware through study and action of the problem of undocumented persons and that these groups be challenged to be engaged in implementing a program for service, education and advocacy for justice.
3. Ask D.C.S. to make all member denominations aware of critical issue of migration especially undocumented persons and to make this emphasis a focus of the N.C.C. and to set up an instrumentality to continue to work with this issue. To ask D.C.S. to develop a statement on a wholistic ministry of reconciliation to the undocumented persons.
4. That D.C.S. call for the establishment of a defense fund for undocumented persons and that appropriate guidelines be established so that the money is used in cases that have the potential of significantly influencing future immigration policies and or laws.

GENERAL RECOMMENDATION

THE NATIONAL COUNCIL OF CHURCHES

DIVISION OF CHURCH AND SOCIETY

CONSULTATION ON OVERSTAYED AND UNDOCUMENTED PERSONS

Resolved that this assembly strongly urges the National Council of Churches in the United States of America to adopt the following resolution:

"Whereas, the majority of undocumented and overstayed persons today living in the United States of America are workers with very limited means available to pay legal expenses and attorneys' fees, expenses and fees that every day are higher;

"Whereas, most of the cases involving undocumented and overstayed persons require professional assistance and representation before the immigration judges, cases that have to be handled by attorneys and specially trained persons;

"Whereas, in many instances a prompt assistance to the persons detained by immigration authorities is vital and decisive;

"Whereas, a great concentration of overstayed and undocumented persons exists in areas such as: California, Chicago, New York, Texas, New Jersey, and Florida, making necessary a special attention to the alien population of said areas;

A RESOLUTION BY MR. RESTURETA,
FR. FRADE AND FR. ALFRED JOHNSON

"BE IT THEREFORE RESOLVED:

1. THAT A NATIONAL COMMITTEE FOR THE DEFENSE OF UNDOCUMENTED AND OVERSTAYED PERSONS BE CREATED.
 2. THAT A DELEGATION OF SUCH COMMITTEE SHALL BE ESTABLISHED IN EVERY ONE OF THE ABOVE STATED AREAS WITH GREAT CONCENTRATION OF UNDOCUMENTED AND OVERSTAYED PERSONS.
 3. THAT THE MEMBERSHIP OF THE NATIONAL COMMITTEE FOR THE DEFENSE OF UNDOCUMENTED AND OVERSTAYED PERSONS SHALL CONSIST OF THE DIFFERENT DELEGATIONS TAKING PART IN THIS CONSULTATION.
 4. THAT THE PERSONS ATTENDING THIS CONSULTATION AND THE ORGANIZATIONS THEY REPRESENT SHALL EARNESTLY SEEK THE NECESSARY FUNDS TO UNDERTAKE THE PROGRAM OF THE NATIONAL COMMITTEE FOR THE DEFENSE OF UNDOCUMENTED AND OVERSTAYED PERSONS.
 5. THAT THE NATIONAL COMMITTEE FOR THE DEFENSE OF UNDOCUMENTED AND OVERSTAYED PERSONS SHALL ALSO WORK TO OBTAIN MORE JUST LAWS AND FAIR TREATMENT FOR UNDOCUMENTED AND OVERSTAYED PERSONS INCLUDING THE ENACTMENT OF A LAW PROVIDING FOR AMNESTY."
- AND THIS CONSULTATION HEREBY PLEDGES ITS BEST EFFORTS TO BUILD AN EFFECTIVE ORGANIZATION AND PROGRAM IN ACCORDANCE WITH THIS RESOLUTION.

UNITED METHODIST CHURCH
COMMISSION ON HAITIAN REFUGEE CONCERNS IN THE U.S.A.

DIVISION OF CHURCH AND SOCIETY
OFFICE OF HAITIAN REFUGEE CONCERNS
110 Maryland Avenue, N.E., Washington, D.C. 20002

William P. Thompson, President Claire Randall, General Secretary

Consultation on Undocumented + Overstayed Persons

~~MESSAGE TO THE WORLD PEACE COUNCIL, JUNE, 1978, STOCKHOLM, SWEDEN~~

*Sue Sullivan
Haitian Refugee Concerns
Division of Church + Society
N.E.C.*

HAITIANS IN EXILE // A CASE FOR ASYLUM

There are five million Haitians in the Republic of Haiti and one million Haitians in exile throughout the world. Approximately 2500 of these exiles are fighting a desperate battle for their lives in Miami, Florida, U.S.A.

This paper will describe the repressive conditions which forced them to leave their native land, the classism and racism which faced them in the

U.S. and the ~~imperialist~~ motivations of the U.S. Government in maintaining their tragic situation +

finally, the role the churches, + specifically, those of us here tonight, can + should play to begin to correct this situation.

HAITI -- ITS IMMEDIATE PAST HISTORY LEADING TO THE REFUGEE MOVEMENT:

From 1957 to 1971, Francois, "Papa Doc", Duvalier laid the foundation for one of the most repressive regimes the world has ever seen. During that time, hundreds of thousands of Haitians who dared to resist that repression, were either killed or forced into exile. When, in 1971, Francois died, after naming his 19 year-old son, Jean-Claude Duvalier, as his successor as the President-for-Life, the machinery of the ~~totalitarian~~ ^{repressive} state was completely in place.

Calling his father's regime the "political revolution," Jean-Claude stated that he was now prepared to embark on an "economic revolution" for Haiti: He issued a call for those Haitians in exile to return and approached international development agencies for financial assistance.

By 1972, however, it was obvious that no real changes had taken place. Those who resisted were still killed or imprisoned, only now, it was done more quietly. Haitians returning voluntarily or under deportation orders from the newly independent Bahamas were arrested and imprisoned either immediately upon return or upon being discovered by the same Tonton Macoutes (special militia) who persecuted them in the past. In addition, in an attempt to promote the myth of "liberalization," many of the old Tonton Macoutes were re-assigned to the country-side, where, away from the eyes of tourists and the foreign press, they were given license to exploit and oppress the peasantry.

Beginning then, in December, 1972, the poor and oppressed of Haiti began to flee to the U.S. in small boats, risking their lives over 800 miles of rough ocean to request political asylum. They have continued to come, at the rate of @ 500 per year since then, bringing their number to @ 2500. They are primarily young (18-35 years), almost half are at least semi-literate (compared to 10% literacy in Haiti) and represent a cross-section of the lower 95% economic class: students, tradespeople, farmers, peasants and lower-level militia. Almost one-third are women, sometimes accompanying their men-folk, other times, fleeing from specific acts of repression they have suffered, often bringing their small children along.

WHAT, SPECIFICALLY, ARE THEY FLEEING FROM ?

The details change with each individual, but the thread of totalitarian repression which runs through each testimony weaves a gruesome story:

"J": "I was a member of the group 'Les Jeunes Revolutionnaires.' We organized in September, 1974. Our purpose was to write and distribute literature against the Duvalier Government. There were 17 members in our group. In March of 1975, two members of our group, Rosante Metelus and Euler Alexandre, were shot while putting up signs against the government. Before they died, they were forced to give the names of the other members of the group. That same day the Tonton Macoutes came to my house and arrested me. They also arrested my mother and father. While searching the house the Macoutes threw things around and my sister's baby was knocked out of his crib and died. I don't know what happened to my parents. I was taken to jail at Fort Dimanche, beaten and stabbed with a bayonet in my chest. I was bleeding so badly they decided to take me to the hospital. On the way, I broke loose and ran. They shot me in the right arm, but I escaped....We came to the U.S. for life, not for food."

"B": "I am a sculptor and used to sell my products to the tourists at the Bicentaire in Port-au-Prince. A Tonton Macoute by the name of Ademar Bobo often grabbed everything from me, money, statues, trays and other objects. That happened up to July 20, 1975. On that day, I tried to resist because I said that this was an abuse of authority. He arrested me and tied my wrists and brought me to Fort Dimanche....The next day, July 21, 1975, at 8:00 a.m., an officer of the Service of Defense...ordered the guards to beat me. One of the guards struck me on my face (both sides) with both hands so that I fell. Then the two guards and Ademar Bobo put me against the wall and with a big, sharp stick beat me and poked me on my shoulders, back, legs, genitals, head and all over my body....I was released on August 10, 1975, because of family

**Taken from affidavits collected by local Miami volunteers as a result of the 1974 N.C.C. Fact-Finding Mission.*

connections. Six days later, a friend of mine, Jean Louis, who used to play soccer with me, got arrested and when they searched his house they found a picture of him and me. A friend, J.P., who lives in my neighborhood, told me that the Tonton Macoutes and the police were looking for me....I decided to leave the country because of fear for my life....I met a group of fifty-eight young men like me. We got together, stole a sailboat and reached Key Largo, Florida, on November 6, 1975."

The credibility of their testimony is supported by extensive documentation by such sources as Amnesty International, the International Press Association, the AFL-CIO and scores of former political prisoners and exiles from Haiti.

WHAT HAS BEEN THEIR RECEPTION IN THE U.S. ?

Instead of being welcomed, they have encountered classism, racism and an antiquated Cold War foreign policy that places them, the victims of repression, in the role of criminals. Upon arrival, sick, exhausted and terrified at the prospect of being returned to Haiti, they are "interrogated," under armed guard, by bigoted, white Immigration investigators, with Haitian translators they dare not trust. Some attempt to explain their situation and are insulted and harrassed for their efforts. Others simply say, "I had problems." When asked if they came for jobs, all readily respond that they are willing to work. Their cases are then referred to the U.S. State Department for validation. There, the typical response is that such conditions as those described by the refugees do not exist in Haiti and that the refugees' claims should be rejected, because they are "economic" refugees, who came only for jobs.

Since almost half were picked up off-shore, the U.S. Government has used the excuse that they had not technically arrived and were therefore not entitled to even a hearing on their claims. It has taken a five-year legal battle, all the way to the U.S. Supreme Court, for them to "win" the right which was theirs

from the start: the right to a full, fair, evidentiary hearing of their claims for asylum.

This November, 1977, under pressure from civic, religious, and some Congressional sources, the U.S. Administration "conceded" certain points:

- 1) All asylum claimants are entitled to full hearings on their asylum claims. Those for the Haitian refugees are expected to begin this spring.
- 2) The Haitian refugees will no longer be held in jail on bond.
- 3) They will be granted temporary work authorizations while their cases are pending.

These "concessions" are far from being resolutions of the problem. Indeed, they are simply basic human rights which should have been accorded the refugees from the start.

