

ASSEMBLY BILL

No. 2904

Introduced by Assemblyman Torres

March 6, 1980

REFERRED TO COMMITTEE ON CRIMINAL JUSTICE

An act to add Section 653.5 to the Penal Code, relating to entry of aliens.

LEGISLATIVE COUNSEL'S DIGEST

AB 2904, as introduced, Torres (Crim.J.). Entry of aliens. Existing federal law punishes as felonies the commission of various acts relating to bringing into the United States or attempting to bring into the United States, concealing, harboring, or shielding from detection or attempting to conceal, harbor, or shield from detection within the United States, and encouraging or inducing or attempting to encourage or induce to enter the United States.

This act would similarly prohibit as felonies such acts with respect to aliens being brought into or kept within the United States.

Under existing law, Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement. These statutory provisions will be supplemented by a constitutional requirement of reimbursement effective for statutes enacted on or after July 1, 1980.

This bill provides that no appropriation is made and no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653.5 is added to the Penal Code,
2 to read:

3 653.5. (a) For the purposes of this section:

4 (1) "Alien" means any natural person not duly
5 admitted into the United States by an immigration officer
6 or not lawfully entitled to enter or reside within the
7 United States under any laws relating to immigration.

8 (2) "Compensation" means money, property or
9 anything else of value.

10 (3) "Person" includes any individual, firm,
11 partnership, corporation, association, other organization,
12 or any employee or agent thereof.

13 (b) Any person who, willfully, for compensation, and
14 knowing of or having reasonable grounds to believe that
15 another person is an alien in this state in violation of the
16 law, commits any of the following acts is guilty of a felony
17 and punishable by imprisonment in the state prison for
18 three, four, or five years, or by a fine not exceeding two
19 thousand dollars (\$2,000), or by both such imprisonment
20 and fine:

21 (1) Brings into this state, or attempts to bring into this
22 state, an alien.

23 (2) Conceals, harbors, or shields from detection, or
24 attempts to conceal, harbor, or shield from detection, an
25 alien in this state.

26 (3) Encourages, or induces, or attempts to encourage
27 or induce, directly or indirectly, an alien to enter this
28 state.

29 (c) For purposes of this section mere employment of
30 an alien shall not constitute harboring.

31 SEC. 2. No appropriation is made by this act pursuant
32 to Section 2231 or 2234 of the Revenue and Taxation Code
33 or Section 6 of Article XIII B of the California

1 Constitution because the only costs which may be
2 incurred by a local agency or school district will be
3 because this act creates a new crime or infraction,
4 changes the definition of a crime or infraction, or
5 eliminates a crime or infraction. Furthermore, this act
6 does not create any present or future obligation to
7 reimburse any local agency or school district for any costs
8 incurred because of this act.

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April 2, 1980

Assemblyman Art Torres
5261 East Beverly Boulevard
Los Angeles, California 90022

RE: AB 2904

Dear Art:

I recently read a draft of AB 2904 and feel that it is unnecessary and perhaps unconstitutional as the Federal Government has already pre-empted this field. The consequences of this legislation would be to make all police officers immigration agents which in turn would adversely effect our community.

Very truly yours,



MANUEL LOPEZ

cc:

Mr. Frank Quevedo

cc:

Herman Baca

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Congressman HERMAN BADILLO
21st DISTRICT — NEW YORK (South Bronx)

REMARKS OF HERMAN BADILLO
U.S. HOUSE OF REPRESENTATIVES
June 26, 1975

on
Our Nation's Immigration Policies

Mr. Speaker, the public concern about our nation's immigration policies, specifically the issue of illegal aliens now residing in the United States, is prompting increasing pressure on the Congress for legislative action. In large part, this heightened public awareness and concern is closely related to our poor economic situation and the availability of jobs. As a result, the problem of illegal aliens has gained new importance and meaning.

As a member of the Spanish-speaking community, I am acutely aware of the many faceted illegal alien question and the great impact any legislation will have in our community. Many of the 15 million Spanish origin people have close friends or relatives that face deportation daily. Many of the individuals have lived here several years and have established new productive lives. Any approach to this problem must be humane to people who have ties to this country but lack the proper papers.

Beyond doubt, the Congress must address the question of illegal aliens. I concur with my colleagues who have called for immediate legislative action to resolve this issue. However, in our efforts to deal with this issue, Congress must not allow illegal aliens to become scapegoats. Nor, should the Congress compound the exploitation and discrimination which these human beings already experience. It is my hope that, given the present atmosphere of intensified public interest, attention and concern, the Congress will seize this opportunity and act with wisdom and fairness.

My distinguished colleagues on the House Judiciary Committee, Chairman Rodino and Mr. Eilberg, have introduced legislation designed to resolve the illegal alien question. Their bill, H.R. 982, which imposes penalties upon those who employ illegal aliens, is not a bill I can support in its present form. I applaud their initiative and continued interest and it is my sincere hope that we may work together to resolve the many different opinions on this matter.

It is in this spirit that I yesterday introduced legislation which reflects the interests and concerns of many members of the Spanish-speaking community. My bills, H.R. 8194, the Immigration Status Adjustment Act of 1975, and H.R. 8195, the Immigration Equalization Act of 1975, would establish a different approach to the problems of illegal immigration. I hope that my colleagues on the Judiciary Committee will review this legislation and consider its provisions when they will begin to mark up legislation on this important question.