The situation remains critical:

- 1) Deportations of individual Haitians, usually those without lawyers, continue. Not only has no one been able to prove that the deportees are safe, but a U.S. Congressional investigation documented the fact that U.S. Embassy officials in Haiti lied about their efforts to do anything about them and recent testimony by four former Haitian political prisoners has documented their personal knowledge of the deaths of several Haitian deportees.
- 2) Although they are now eligible for work, the refugees remain ineligible for basic assistance programs. Without language and job training, many cannot sustain sufficient employment for decent housing. Many are tubercular, malnourished, or suffering from venereal disease. Pregnant women cannot receive assistance until after the birth of their child. The child is then a U.S. citizen, hopefully without permanent pre-natal damage. The insecurity engendered by the contradictions and recurring repression in their lives has caused severe depression for many. Suicides and violent, self-destructive actions are far too common.

3) When they get their hearings, it is still their word against the U.S. State Department.

WHAT MOTIVATES THE U.S. RESPONSE ?

1) ~~Imperialism~~ -- U.S. hegemony in the Caribbean: The U.S. recognizes that the Duvalier regime has no popular base and is therefore unstable and susceptible to revolution. With Cuba providing technical support to a struggling Jamaica and with Puerto Rico, Grenada, the Dominican Republic and Dominica simmering under repressive anti-nationalistic systems, the U.S. prefers to support, through extensive military and economic means, ~~avowed anti-Communist, fascist, militaristic~~

dictatorships such as Haiti in order to protect the status quo, ^{simply because they are avowed anti-Communists.}

As ~~is~~ the Honorable Walter Fauntroy described it:
Rip-off
2) Capitalism -- Quick profits to the few at the expense of the masses: Over 10,000 new jobs were created under slave conditions and at slave wages - \$1.60 per day - for Haitians in U.S.-owned light assembly industries in Port-au-Prince alone in the first four years of Jean-Claude's "economic revolution." The major multi-nationals dealing with mineral resources (eg., Exxon, Reynolds, Kennecott, etc.) have already made their deals with the Haitian Government for "exploration." Given the proven mineral resources in Jamaica, the Dominican Republic and Puerto Rico and the inevitability of finding the same resources in Haiti, one must seriously question whether such infrastructures as roads and potable water systems are designed for Haitians, who must walk or use donkeys and don't have sufficient irrigation to grow crops to feed themselves, or for these same multi-nationals and their "explorations."

3) The Classism and Racism of the U.S. Population: For the last several years, the U.S. Government has successfully mounted an illogical, sensationalistic campaign against aliens, specifically, the "New Migration," which is Third World and working class. With high rates of inflation and joblessness, the majority of U.S. citizens have been willing to agree with the U.S. Government fallacy

that these new immigrants are stealing their jobs and forcing their taxes up. If they could not hold the immigrants accountable for their problems, they would be forced to question the validity of the system which gave them the comforts to which they had become accustomed. As one black leader in Detroit put it: "The U.S. white racist would cut off his economic nose to spite his racist face."

Unfortunately, the Haitians, being poor, black and classified as "illegals," i.e., "economic" refugees, here only for U.S. jobs, have also fallen victims to this nation-wide hysteria. Advocates for their cause have been few and comparatively powerless against what has become the U.S. equivalent of Hitler's "Great Lie."

See attachment for conclusion

KI SA POU-N FE? -- WHAT IS TO BE DONE?

~~We must recognize that~~

First and foremost, what we must ~~be~~ ^{is} be about the job of linkages. This means that we must analyse and identify the ~~the~~ relationship between foreign policy and refugee policy, for example. If we agree with Sen. Kennedy's aide for immigration, we are saying that refugee policy is the guts of Human Rights policy. We must be prepared to challenge the foreign policy ~~considerations~~ practices which help to create the conditions ~~with~~ responsible for generating refugees in the first place, as well as to challenge their treatment once they arrive.

Within our own church structures, we must be prepared to seriously examine the role of our missions in those nations suffering under repressive regimes. We must ask ourselves what we are doing to alleviate these conditions and ^{to} support those who are struggling for basic human rights.

^{not only} The economic linkages must be drawn. This entails challenging U.S. economic policy towards repressive regimes, but also educating our constituencies about the economic fallacies which have alienated them from their migrant brothers + sisters and kept them from raising the essential questions which they must begin to raise about the real causes of economic/employment problems in the U.S. today. We must stop pitting ~~the~~ victims against victims.

(over)

These kinds of analyses and actions will be difficult. We are talking about making personal commitments to ask critical questions of our own organizations. We are talking about opening up organizational systems to new linkages - new alignments - and new learnings for all of us.

Education is our primary responsibility. For example, as part of a national campaign for asylum for the Haitian Refugees, we have prepared a draft resolution, which we can provide to you, which can be taken to national + local organizations for their education and action, copies to be sent to the proper Congressional and Administrative officials. Other tools can and must be developed if we are serious about beginning to impact our organizations and educate our constituencies.

I would like to conclude by reading to you from the 1974 N.C.C. Governing Board Resolution on Haitian Refugees. The situation remains critical; ~~and~~ remains symbolic of the variety of issues we have been discussing tonight; and it continues to need your support:

"Deportation continues to be the most ominous threat faced daily by the refugees as long as they are not recognized as bona fide refugees."

"The racial overtones
repressive they might be."

no matter how

(over)

⑨

Thank you for your attention. I would now like to introduce to you Mr. Jean Dupuy, Director of the Haitian Center in Brooklyn, New York, who will share with you the concerns of the Haitian community herein the New York Area.

SUMMARIES OF ISSUES AND PROPOSED
ACTION - N.C.C. CONSULTATION ON
OVERSTAYED AND UNDOCUMENTED PERSONS
MAY 5 & 6, 1978

Dr. David J. Snider - recorder

(These summaries were prepared and presented during the Consultation on Friday evening, Saturday afternoon before the workshops, and at the end of the Consultation.)

PURPOSE OF SUMMARY

Why do a summary of 5 hours of excellent lectures? Or - can a useful summary be done?

The purpose of this summary is to begin the process of moving from vast amounts of information about the situation of undocumented workers to action planning.

As you hear our summary, you may come up with themes you think are more important than the ones we heard - if so you will be doing your own work of moving toward tomorrow's workshops for development of policy, program and action through the N.C.C. and related churches.

Eunice and I see these themes that call for translation into policy, program and action:

1. A first theme is that the plight of undocumented workers comes from the normal workings of U.S. and Western capitalism. In times of economic crisis throughout U.S. history aliens have been scapegoats targeted to cover up the real causes of unemployment and economic hardships. There is strong evidence that U.S. capitalism is again in a period of crisis. The challenge for us is how to do policy, program and action that do two things:
 - a) They must unmask the capitalist sources of anti-migrant action in the U.S.; and
 - b) They must enable us to follow the Biblical call to be with and for the poor, the stranger, the oppressed and the undocumented worker among us.
2. A Second theme that runs through today's presentations is that white racism is a powerful source of today's (and yesterdays) scapegoating of undocumented workers and of refugees. The capitalist economic system is the source of economic crises that regularly have been the occasion for anti-alien action in the U.S., and white racism is used to "legitimize" the selection of Haitians, Mexicans, Puerto Ricans and other Hispanics people for use as scapegoats.

We who are white need to learn to deal with the racism that leads to scapegoating undocumented workers by recognizing that we have been made into fascists by the societal racism that is dominant in the U.S.

We can then work with Third World persons and aware whites to expose and identify the racism that leads to today's scape-goating of undocumented workers.

The challenge for us is how to formulate and carry out policies programs and action that enable the churches to be with and for the undocumented workers and against the racism that exploits them and covers up the workings of U.S. capitalism.

3. A Third theme of today's presentations is that deep streams of U.S. political thought and of Biblical religion call us to be for and with the poor and oppressed who are undocumented persons.

The God of Biblican religion sides with the oppressed. We say who we are by our commitment and readiness to fight the racism and capitalism that makes scapegoats out of undocumented workers. Our God calls us to fight with them. Our opportunity in tomorrow's workshops is to formulate specific policies, programs and actions that will enable progressive churches in the U.S. to know and do justice and to pressure U.S. powers to just action in relation to undocumented workers.

INTRODUCTION: (Saturday Afternoon)

The purpose of this summary is to contribute to your cutting thru a mass of information in order to create and implement policy, programs and action by the N.C.C. and U.S. churches with and for undocumented workers. The Workshops that follow this summary are a place where we will be working to do policy program and action planning.

RECALL FROM EARLIER SESSIONS:

The following are some specific proposals that you may want to consider in your afternoon workshops.

ON THEOLOGY AND ETHICS :

What are the types of theological and ethical resources and programs which we must develop if we are going to receive on the power of our God who calls us to be with and for the poor and hungry, the undocumented workers among us? The question then is? What resources do we need? Secondly, who develops them? Thirdly, who organizes to make sure the resources are used?

ON AMNESTY FOR UNDOCUMENTED WORKERS:

What should be the church's position on Amnesty for Undocumented Workers and how do we make that position a powerful presence in the present debates and decision on Undocumented Workers?

CARTER PROPOSAL

What specific action does this Consultation take on the Carter Proposal on Undocumented Workers?

What should be done with any position we take, or, How do we make a difference by taking a position?

INTERNAL AND CHURCH ACTION

The proposal is that the churches of the U.S. and of Mexico form a commission to probe the root causes of voluntary immigration.

The proposer suggested the way to root causes with these two points:

1. The undocumented among us are primarily Mexico's responsibility .
2. But Mexico's economy is primarily a function of the U.S. economy.

The proposer said that the churches should do two things on both sides of the Rio Grande:

1. Document the truth
2. Stand beside those called undocumented workes.

If an International national commission of churches seems useful to you in your workshops you need to develop more specific steps for creating it.

RACISM AND SCAPEGOATING UNDOCUMENTED WORKERS

What specific educational means can we use to enable racists who also see themselves as christians to see and turn against their own racism? How then can we enable and support them in becoming members of groups who take action against racist scapegoating undocumented workers? Three educational aids - or pictures - will be useful. First, we need a clear picture of the ways Undocumented Persons are oppressed.

Secondly, we need, equally clear pictures of the benefits of those employers who employ undocumented workers and oppress them.

Thirdly, we need a clear and simple picture of the economic practises and profits that powerful capitalist groups want to cover up by scapegoating undocumented workers.

FORCED STERILIZATION

How can churches document, expose and stop the forced sterilization that some undocumented workers must agree to as a condition of getting a job?

ON RAIDS

How can churches work with other groups to collect information on immigration and naturalization service raids of churches and other groups and how can we use this information to stop what appears to be a group policy of such INS raids ?

ON MEDIA

How can churches pressure establishment media reporters to stop taking INS mandates uncritically and to begin to do research on the myths and scapegoating directed against undocumented workers.

ON CHURCHES AND LABOR AND GOVERNMENT

How can churches support persons in labor and government who are taking sides with undocumented workers and who need our political support in order to survive and be effective in their own job?

Should the churches help build a network of service centers for all undocumented persons who are documentable?

If such service centers are part of the churches work, what proportion of the churches money should go to this work and what proportion should go for advocacy to expose the root causes of the scapegoating of Undocumented Workers?

FINAL SUMMARY - (Saturday Night)

Two kinds of tasks are next steps for the NCC group that works on the policy program and action related to undocumented workers:

1. Select from a wealth of proposals directed to the immediate needs of undocumented workers. There is more that clearly can be done, but there are many proposals from which the NCC groups can act to meet immediate needs of undocumented workers.
2. In relation to root causes; the next steps are more elementary, more difficult.

A small number of the reports, propose specific action to deal with the root causes in U.S. economic and political systems that support and legitimize scapegoating of undocumented workers to cover up oppression. Also, in relation to the need to draw on our biblical, theological and ethical resources very few specific policies, programs and actions came from the groups.

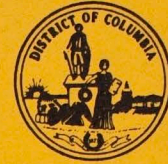
In relation to root causes and to biblical perspectives, then, even the elementary work of listing options is yet to be done.

- 3) My hope is that the abundance of options to deal with undocumented workers' immediate needs will be taken as the vehicle through which we can effectively deal with the root causes.

To focus on their immediate needs as a way to avoid confronting the political and economic systems that are the source of the undocumented workers' oppression would be a serious error. We need policy, program and action that use ministry to immediate needs as the vehicle that also combats the systems that oppress them.



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Statement

of

Frank Shaffer-Corona*

Member, At-Large

District of Columbia Board of Education

Before the

National Council of the Churches of Christ

at the

Consultation On Overstayed and Undocumented Persons

6 May 1978

475 Riverside Drive

New York City

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DAVID A. SPLITT
GENERAL COUNSEL

I want to thank the National Council of Churches for inviting me to present to its national leadership the position of the people of the Chicano nation with respect to their views on the Carter Plan on Immigration. Before discussing in detail the specific features of the Carter Plan I would like to first put the proposed legislation into a proper historical and political perspective. The root problem in this complex issue, or the "bottom line," as we hear it expressed so often becomes apparent in Commissioner Castillo's own testimony before the House Select Committee on Population on 6 April 1978, when he said:

"Around the turn of the century, immigrants from Europe outnumbered immigrants from Asia and the Western Hemisphere by about twelve to one. Throughout the first half of the twentieth century, the majority of immigrants continued to be from European countries. Starting in about 1950, however, a shift occurred. Immigration from Asia and the Western Hemisphere nearly equalled European immigration during the 1950s, and has substantially exceeded it during the 1960s and 1970s. From 1972 through 1976, immigration from Asia and the Western Hemisphere exceeded European immigration by better than four to one."

We can discern from the words of the chief enforcer of immigration law and policy that the bottom line in this issue is clearly racism. The issue of the undocumented, the refugees, the tired and poor huddled masses now being turned away from the shores of hope and freedom is before our society as a major issue as a result of a deliberately programmed, Federal-level campaign which has, among others, three primary goals:

1. To divide the minority communities of this Nation, particularly Latinos and Blacks, against each other.
2. To maintain the present racial imbalances of population through a forced control mechanism.
3. To develop the existence of a scapegoat to be blamed for this country's economic difficulties.

To substantiate this premise, let me share with you the fact that the United States, which has always excluded the District of Columbia from full participation in the political process, has always had an immigration policy. Its policy was, in the first 100 years of this Nation's existence, to maintain an open border - an Open Door. We must never forget the fact that immigration policy is directly related to labor policy and that this country, until the signing of the Emancipation Proclamation, had a labor policy directly tied to an immigration policy, the details, history, and nature of which are not necessary to elaborate on at this point, other than to mention that Alex Haley's Roots is a vivid portrayal of the lifestyle of the "immigrants" to whom I refer here.

The guiding philosophy in U. S. immigration policy, since the Chinese Exclusion Act of 1882 and since migration to the East Coast became predominantly Eastern and Southern European, rather than Northwestern, has been racism and economics. The Eugenics Movement of the beginning of this century (Eugenics being a word whose etymology is traced to the combination of "European" and "genetics") accomplished, as its crowning achievement before disappearing into the mainstream, the Immigration Act of 1921. This law, only superficially modified since then, establishes that the right to life, liberty, and the pursuit of happiness shall be limited to only certain types and numbers of people.

The Carter Plan on Immigration has been developed as a result of much unilateral research. The Carter Plan incorporates into its totality the so-called Rodino Bill, the "employer sanctions" concept. Let me point out to you that every Chicano/Latino organization in the country is opposed to the Carter Plan on Immigration. The reasons for this opposition are substantial.

One of the major policy documents that led to the formation of the Carter Plan was the Cramton Report. This multi-departmental, Cabinet-level report was prepared by the Nixon Administration in 1973. And we all know what the Nixon Administration represented. This report demonstrated to the Waterbuggers what a potentially divisive issue they had on their hands, and for this reason the report was not published. It was also not published for another reason: it gave a number. According to the report, "the Immigration and Naturalization Service estimates that there are more than a million aliens of all nationalities currently present in this country in violation of the immigration laws." The numbers game we have seen since 1973 is essentially a continuation of Watergate in that it is totally false. We have all been victims of the governmental and media portrayal of a "mass invasion" of 6-8-10-12, even 20 million "illegal aliens."

Let me point out here that the only aliens I have seen recently were on Star Trek, and in Star Wars and Close Encounters of the Third Kind.

It is this numbers game which has created among the American public the impression of a mass invasion of undesirables from the Third World coming here to live off the welfare system and take people's jobs from them. The numbers game was particularly spiced with interest during my recent visit to Mexico City, at which time Agriculture Secretary Robert Bergland appeared unexpectedly during the Chicano/Mexican Summit Conference and informed the world that there were only 3 million undocumented workers in the U. S. I wonder what happened

to 17 million of our people from one week to the next; unless that big, old space ship from "Close Encounters" came down to swoop them up.

The major policy document that has been touted as the source of the Carter Plan is the Domestic Council report on illegal immigration released in December 1976. Two features of this report must be noted:

1. It recommends major policy changes affecting the lives of possibly millions of people without providing any accurate statistics as to the number of people affected by its recommendations.
2. It also creates several historical distortions of such an obvious manner as to be ludicrous. To imply that America was discovered and settled by the British in the early 1600's is to deny the entire record of prior exploration and settlement of these shores. This Owellian "changing of history" in the Domestic Council report cannot be accepted by thinking persons. We are all in serious trouble if history can be so nonchalantly and unquestioningly altered.

The real major policy document utilized by the highest levels of the Federal Government to determine immigration policy is a document known as the "Corwin Memorandum." The report is named after its author.

Professor Arthur F. Corwin, who was commissioned to submit a report entitled "America's Immigration Dilemma With Special Reference to Mexico" to the Domestic Council Committee on Illegal Aliens, chaired by then Secretary of State Henry Kissinger. The report was the product of dubious methodology, is racist in tone from beginning to end, entertains many wild political speculations which strike the guilt nerve of the U. S. with regard to its relations with Mexico, and has been used by Cabinet level officials of the Nixon/Ford/Carter

regimes as the prime source of immigration policy. The report paints the scenario of a "mass invasion from the Third World," the creation of a "Chicano Quebec," and other pictures designed to frighten the average provincial Michigan Congressman or Georgia Governor, as well as others.

This report was received by the Administration in 1975 and was subsequently internalized, only to emerge recently in both the Carter Plan on Immigration and the Carter Welfare Reform Plan. I can make available to you a copy of this report for your consideration and would hope that you ask two serious questions:

1. Why is our government encouraging things of this nature?
2. Why is our educational system failing to point this out to us?

I could but will not belabor the issue by dealing with other aspects of this issue, such as INS harassment of persons, both documented and undocumented; the causes of forced migration directly attributable to this country's technological and economic colonialism throughout the Third World.

I maintain that most of the people trying to deal with this issue are not aware of all the facts. They are less aware of the motives and the degree of desparation of the U. S. Government with regard to this issue. They are not aware of all of the interconnected relationships, such as the presence of United Brands and General Foods in Central America, ITT in Chile, and the CIA in all of our countries.

I want to briefly deal with the major points of the Carter Plan on Immigration, and, without reiterating its features again to you in detail, would like to explain in clear and simple terms why this Nation's Chicano and Latino communities are clearly opposed to this proposal.

1. Employer sanctions legislation would create a condition of "legitimized" discrimination in hiring. It would adversely affect all persons in this country who speak with an accent or look or sound foreign. It would make policemen out of employers and it would be virtually unenforceable.
2. Much more needs to be done to alleviate the conditions of mere slavery of this nation's farmworkers than the Carter Plan proposes. This feature therefore can be merely viewed as meaningless window dressing.
3. The so called amnesty feature is perhaps the most discriminatory aspect of the Carter Plan. Persons with more than seven (7) years residence can apply for an adjustment of status under existing immigration laws. The creation of a sub-group of people whose only right would be to work at the lower end of the wage scale, all the time facing an uncertain future is inconsistent with the principles of equality which this nation preaches to the world. To work, pay taxes, not be eligible for social service and to live in a situation of forced separation from one's family can
4. hardly be conceived of as "amnesty." * The closing of the border seems to be the true aim of the Carter Administration. The surveillance tactics that are planned are reminiscent of the war zone conditions of the Viet Nam era and can hardly be viewed as an act of friendship toward our neighbors in the south.

5. "Continued cooperation" with most source countries would merely serve to perpetuate the existing conditions which are the cause of forced migration in the first place. Furthermore, the U. S. has no right to determine the population of any other country on the face of the earth.

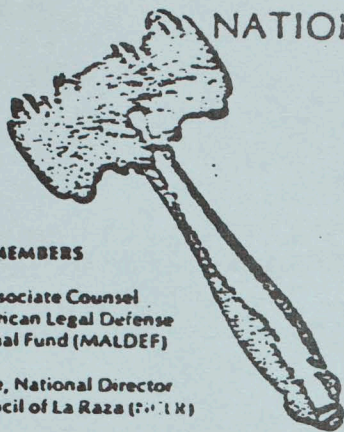
Now, I would like to offer some serious counterproposals.

1. Rather than the negative of employer sanctions the Federal Government should consider moving toward the policy of strict enforcement of minimum wage, job safety and other fair labor practices. Furthermore, a sincere commitment to full employment would also help to alleviate some of the problems that this feature pretends to resolve.
2. A total overhaul of federal farmworker programs with a significant multiplication of the resources allocated to ~~the~~ would merely be the beginning of a long range solution.
3. A form of "amnesty" more consistent with American ideals would consist of a guarantee of full U. S. citizenship for all undocumented persons at the end of and in return for one or two years of non-military government service.
4. The Mexican border should be an "open border" in the sense that the Canadian border is.
5. A serious clamping down on the worldwide abuses of American multi-national corporations would be a sincere step in an effort toward cooperation with the developing world.

In a harbor not far from where we sit here today a famous lady stands vigilant with the reminder that all of the children of God are welcome in this country. To think only of northwestern Europeans and Rhodesians and South Africans fleeing the future as "immigrants," while all the rest of us are called "aliens" is inconsistent with the principles upon which this Nation was founded.

The time has come to turn the American promise from a dream into a reality. The world will reject our way of life if instead of example, we give them guns; instead of brotherhood, we give them threats; and instead of love, we give them nothing but empty rhetoric and rejection. We are at the point in history when truth, justice, and democracy can prevail. The choice belongs to us all.

Thank you.



NATIONAL COALITION ON THE HANIGAN CASE

National Address: Immigration Project
Georgetown University Law Center

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SUMMARY OF HANIGAN CASE

On August 18, 1976 three undocumented Mexican farmworkers were kidnapped at gunpoint by anglo ranchers who intercepted the campesinos as they hiked through the desert near Douglas, Arizona on their way to work in the agricultural fields of Elfrida, Arizona. The abductors were prominent area cattlemen, George Hanigan and his two sons, Pat and Tom.

Calling the farmworkers "thieves" and "fucking Mexicans," the ranchers irrationally tied them at their four limbs like calves about to be branded. They left them thrown on the baking desert sand and proceeded to kick and beat them. With hunting knives, the assailants tore their victims' clothes off, leaving them completely naked, and threw the tatters together with their food into a fire. They also used their knives to rip clumps of hair from the campesinos' heads until the ground looked like a barber shop floor.

Scornfully and sadistically, the old man threatened to castrate his prey; he actually grabbed their genitals and ran a knife over them as though he was about to slice them off. He then drenched the men in water and rolled them in the scorching desert sand so that mud would stick to their unprotected bodies.

The humiliating intimidation did not stop there. A pistol was held to the heads of the victims while one of the cowboys gently, yet menacingly squeezed the trigger. The workers were made to think that in the next breath their brains would be blown all over creation. Still laughing, the assailants ran a branding iron over the exposed skin of the prostrate campesinos, pretending to burn them. This led to the actual branding of one of them.

Ropes were next locked around the necks of the workers, and they were pulled through the harsh sand. The one who had been branded was now hung by the neck from a tree, but he managed to escape strangulation by supporting the weight of his body against a ravine wall. The other two were cut loose and told to run. As they fled, they were sprayed from behind with shotgun blasts. Forty-seven shotgun pellets tore into the back of one worker and 127 into his partner's.

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THE HANIGAN CASE

Page two

The Hanigans were indicted for the atrocities by the state of Arizona. However, the judge and county prosecutors refused to bring them to trial. Finally, 13 months after the incident, Catholic bishops began calling for a sincere, diligent prosecution and at long last the defendants were tried.

Despite the fact that the evidence against the ranchers was overwhelming, the racist, all white jury acquitted them on all 22 felony counts of kidnap, assault, robbery and conspiracy. Public protest was immediate. Mexican Consul Raul Avelleyra charged, "The cynic jury has just declared open season on all illegal [sic] aliens." Diocese of Tucson Priest Senate President, Rev. Thomas Cahalane, said, "Given the total story and circumstances of what happened in Cochise County in this particular travesty of justice, the Pledge of Allegiance should be rewritten to read 'liberty and justice for some.'"

What is perhaps most shocking is that after the trial, jurors told reporters they felt the Hanigans were indeed guilty. However, getting a conviction against influential ranchers for merely having "roughed up" some "wetbacks" was more than could be expected in Cochise County.

Southern Arizona ranchers in Douglas and elsewhere have been known to shoot Mexicans who unwittingly trespassed on their property, and corpses of aliens have mysteriously been discovered in the desert from time to time. As with the Hanigan torture incident, these abuses against economic refugees have gone unchecked by the legal process. At the same time, however, posses are formed by the county sheriff and mayor to run down Mexicans when the raping of a white woman is reported. The unbridled cynicism of the Hanigan jury was the last straw, and the community said, "BASTA!--the line must be drawn somewhere."

Accordingly, the National Coalition on the Hanigan Case and the Cochise County Committee for Justice in the Hanigan Case were organized to press for a federal prosecution of the Hanigans. Because the Justice Department has so far refused to intervene, the Antioch School of Law and the Mexican American Legal Defense and Educational Fund (MALDEF) are serving as legal counsel to the National Coalition. They are preparing legal arguments to submit to Justice demanding that there be a federal criminal trial.

Because the government's final decision whether to prosecute will be totally discretionary and, therefore, political, we ask that you send letters and telegrams strongly urging a new trial to: Drew Days III; Assistant Attorney General; Department of Justice; Washington, D.C. 20530. Contributions are also desperately needed to carry on the legal task. Please make checks payable to "HANIGAN CASE COALITION" and send them to Fr. Frank Ponce; Immigration Project; Georgetown University Law Center; 600 New Jersey Ave., N.W.; Washington, D.C. 20001.

A RESOLUTION OF THE CONSULTATION ON OVERSTAYED AND UNDOCUMENTED PERSONS,
NATIONAL COUNCIL OF CHURCHES, DENOUNCING THE TORTURING OF MEXICANS IN
ARIZONA AND DEMANDING THAT THE U.S. DEPARTMENT OF JUSTICE PROSECUTE THE
HANIGAN BROTHERS.

Whereas, it has been nearly two years since three farmworkers were savagely
tortured, branded, hanged and shot in Douglas, Arizona, and still the men
guilty of the brutalities go unpunished by the law.

Whereas, the Hanigan case represents yet another instance of the perverse
exploitation and epidemic level of violence suffered by undocumented immigrants
in the South West and other parts of the nation.

Whereas, according to the Mexican American Legal Defense and Education Fund
(MALDEF), the senseless violence perpetrated by law enforcement officers and
private individuals against Mexican economic refugees is having a "trickle down"
impact causing Chicano U.S. citizens to fall victim to physical abuses.

Whereas, in the eyes of the Lord there is no distinction between "persons"
and "citizens", as all men were created in his image and likeness.

Whereas, as persons dedicated to the teachings of Christ, we recognize that the
line must somewhere be drawn against the atrocities endured by aliens, as in
the Hanigan Case.

Whereas, in the course of an in-depth legal study, researches of the Antioch
School of Law have concluded that the laws of the United States were violated
by the Hanigans.

Whereas, in light of Antioch's findings, it is the moral and legal duty of the
Department of Justice to bring to justice the men who tortured the farm workers
in Douglas, Arizona.

Whereas, due to the complete breakdown of the Arizona State judicial process, the Federal Government is now the only source of hope the community can turn to for protection.

Whereas, we are encouraged by the joint call for justice of the Catholic Church's Segunda Encuentro Nacional de Pastoral, Tucson Arizona Ecumenical Council, South Western Catholic bishops, Diocese of Tucson Senate of Priests and Apostolate for the Spanish Speaking.

Now, Therefore, be it resolved by the consultation on overstayed and undocumented persons of the National Council of Churches of Christ the following:

Section 1 That the National Council of Churches denounce the torture incident and the attendant miscarriage of justice of the Arizona State courts.

Section 2 That the department of justice prosecute the Hanigans for violation of federal laws.

Section 3 That this resolution be directed to Griffin Bell, U.S. Attorney General; Drew Days III, Assistant U.S. Attorney General, Civil Rights Division; John Huerta, Deputy Assistant U.S. Attorney General, Civil Rights Division; and Gilbert Pompa, Director Justice Department Community Relations Service.

Passed and adopted this sixth day of May, nineteen hundred and seventy-eight.

THE UNDOCUMENTED CHRIST
Address by Jorge Lara-Braud to the
NCC-DCS Conference on Overstayed and Undocumented Persons
New York City--May 5, 1978

For years it has been fashionable to view our shrinking world as a system of interdependent nations and peoples. Increasingly, we have perceived that the enjoyment by a population sector of a disproportionate share of the world's wealth causes a disproportionate share of suffering among some other human sector. Until now such a commonsensical view could be entertained with some detachment. If the losers were fellow-citizens, all we had to do was to conceive a new variation of the welfare state. If they were foreigners, we reluctantly agreed to a modest increment in foreign aid. In any event, our consciences remained at peace. Our tax dollars, we assume, still undergird our country's traditional policy of domestic and international generosity. If others are hurt after all we contribute, it must be their own fault or the result of forces beyond their control or ours.

This cruel innocence is being challenged today by millions of aliens within our borders. Somehow their presence disturbs our notions of interdependence. They are an anomaly. To justify our fear of them we exaggerate their numbers, and predict that unless they leave us, the very fabric of our society will be irreparably undermined. At a recent colloquium, Garrett Hardin, of life-boat-ethics fame, quotes a 1977 Roper poll in which 91% of the sample agreed that we should make an all out effort to stop the illegal entry of approximately 1.5 million foreigners each year. That same Roper poll showed that 75% of us agree that even the legal allowance of some 400,000 immigrants per year is too high.¹ From other statistics we can safely infer that at least 60% of the poll respondents were church-going Christians.

In fairness to the respondents, the figures presented to them were much too high. General Leonard Chapman, Commissioner of Immigration under the Nixon and Ford administrations, became notorious for inflating figures so as to scare the Congress into larger appropriations for the Immigration and Naturalization Service. It was he who gave credence to the estimate of 12 million undocumented aliens, when the total is more likely three to six million.²

Perhaps the antagonism reflected in the Roper poll would have been minimized if the respondents had known a bit more about these illegal immigrants. For instance, a comprehensive Department of Labor study has shown that 73% had taxes withheld from salaries, and 77% had social security deductions. Only 5% received welfare and only 1.5% received food stamps.³ The antagonism might have been further minimized if the Roper respondents had known that the vast majority of undocumented immigrants originate from Mexico, a country where income disparities are among the most extreme in the world, and where U.S. economic dominance is supreme, involving an alliance with super-rich oligarchs and many endemically corrupt government officials.

It seems to me that as a minimum, a theological statement should tell the truth. Hence, it may be theologically correct to quote an unlikely but accurate source. For example, a Wall Street Journal editorial (June 21, 1977) concluded that "illegals provide manpower for jobs that citizens won't take....In a city like New York, which has been driving away businesses through high costs, the illegals may well be providing the margin for survival for entire sectors of the economy....The easiest, cheapest and fairest way to protect the labor market will be to legalize the immigrants...."

Christians and Jews, of course, are not content with truths of fact alone. They also require the larger truths of faith. The undocumented immigrants embody for us a constellation of such truths. Their whole style of endless pilgrimage recalls for us the origin and calling of the People of God. Abraham and his family risked leaving all behind so that in trust upon a co-pilgrim God they might learn to live by promise, to travel light and to know fulfillment by becoming a blessing to all the other people of the world (Genesis 12:1ff). Following arrival at the promised land, God's call, protection and liberation would be recaptured in the memory of their pilgrim beginnings, "A wandering Aramean was our father..." (Deuteronomy 26:5). Later on, as legislation was drafted

for the ordering of their lives, maximum provision was made for the poor, the stranger and the sojourner, including the return of the use of the land to those earlier displaced by economic disadvantage (Leviticus 25). Time and again in the Hebrew Scriptures, the people are praised or judged by whether the stranger within the gate is welcomed or rejected. Incidentally, because God owns the land, it must not be sold in perpetuity. As God himself puts it, "You are strangers, and sojourners with me" (Leviticus 25:23).

In the New Testament these truths of faith are frequently re-echoed, especially in the most Jewish of the documents, the Epistle to the Hebrews. A great cloud of witnesses is offered as the image and shape of the pilgrim community of God-- always on the move, strangers, sojourners and exiles (ch. 11). The Epistle concludes on a note familiar to the Gospels. The lasting city is to be found where Jesus suffered, died and redeemed the world: outside the gate, the place where people of no account make their dwelling (Heb. 13:7-16). It is also Hebrews which provides the best known test of Christian hospitality: "Continue to love each other like brothers and sisters, and remember always to welcome strangers. for by so doing, some have entertained angels without knowing it" (Heb. 13:2). When you and I think of angels, we hardly expect to find them among hounded, ragged black, yellow and swarthy foreigners on the run. Yet, according to the Bible, it is there we are most likely to find them, and not only angels, but Christ himself.

For the child Christ and his parents there was no room in the inn (Luke 2:7). So began the pilgrim life of God made human. He was rich, yet for our sake he became poor, so that through his poverty we might become rich (II Cor. 8:9). His gracious bias was anticipated by the song of his mother:

He has put down the mighty from their thrones,
and exalted those of low degree;
He has filled the hungry with good things,
and the rich he has sent empty away.

(Luke 1:52-53)

He summarized his entire mission as one of preaching good news to the poor,

proclaiming release to the captives, restoring sight to the blind, setting at liberty the oppressed, and proclaiming through such acts the arrival of God's time for salvation (Luke 4:18-19).

At the conclusion of his ministry, Jesus fuses his lot and future with the hungry, the thirsty, the stranger, the naked, the sick and the prisoner, so that to be for any of them--the least--is to be for him (Matthew 25).

The primary truth of faith on this occasion is that Christ has made another appearance among us, as an undocumented Christ among millions of hounded, ragged, black, yellow and swarthy foreigners on the run. We should be moved to embrace them simply on account of their beleaguered existence, and of the benefits they generate for our country and theirs. If we cannot, let us, literally, for Christ's sake, welcome them as beloved fellow pilgrims who renew in us the search for that city yet to come, with foundations of love and justice whose architect and builder is God.

It is an axiom of our life as Jews and Christians that the solution to the plight of strangers comes only as they cease to be strangers and their cause becomes ours. The undocumented among us must first become documented. Only then can we together tackle the economic and political forces which, if not corrected, will continue to uproot people and to swell the number of exiles beyond anyone's ability to help.

Others at this conference will offer more precise and more technical approaches. Let me suggest something essential. As a Mexican immigrant I feel deeply the need to establish a Bi-national Commission of the Churches of Mexico and the United States to probe realistically into the root causes of the phenomenon of undocumented millions, especially the present system of trade so greatly beneficial to United States investors and the Mexican wealthy class, and so punitive to the poor, making their involuntary immigration to the United States a matter of survival. In a very real sense, its undocumented millions among us are primarily Mexico's responsibility. But Mexico's economy is largely a

function of the U.S. economy. Hence, what we have before us, dramatized in the desperation of undocumented Mexicans, is the first major test case of whether the interdependence between our two countries will be blessing or curse. Churches on both sides of the Rio Grande should be especially capable to make the difference-- through documenting the truth and standing by that undocumented Christ whom some still insist on calling an "illegal alien."

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NOTES

¹"Immigration Ethics: An Examination of American Law and the Special Relationship between the United States and Mexico." World Issues. Center for the Study of Democratic Institutions. February/March, 1978, pp. 5-6.

²Wayne A. Cornelius, "Illegal Mexican Migration to the United States: A Summary of Recent Research Findings and Policy Implications," MIT. Department of Political Science. February 1977.

³David S. North and Marion F. Goustun, "Illegal Aliens: Their Characteristics and Roles in the U.S. Labor Market." U.S. Department of Labor. Manpower Administration Study. 1976.

CONSULTATION REPORT

At its September 7, 1977 meeting, The Racial Justice Working Group passed an action calling for a Consultation on Undocumented Persons. This action was approved by the Unit Committee of the Division of Church & Society in its meeting of September 8, 1977. The reason for this decision was to give the issue of Undocumented Persons within the U.S.A. special attention beginning with said Consultation.

The stated purposes of the Consultation on Overstayed and Undocumented Persons were to:

1. Instruct and educate the member denominations and related Agencies of the National Council of Churches.
2. Enable its constituency and related Agencies to develop a realistic and authentic critique and position on the issue, and its solution.
3. Sensitize the churches to the issues so that the myths and misconceptions that surround the issue of undocumented persons may be eliminated.
4. Enable the National Council, its Constituency and related Agencies to become significant participants in the National debate on the issue of undocumented persons.
5. To broaden the existing support network and strengthen the ties between the national and local church work on this issue.
6. Discover available resources the churches have and what programs they might develop ecumenically and denominationally to minister to the undocumented population in the United States of America.

Ricardo Potter and August VandenBosche were asked to staff the process, and called together a consultation committee as a sub-committee of the Racial Justice Working Group. The Consultation Committee that worked on pulling together the consultation was composed by representatives from nine (9) National Council of Churches member denominations, four (4) related agencies and legal counsel from the American Committee for Defense of Foreign Born.

Consultation Report -

The Consultation took place on May 5 - 6, 1978, at the Interchurch Center, 475 Riverside Drive, New York City 10027. There were 149 registered participants from all over the United States, representing 12 denominations, four (4) National Council of Churches related Agencies, 29 community groups, five (5) unions, 17 Professional Agencies on Immigration and individuals.

The Consultation provided an arena in which a great deal of information regarding the issue was presented and time was provided for discussions, questions, and response from the participants. Workshops were held on legislation, the Education Task of the Church, Social and Economic Implications and Options for Special Ministry.

Two of the most dramatic moments in the Consultation centered on the debate on the Carter legislative proposals on immigration and the presentation of the Hanigon brutality case in Arizona.

Even though many significant recommendations and resolutions were developed and approved by the Consultation, we have identified and lifted up three which are most urgent, and wish to bring them before you for your consideration and action.

These recommendations are:

- A. That the Executive Committee of the Division of Church and Society of the National Council of Churches receive the request for establishing a working group on immigration and refer this to PPEC for appropriate development and presentation to the Unit Committee of the Division at its September, 1978 meeting.

Consultation Report

- B. That the Executive Committee of the Division of Church and Society of the National Council of Churches authorize the Chairperson of the D.C.S. Unit Committee to designate divisional representatives to present testimony before the appropriate Congressional Committee now considering the Carter Administration proposals on immigration, specifically requesting that regional hearings be held in areas with significant presence of Undocumented Persons, including: New York City, Chicago, New Jersey, Detroit, San Antonio, Miami, Phoenix, Los Angeles and San Diego to form a new, just fair and humane immigration policy.
- C. That the Executive Committee of the Division of Church and Society of the National Council of Churches call upon the U.S. Justice Department to intervene with Federal Prosecution in the Hanigan Case in Douglas, Arizona. Further, that the Executive Committee authorize the Chairperson of the D.C.S. Unit Committee to request the President of the National Council of Churches of Christ (NCCC) to write to the following Justice Department officials: U.S. Attorney General Griffin Bell; Drew Days III, Assistant U.S. Attorney General; and Gilbert Pompa, Director Justice Department, Community Relations Service, seeking the Justice Department's taking jurisdiction to prosecute under the Civil Rights Statutes.

These three recommendations address the need for an instrumentality for follow-up, the current national legislative proposals and violations of human rights. We urge your careful and affirmative response to them, especially since they reflect the mutual concern of representatives from twelve (12) National Council of Churches member denominations, as well as the other consultation participants.

HOSPITALITY AND HOSTILITY:
TWO U.S. POLICIES ON IMMIGRATION

by

IRA GOLLOBIN

General Counsel, American
Committee for Protection of Foreign Born

Submitted to:

Consultation on Overstayed
and Undocumented Persons
Sponsored by National
Council of Churches

May 5, 1978

In a sense, the United States is of mankind -- "a nation of nations," as Walt Whitman said, constituted of immigrants from every portion of the globe. From many we have become one -- not in the sense of uniformity but as a rich intermingling of diverse cultures. The sacrifices, courage and imagination of immigrants, their skills, inventive talents and arduous labor, created factories, farms and mines from wilderness, prairie and desert.

Yet the first immigrants came not to empty expanses, but to a land peopled by Native Americans, the many tribes which from time immemorial possessed a cherished identity and dignity. These Native Americans extended a welcome to the stranger from Europe, such as the Pilgrims. The survival of America's first immigrants depended on the hospitality of America's only non-immigrants.

The saga of mastery of the wide expanse from the Atlantic to the Pacific is largely the Odyssey of the immigrant, of the poor "yearning to breathe free." Equally, it is a trail of sorrow, the exile of Native Americans into reservations far from their ancestral lands, the decimation of those who previously had breathed free from about 12 million to approximately one million survivors today.

Although hospitality to the stranger comported with the Biblical mandate as well as with enlightened self-interest, contrary voices were heard from early times. Witness the letter written in 1682 by the good Reverend, a leader of the Massachusetts Bay Colony, in an effort to keep out William Penn, the founder of Pennsylvania:

"There be now at sea a ship called Wellcome, which has on board one hundred or more of the heretics and malignants called Quakers, with W. Penn, who is the chief scamp, at the head of them. The General Court has accordingly given secret orders to Master Malachi Huscott, of the brig Porpoise, to waylay the said Wellcome slyly as near the Cape of Cod as may be, and make captive the said Penn and his ungodly crew, so that the Lord may be glorified and not mocked on the soil of this new country with the heathen worship of these people. Much spail can be made by selling the whole lot to Barbados, where slaves fetch good prices in rum and sugar, and we shall not only do the Lord great service by punishing the wicked, but we shall make great good for His Minister and people.

"Yours in the bowels of Christ, Cotton Mather."

Similarly, we know that the Declaration of Independence listed as a grievance, justifying separation from Great Britain, that the king tried "to prevent the population of these States." But this restrictive policy did not prevail. The common underlying credo in the Declaration of Independence, the Constitution and the Bill of Rights is George Washington's declaration that America is open to receive "the oppressed and persecuted of all nations and religions whom we shall welcome to a participation of all our rights and privileges...." This credo has been a guiding star -- albeit sometimes dimmed and even in eclipse -- in our country's advance to greatness among the family of nations.

Immigration Policy: America's Two Traditions

America has two traditions: one that welcomes the stranger at the gate who, as Benjamin Franklin noted, is in the forefront of defending democracy; and another that, in times of crisis, uses the foreign born as a scapegoat for unsolved social problems. In Jefferson's words, "The friendless alien is the safest subject for a first experiment, but the citizen will soon follow."

Jefferson's warning is contained in the Virginia and Kentucky Resolutions which he and James Madison drafted in opposition to the Alien and Sedition Laws of 1798. It is noteworthy that passage of these laws occurred a mere seven years after adoption of the Bill of Rights. The Alien Law empowered the President to expel "all such aliens as he shall judge dangerous to the peace and safety of the U.S." -- without accusation without public trial, without confrontation of witnesses, without having witnesses in one's favor, and without counsel.

The Alien and Sedition Laws were used to buttress the waning fortunes of the Federalist party, which was the spokesman for New England commercial interests, and to oppose the agrarian democracy championed by Jefferson. Despite repressive measures, including the jailing of a

Congressman, newspaper editors and other citizens, the laws failed of their objective and lapsed in 1800. A special target were Irish immigrants, characterized by the Federalist Uriah Tracy as "the most God-provoking democrats this side of hell." To the chagrin of Tracy and company, the vote of the Irish in 1800, especially in New York, provided the margin of victory in Jefferson's election to the presidency.

Hostility to Irish and German Immigrants

Hostility to the newcomer was revived by the recession that began in 1837 and was intensified by the influx of Irish -- impelled by the potato famine to uproot themselves and to venture across the ocean for a better life --and of Germans, especially those defeated in the 1848 revolution. In just three years -- 1847, 1848 and 1849 -- 759,000 immigrants came to the U.S., but a government report pointed out that there was little basis for fear by American skilled workers: "Great numbers of those who come here from abroad...cannot read and write, and are by their ignorance compelled to resort to inferior employments."

Nevertheless the Native American Party, the so-called Know-Nothings who later became the American Party that polled 857,000 votes in 1850, appealed "to the 'American mechanics' to unite against foreign labor and not be ousted from their employment 'by cheap-working foreigners.'" Not long before the Civil War, in an 1855 letter denouncing Know-Nothingism, Abraham Lincoln linked racial, ethnic and religious prejudice and the denial of equal rights:

"How can anyone who abhors the oppression of Negroes be in favor of degrading classes of white people?...As a nation we began by declaring that 'all men are created equal.' We now practically read it, 'all men are created equal except Negroes'. When the Know-Nothings obtain control, it will read: 'All men are created equal except Negroes, foreigners and Catholics.'"

A study by John Peter Altgeld, a governor of Illinois, established the key role of the German immigrant vote in the 1860 election of Lincoln. Equally, German, Irish and other immigrants were in the forefront in saving the Union and ending ^{chattel}/slavery.

Attacks on Chinese and Italian Immigrants

During the industrial unrest and populist opposition to the growth of monopolies in the 1880s and 1890s, the Chinese -- no longer needed after their onerous and dangerous labor in building the transcontinental railroad -- were targeted as a threat to the livelihood of the American people. This campaign climaxed with the enactment in 1892 of a law requiring the deportation of all Chinese who could not, within one year, establish "to the satisfaction of the court, by at least one credible white witness, that he was a resident of the United States at the time of the passage of the Act." A majority of the Supreme Court in 1893 sustained the law on the basis that Congress has absolute power over noncitizens, although the Bill of Rights guarantees extend to all "persons" and make no distinction between citizens and non-citizens. Three justices, including the Chief Justice, dissented. Their words still retain their relevance:

"Is it possible that Congress can, at its pleasure, in disregard of the guarantees of the Constitution, expel at any time the Irish, German, French and English... simply on the ground that they have not been naturalized? According to this theory, Congress might have ordered executive officers to take the Chinese laborers to the ocean, and put them in a boat and set them adrift... [and] have sanctioned the most shocking brutality conceivable. Arbitrary and despotic power can no more be exercised over them [noncitizens] with reference to their persons and property than over the persons and property of native-born citizens...."

And the dissent concluded:

"In view of this enactment of the highest legislative body of the foremost Christian nation, may not the thoughtful Chinese disciple of Confucius fairly ask, 'Why do they send missionaries here?'"

The Chinese were deprived not only of their liberty and property, but even of their lives. In 1871 a mob pillaged the Chinese community in Los Angeles, killing 18. At Rock Springs, Wyoming, in 1885, 100 men attacked the Chinese section, burned all houses to the ground, killed 28 and wounded 16. Similar riots occurred in Redding and other towns in California.

Italian immigrants also encountered such intense anti-alien sentiment that in New Orleans, 9 Italians were lynched in 1895; three in Walsenburg, Colorado, in 1895; and 5 in Tallullah, La., in 1899. Between 1885 and 1910, 73 aliens of different nationalities were murdered, and in consequence, U.S. presidents apologized to the governments of China and Italy on numerous occasions for the lynching of their subjects. A generation later this anti-Italian feeling became a major element in the prosecution and execution of Sacco and Vanzetti.

Persecution of Slavs

Prompted by the recession and the industrial unrest here following World War I, and by the hysteria generated by the socialist revolution in Russia in 1917, Attorney General Mitchell Palmer singled out the Slavs as "troublemakers." After a small-scale "tryout" raid in November 1919, on the night of January 2, 1920 the Justice Department -- in the words of Louis F. Post, then Assistant Secretary of Labor -- recruited

"rough-neck groups of the 'strike-breaking variety...[who] spent the night of the second day of January at raiding lawful assemblages in more than 30 cities and towns of the United States...from coast to coast.... All persons present -- citizens and aliens alike without discrimination -- were arbitrarily taken into custody and searched as if they had been burglars caught in the criminal act."

Twelve distinguished lawyers -- including Harvard Law School Dean Roscoe Pound and two Harvard professors, Zechariah Chafee, Jr., and Felix Frankfurter (later a Supreme Court justice) -- declared:

"Free men respect justice and follow truth, but arbitrary power they will oppose until the end of time.... It is a fallacy to suppose that, any more than in the past, any servant of the people can safely arrogate to himself unlimited authority. To proceed upon such a supposition is to deny the fundamental American theory of the consent of the governed. Here is no question of a vague and threatened menace, but a present assault upon the most sacred principles of our Constitutional liberty."

From about 1880 to World War I the center of gravity of immigration here shifted from northern and western Europe to southern and eastern Europe, with Slavs coming in considerable numbers to work in steel factories, in mines, and in other basic industries. Eastern European Jews, fleeing Czarist pogroms, manned the sweatshops in the garment trades. Spurred by Lothrop Stoddard's The Rising Tide of Color and Madison Grant's The Passing of the Great Race, nativists proclaimed the need to "preserve the blood of the U.S. in its present proportions. They favored Nordics and joined forces with the top American Federation of Labor officialdom, who simply favored overall restrictions, in pressing for enactment of the national origins quota law of 1924. This law allocated over 80% of the quotas to northern and western Europe, and nothing to Asia.

Again, during the 1930s, alien-baiting was offered as an escape-hatch for unemployment. The deportation drive launched by U.S. Immigration Commissioner ^{Harry Hull} ~~Harold J. ...~~ centered on Slavs. President Herbert Hoover appointed a National Commission on Law Observance and Enforcement, headed by Attorney General George W. Wickersham. According to the conclusion of the Commission Report on the Enforcement of the Deportation Laws of the United States, made in May 1931:

"The apprehension and examination of supposed citizens are often characterized by methods unconstitutional, tyrannic and oppressive. There is strong reason to believe that in many cases persons are deported when further development of the facts or proper construction of the law would have shown their right to remain. Many persons are permanently separated from their American families with results that violate the plainest dictates of humanity."

Referring to the slogan "America for Americans," the Commission noted:

"...each time the outcry is raised, the 'Americans,' for whom 'America' is to be reserved, include the descendants of a former generation of immigrants against whom the same outcry was earlier raised as a basis of discrimination or exclusion."

The McCarran-Walter Act

In the recession and witchhunt atmosphere of the late 1940s and early 1950s, residents and naturalized citizens of Slavic descent were again on center stage of an anti-alien drive. Many persons -- like William Mackie of Finland, a country he left as an infant -- were deported after 40 or more years in the U.S., on grounds made retroactively applicable by the McCarran-Walter Act of 1952, a law passed over President Truman's veto. At the urging of the General Board of the National Council of Churches in March 1952 and of the National Catholic Welfare Conference and others, the President appointed a Commission on Immigration and Naturalization, headed by the Solicitor General and including the Chairman of the Board of Immigration Appeals and distinguished Protestant and Catholic clergymen. ~~After taking extensive testimony,~~
The Commission concluded. *took extensive testimony.*

Rev. Walter W. Van Kirk, Executive Director of the Department of International Good Will, National Council of Churches, testified:

"We feel very strongly that the McCarran-Walter law...is an affront to the conscience of the American people. We are going to work for the amendment of that legislation..." Archbishop Richard J. Cushing of Boston told the Commission that the "discriminatory and undemocratic features of the McCarran-Walter Law are to my mind a grave potential threat to our domestic development...." Similarly, B'nai B'rith declared that "the current immigration and naturalization laws are at variance with the democratic process and an affront to our morality and our ethics." And Walter White, Secretary of the NAACP, urged "revision of the immigration and naturalization law to eliminate all distinctions based on race, sex, language or religion." Other opponents of the law included the AFL/CIO, ^{and} farm organizations, and the American Bar Association. With profound irony the chiefs of five Indian tribes wrote to Senator Hubert Humphrey: "As America's only non-immigrants, we would like to go on record as being opposed to the major aspects of the McCarran immigration bill.... As American Indians we are not immediately threatened by laws to stop immigration and to deport men and women born abroad. Sometimes we wish we had established such a law in 1492...."

In its report to President Truman the Commission declared:

"The immigration and nationality law embodies policies and principles that are unwise and injurious to the nation. It rests upon an attitude of hostility and distrust against all aliens. It applies discriminations against human beings on account of national origin, race, creed and color. It ignores the needs of the United States in domestic affairs and foreign policies. It contains unnecessary and unreasonable restrictions and penalties against individuals. It is badly drafted, confusing and in some respects unworkable. It should be reconsidered and revised from beginning to end."

Immigration and Unemployment

The Commission pointed out that immigration was self-regulatory:

"...in the 145 years of unrestricted immigration into the U.S., from 1776 to 1921, immigrants generally came when and where they were needed. There is no evidence that their arrival caused either unemployment or impoverishment.... Reliable evidence indicates that immigration neither contributes to nor aggravates unemployment."

Indicative of this self-regulation is the fact that in the depression years 1932 through 1934 -- the three years when unemployment remained at a 12-13 million peak -- more than twice as many persons left than came. For the ten-year period 1931-1940, net immigration was only 69,000. The graph of yearly immigration demonstrates that from the period of the early depressions of 1826 and 1837, immigration has risen and fallen in accord with economic conditions in this country.* The National Committee on Immigration Policy, headed by the outstanding Immigration Commissioner Earl G. Harrison, noted that "no correlation is shown between the amount of unemployment and the size of a state's immigrant population.... The United States has not been a dumping ground during adverse economic periods in Europe, but rather has attracted immigrants by virtue of its pull based on periods of rising prosperity, as is proved by the drop in immigration which inevitably occurred when economic conditions here began to worsen." **

Unemployment is rooted in maladjustments of the economic system. The idea that immigrants take away the jobs of natives rests on the so-called "lump of labor" fallacy, namely, that "there is a limited amount of work to be done in the country, and if a stranger is allowed to nibble

*"Economic Aspects of Immigration," published by National Committee on Immigration Policy, New York, pp. 42-43.

** Ibid., pp. 40, 43.

at the lump, there will be less of it for the native. All the economists of repute have shown this to be a fallacy." * In fact, in occupying the lowest rung of the economic ladder, immigrants expand job opportunities. They impel native-born workers up the economic scale, facilitating their upward mobility, not hindering it.

The Current Target: Latin Americans

In 1965 Congress closed the last open immigration frontier, imposing quantitative and qualitative restrictions on immigrants from this hemisphere. And in 1971, with the onset of a recession and the Nixon administration's bill imposing a penalty on employers hiring persons not authorized to work, an intensive anti-alien drive developed in which Latin Americans became the ^{main} target. Dragnet raids directed against Latin-looking persons have occurred on streets, in apartment houses, factories and public places such as subways, theaters, dance halls and a Washington D.C. soccer match. Many of those arrested were U.S. citizens or residents, and a considerable number, especially in the Southwest, were unceremoniously dumped into Mexico. *This was not the first time.*

The mass repatriation to Mexico in the 1930's during the depression ^{by the thousands} was followed in 1954, under the Immigration Commissioner. Lt. General Swing, ^{of} when over one million Mexican-Americans, ~~were rounded up~~. This climaxed over a century of hostility to Mexican-Americans, especially in the Southwest, during which they were treated as interlopers and pariahs in what for almost two centuries before 1848 had been their homeland.

* Ibid., p. 18, quoting Norman Bentwich.

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Although the present period has new and unique aspects, a study of the past discloses many features common to prior times that continue today, and helps illuminate the realities and the myths of the present.

The question arises: Is not the current propoganda against "aliens" as a threat to our livelihood and way of life again essentially a cover-up for the real problems of citizens alienated from their representatives in government? Typically, those seeking to perpetuate themselves in power and halt our forward course offer up the foreign born on the altar of evasion. One casualty of such anti-alien

propaganda is the Bill of Rights for citizens.

Conclusion: Unity of the Native and Foreign Born

Not by fomenting fear of the stranger or by stirring up prejudice against one or another ethnic group, but only by grappling with and constructively resolving the central problems of our times, can the American people continue undiminished that vital freshet of revival of our national life, envisioned by Walt Whitman: "See in my poems immigrants continually coming and landing."

A truth of our nation's history is that the interests of the foreign born and of the native born are inseparable. Anti-alienism is the subordinate and short-term reaction of a minority of the American people to social crises -- for example, the Alien and Sedition Laws, the Know-Nothing movement, and the present anti-alien campaign. Unity of the native and foreign born is the dominant and enduring reaction of a majority of the American people to social crises: in the American Revolution -- to win independence and create a nation; in the Civil War -- to end chattel slavery and save the nation; - and in World War II -- to defeat fascism and preserve democracy.

In 1893 the Supreme Court, in the Fong Yue Ting case, reduced noncitizens to an inferior class, denied the rights guaranteed to all "persons" by the Bill of Rights. Similarly, in 1896 the Supreme Court, in Plessy v. Ferguson, in upholding separate facilities for Blacks as being equal, relegated Blacks to an inferior constitutional status. The sequel of these cases is instructive. In 1954, separated only by a week, a unanimous court in the Brown case mandated equal facilities for Blacks, overturning almost 60 years of contrary precedents; while in Galvan v. Press, Frankfurter, writing for the majority, conceded the manifest constitutional infringements involved in immigration laws, but asserted the Court's inability to rectify this injustice:

"The slate is not clean" and "there is not merely 'a page of history' but a whole volume... We are not prepared to deem ourselves wiser or more sensitive to human rights than our predecessors...."

Plainly, as in the case of the rights of Black people, the voice of the American people has to be heard with regard to the rights of the foreign born!

A welcome to the stranger and ^{the} assurance of constitutional rights -- the unity of native and foreign born -- is both a moral imperative and a practical necessity for the American people in the great contests ahead that will give a new and higher meaning to life, liberty and the pursuit of happiness.

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NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.

DIVISION OF CHURCH AND SOCIETY

475 Riverside Drive, New York, N.Y. 10027 Room 572

William P. Thompson, President

Claire Randall, General Secretary

March 30, 1978

Herman Baca
Committee on Chicano Rights, Inc.
1837 Highland Ave.
National City, California 92050

Dear Herman:

The National Council of Churches is sponsoring a "Consultation on Overstayed and Undocumented Persons" on May 5 and 6, 1978 in New York City. We have enclosed additional information about the consultation for you to review.

We are aware of your interest and involvement around this issue and for that reason we feel that your participation will be most beneficial to all of us. Therefore, we are extending an invitation for you to be our guest at this consultation. We will be responsible for your transportation to and from the event, overnight accommodations and the registration fee. If, for any reason, you cannot participate in this consultation please feel free to recommend the participation of another member of your organization or agency.

Looking forward to seeing you in May.

Sincerely,

Joel Martinez

Joel Martinez, Chairperson
Consultation Committee

(212) 678-6024

Important: Fill in and return the attached form by April 12, 1978.



NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.



475 Riverside Drive, New York, N.Y. 10027

William P. Thompson, President Claire Randall, General Secretary

ANNOUNCEMENT OF CONSULTATION
ON
OVERSTAYED AND UNDOCUMENTED PERSONS

May 5 - 6, 1978

For the National policy makers of the United States of America, immigration is a most complex issue, which they must confront. Since the early 1800's the policy of the United States Government was to encourage immigration during time of economic boom; accordingly, the United States Government made special agreement with the Caribbean Countries, Mexico and other Nations, to import braceros and chose to ignore "illegal immigration". During these times of economic boom thousands of people were recruited to come and toil in the fields and factories of the United States.

By 1975, the officially recognized percentage of unemployment in the Country hit 8.2%. With so many out of work there was not the same employer demand for low wage immigrant labor, thus the same government that had encouraged immigration suddenly changed its tune and began to blame the economic crisis on immigration. Of current National concern and often heated debate, is the large number of undocumented persons residing in the United States of America and the implications for the social, economic and political institutions of our society.

The Protestant denominations are seeking ways to minister adequately to the needs of these people. The media have contributed substantially to the consciousness raising of the citizens of this society with respect to the issue, but much of what is printed and viewed in the media is based on mis-information and myth.

On September 8, 1977, the Unit Committee of the Division of Church and Society/National Council of Churches adopted a resolution calling for a Consultation on Undocumented Persons. The purpose of such consultation being to:

1. Instruct and educate the member denominations and related agencies of the National Council of Churches.
2. Enable its constituency and related agencies to develop a realistic and authentic critique and position on the issue, and its solutions.

3. Enable the National Council, its constituency, and related agencies to become a significant participants in the National debate on the issue of undocumented persons.
4. Sensitize the churches to the issues so that the myths and misconceptions that surrounds the issue of undocumented persons may be eliminated.
5. To broaden the existing support/network and strengthen the ties between the national and local church work on the issue.
6. To discover available resources and programs that can be developed to minister to the undocumented population.

A broad cross-section of participants is being invited from the religious, civic and union, labor and management communities to enable a deeper understanding of the issues. Resources will include members of the above as well as national, state, and local government officials. On behalf of the Consultation Committee, I invite your participation in this National Consultation on Overstayed and Undocumented persons, to be held at 475 Riverside Drive, New York City on May 5th and 6th, 1978. Enclosed is a registration form. We would appreciate hearing from you at your earliest convenience.

The detailed agenda and consultation materials will be mailed to you upon the receipt of your registration, and will also be available on May 5th, 1978 during registration.

Please direct your questions or correspondence on this matter to:

Rev. Ricardo Potter 475 Riverside Drive New York, N.Y. 10027 Room 572 Phone: (212) 870-2260	Ms. Gloria Perez 475 Riverside Drive New York, N.Y. 10027 Room 348 Phone: (212) 678-6275	Rev. August VandenBosche 1017 Capitol Ave. S.W. Atlanta, Ga. 30315 Phone: (404) 581-0332
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Sincerely,



The Rev. Joel N. Martinez (UMC)
Chairperson
Consultation Committee

OTHER COMMITTEE MEMBERS

Ms. Betsy Beyler - MCC	Rev. Dean H. Lewis - UPC
Dr. Elias L. Golonka - BCNY	Rev. Roy Medley - ABC
Mr. Ira Gollobin, Esq. - CDFB	Ms. Nancy Nicalo - CWS
Mr. Domingo Gonzalez - AFSC	Rev. Jovelino Ramos - CJLHF
Rev. Alfred Johnson - EC	Rev. Kenneth Stumph - LC
Rev. Arleon L. Kelley - CORLE	Rev. Herbert D. White - UCC



May 31, 1978

Mr. Donald Hohl
Associate Director
United States Catholic Conference
Migration and Refugee Services
1312 Massachusetts Avenue, N.W.
Washington, D.C. 20005

Dear Mr. Hohl:

I am writing this letter to introduce myself and request the assistance of U.S.C.C. in establishing immigration services here in San Diego.

My name is Frank Riley, I am an Augustinian Priest. For the past eight years I have worked in social services here at a low-income housing project located in San Ysidro adjacent to the Mexican border. Living and working in a predominately Mexican-American community has exposed me to the need for more immigration services, especially for the undocumented.

I would like to see such services provided through Church sponsorship hopefully on an ecumenical basis, and would like to be personally involved in it. In order to pursue this I have been meeting with Rev. Horacio Rios, a Methodist Minister Director of the Methodist Spanish-Speaking Ministry in San Diego. Several months ago we met with Rev. Joel Martinez and Rev. Eli Rivera of the Methodist Church and Society Office in New York to discuss the possibility for some funding for a project for San Diego.

I have discussed this matter with Rev. John Quinn and Fr. Doug Regin and Dr. Peer of Catholic Community Services and will be meeting with them next week to pursue the matter further.

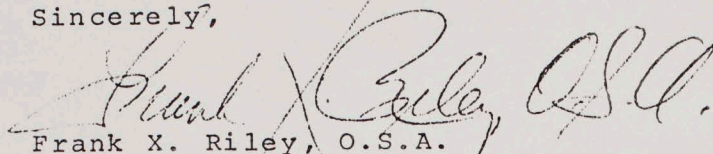
Last week I visited the Immigration Counseling Center in San Jose to get some of their ideas on starting a project here. They, Rollie Smith and Ramona, were very helpful and encouraging. They indicated an office in San Diego would be useful to them as well. They also indicated that Bishop Juan Posadas of Tijuana was interested in cooperating. Bishop Leo Maher and Bishop Gilbert Chavez are aware of our efforts.

While in San Francisco, I met with James Hoffman, who also indicated his support and suggested I write to you to be put on your mailing list and inform you of our efforts. I will also be in contact with Mr. Velarde of El Paso regarding the possibility of some training for myself or others.

It is hoped that the United States Catholic Conference will support our efforts to provide immigration services sponsored by the Catholic and other major denominations here in San Diego.

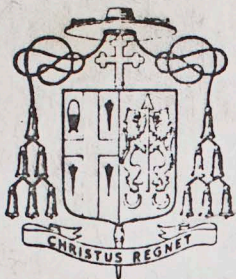
Thank you for your consideration of this important matter.

Sincerely,



Frank X. Riley, O.S.A.
Director of Social Services

FXR/er



Diocesan Office
for Apostolic Ministry/Alcala Park

December 11, 1978

Dear Monsignor/Father:

At the recent National Conference of American Bishops, I spoke of the question of the Church's response to the need for ministry to the growing number of undocumented immigrants living in our midst. Our concern for these persons comes from the rich traditions of the Church, rooted in Biblical and Papal teachings, regarding immigrants.

While the problem of illegal migration is complex because of the historical, economic and social aspects of its development, it is a very human issue which we must look at in terms of charity and justice. Challenged by this situation, the Catholic Church in the United States through its many Commissions and Offices is trying to deal with the problems related to this situation, as well as advocate for a more humane and just immigration policy. Other Christian Churches and Non-Christian groups sharing this concern are joining in the efforts. Early in November, the National Federation of Priests' Councils sponsored a Conference on Ministry to the Undocumented. This Conference was the result of action initiated by our Priests' Senate in San Diego. A major conclusion of this meeting is the need to provide immigration services for those persons living here without proper documentation. Another conclusion is that we must continue to educate people about this issue, particularly as it relates to our faith. Also, we must continue to advocate for legal solutions which will be sensitive to the dignity and human rights of these persons.

Since last Spring, representatives of the Roman Catholic, Lutheran, United Church of Christ, Episcopalian, United Methodist and Presbyterian Churches here in San Diego have been meeting in hopes of providing an ecumenical response to begin to meet the needs of those persons living here in San Diego.

As an initial step, an Ecumenical Center for Immigration Services has been opened. Working in cooperation with the United States Catholic Conference Migration and Refugee Services, the project has begun with a temporary office located in San Ysidro. This program hopes to provide free immigration counseling for those persons who may be able to obtain documentation under existing laws. The program will include a referral system so that existing social services will be available for those undocumented who need them. The Center will also provide information on the issue. Anyone interested should contact Father Frank Riley, 3604 Beyer Blvd., San Ysidro 92073, or call 428-5797.

While the presence of a growing number of undocumented immigrants in our Diocese may spark controversial political and economic questions, it should provoke a Christian response which is faithful to our traditions and mission as a Pilgrim Church. In the Apostolic Constitution Exsul Familia, Pope Pius XII called upon the local Church to provide "Foreigners, whether resident or transient, with needed help." Pope Paul VI echoed these words when he asked that the Church show "a zealous attention that will truly meet their needs" (Pastoralis Migratorium Cura).

Hopefully, all of our pastoral activities will show the spirit of these two great Popes and bring us closer to the life of the Lord, who reached out with his love to welcome and care for strangers and who calls us all to be united in our lasting home, his Kingdom.

Sincerely in Christ,

A handwritten signature in cursive script, appearing to read "Leo T. Maher".

+Leo T. Maher
Bishop of San Diego

P.S. Please draw this to the attention of our people on Sunday, December 17th, which is designated as the Day of the Immigrant.

COMMUNITY ORGANIZERS WORKSHOP

As Representatives of our community's organizations, involved in advocacy, support and defense of the rights of undocumented workers, we hereby, propose to this conference our views, experiences and recommendations. Being aware that the undocumented worker issue is a complex political, social and economic issue because high degree of racism and hysteria, and also being aware that this is the eleventh hour because of the present hearings in the U. S. Senate Judiciary Committee, we hereby propose to this conference the following immediate recommendations.

BE IT RESOLVED THAT:

- 1) The conference go on record as opposing the Carter Immigration Plan to the U. S. Senate Judiciary Committee because of the following reasons--
 - (a) The proposed amnesty for those undocumented workers who came in before January 1, 1970 is false, and the new proposed "temporary resident alien status" for those who came in before January 1, 1977 is a step toward third class status in violation of the U. S. Constitution and all concepts of human rights.
 - (b) The employer sanctions will cause massive job discrimination against all non-anglo looking persons and proposes a potential dangerous national working I.D. card.
 - (c) The border enforcement because of the present "recycling policy" of undocumented persons will not secure the international border and the increase of 2,000 new border patrolmen will result in massive violations of our community's constitutional and human rights.
 - (d) The foreign worker program will continue the practice of exploitation of imported workers, and will work against the organizing efforts of the farmworkers unions by creating a new sugar-coated "Bracero Program."
 - (e) The foreign aid program will continue the economic dependency of the source countries on the multi-national corporations which have taken millions of dollars in profits.

- (f) The immigration policy is not a serious effort to create a new immigration policy,

Furthermore, we propose that the conference go on record as proposing:

- 1) an unconditional amnesty for undocumented persons with emphasis on family reunification.
- 2) the immediate stopping of all deportations and dragnet raids in our communities by the I.N.S.
- 3) that national hearings be held in our communities by the U. S. Congress to form a new, **just**, fair and humane immigration policy, e.g., New York, District of Columbia, San Antonio, Phoenix, Los Angeles, Chicago, Detroit, San Diego, etc.
- 4) that political asylum be granted to those persons fleeing all forms of political oppression.

We strongly urge that this consultation adopt these recommendations and empower the Unity Committee of the Division of Church Society/ National Council of Churches to act for their implementation.

Submitted May 6, 1978 by :

Committee on Chicano Rights
San Diego, California

C.A.S.A.
Chicago, Illinois

Farm Labor Organizing Committee(FLOC)
Toledo, Ohio

MANZO Area Council
Tucson, Arizona

Midwest Commission for the Defense
of Undocumented Workers
Toledo, Ohio

National Coalition on the
Hanigan Case
Washington, D.C.

South Texas Immigration Council
Harlingen, Texas

La Raza Unida Party
Crystal City, Texas

Puerto Rican Youth for Action
New York, N.Y.

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United
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Church



SAN DIEGO DISTRICT



**Hispanic
Ministries**

SOUTHERN CALIFORNIA - ARIZONA CONFERENCE
4075 PARK BOULEVARD • SAN DIEGO, CALIFORNIA 92103
(714) 281-9374

REV. _____
1234 _____
San Diego, CA 92100

Dear Rev. _____

We have in the recent past discussed briefly and informally the need for the Christian community to respond in a tangible and constructive way to the plight of undocumented persons. They continue to be an economic and political pawn whose human dignity must be affirmed and protected by all Christians.

There seems to be three possible areas which need to be considered by the religious community as probable ways of dealing with this issue. 1. Assistance with immigration documentation process, 2. The provision of human services to these marginal persons, and 3. The necessary role of advocacy on their behalf. These are the basic aspects presented in the proposal enclosed with this letter.

Father Frank Riley from San Ysidro and I have been doing some thinking in this regard and it is reflected in this working document which Father Riley has prepared.

We invite you and those whose name appear in this mailing to meet with us and hopefully begin a process which may represent an ecumenical effort and response to this challenge in human rights.

We have tentatively set a meeting time for Friday June 23rd at 2:p.m. at the Park Boulevard United Methodist Church, 4075 Park Boulevard, San Diego.

Please let us know at the above telephone number if you are unable to attend. If so, we would like to encourage you to select someone to represent you at this gathering.

Yours in Christ's service,

The Rev. Mr. Horacio M. Ríos