In addition, I have advocated, along with other Hispanic community leaders, that the Immigration and Naturalization Service conduct a study of the illegal alien problem. I am gratified to note that in the State, Justice, Judiciary Appropriations bill we are now considering today (H.R. 8121), funds are allocated for

such a study. General Chapman, Director of the INS, testified before the Appropriations Subcommittee that the study of the illegal alien population is one of the INS's most critical needs. I concur wholeheartedly with this statement.

The study design appears in the text of the Subcommittee Hearings on the Department of Justice, Part 2, on page 959. The study will research the magnitude, distribution, flow, characteristics, and the impact of the illegal immigration on the United States. The information will be collected by reorganizing some of the Service's methods so that their statistics will provide an accurate basis to provide projections regarding the flow of illegal immigration, types of employment the individuals obtain, impact the flow has on the market, numbers receiving welfare services, and impact on the balance of payments.

It is evident by the design of the study that the INS officials have few hard facts about the scope and extent of the problem of illegal immigration. Yet, almost daily I have read and heard media accounts of General Chapman stating that there are 4-12 million illegal aliens, these individuals are causing the unemployment problem in our country, their children are flooding our school systems, and many are receiving welfare benefits. If General Chapman feels he must spend in excess of one million dollars to define the problem, and I agree with him on this point, I also must believe that he does not presently have the facts. If he does not have the facts he should temper his inflammatory remarks to the public media. His statements have created unnecessary suspicion towards persons who appear to be of foreign origin. His inflammatory statements have contributed to a "witch hunt" atmosphere in many parts of the country.

General Chapman is believed to be an expert in this area and he is quoted by Members of Congress and other national leaders who are not aware of the lack of factual basis for many of his statements. I urge my colleagues not to jump to conclusions regarding the extent of illegal immigration problem and the need for far reaching legislation at this time. We must know the facts first. I further urge General Chapman to curtail his remarks until he has a more accurate factual basis that will substantiate his statements and conclusions.

* * * * *

The attached news article from the February 2, 1975 Washington Post is an example of the inconsistencies associated with General Chapman's statistics and facts about the illegal alien question.

Public Law 95-412
95th Congress

An Act

To amend section 201(a), 202(c) and 203(a) of the Immigration and Nationality Act, as amended, and to establish a Select Commission on Immigration and Refugee Policy.

Oct. 5, 1978

[H.R. 12443]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(a) of the Immigration and Nationality Act is amended to read as follows:

"SEC. 201. (a) Exclusive of special immigrants defined in section 101(a) (27), and immediate relatives of United States citizens as specified in subsection (b) of this section, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, or who may, pursuant to section 203(a) (7), enter conditionally, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-seven thousand and shall not in any fiscal year exceed a total of two hundred and ninety thousand."

Immigration and
Nationality Act,
amendment.
8 USC 1151.
8 USC 1101.

8 USC 1153.

SEC. 2. Section 202(c) of the Immigration and Nationality Act is amended to read as follows:

8 USC 1152.

"(c) Any immigrant born in a colony or other component or dependent area of a foreign state overseas from the foreign state, other than a special immigrant, as defined in section 101(a) (27), or an immediate relative of a United States citizen, as defined in section 201(b), shall be chargeable for the purpose of the limitation set forth in section 202(a), to the foreign state, and the number of immigrant visas available to each such colony or other component or dependent area shall not exceed six hundred in any one fiscal year."

SEC. 3. Section 203(a) of the Immigration and Nationality Act is amended to delete "201(a) (1) or (2)" each place it appears in paragraphs one through seven and by substituting in lieu thereof "201(a)".

8 USC 1153.

SEC. 4. (a) There is established a Select Commission on Immigration and Refugee Policy (hereinafter in this section referred to as the "Commission") which shall be composed of—

Select
Commission on
Immigration and
Refugee Policy.
Establishment.
8 USC 1151 note.

(1) four members appointed by the President, one of whom shall be designated by the President as Chairman;

(2) the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of Health, Education, and Welfare;

(3) four members appointed by the Speaker of the House of Representatives from the membership of the House Committee on the Judiciary; and

(4) four members appointed by the President pro tempore of the Senate from the membership of the Senate Committee on the Judiciary.

(b) (1) A majority of the Commission shall constitute a quorum for the transaction of its business, but the Commission may provide for the taking of testimony and the reception of evidence at meetings at which there are present not less than four members of the Commission.

(2) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of \$100 for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses,

5 USC 5701
et seq.

Study and
evaluation.
Recommendations
to President and
Congress.

Report to
President and
Congress.
Compensation.

when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code. Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(c) It shall be the duty of the Commission to study and evaluate, in accordance with subsection (d), existing laws, policies, and procedures governing the admission of immigrants and refugees to the United States and to make such administrative and legislative recommendations to the President and to the Congress as are appropriate.

(d) In particular, the Commission shall—

(1) conduct a study and analysis of the effect of the provisions of the Immigration and Nationality Act (and administrative interpretations thereof) on (A) social, economic, and political conditions in the United States; (B) demographic trends; (C) present and projected unemployment in the United States; and (D) the conduct of foreign policy;

(2) conduct a study and analysis of whether and to what extent the Immigration and Nationality Act should apply to the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the other territories and possessions of the United States;

(3) review, and make recommendations with respect to the numerical limitations (and exemptions therefrom) of the Immigration and Nationality Act on the admission of permanent resident aliens;

(4) assess the social, economic, political, and demographic impact of previous refugee programs and review the criteria for, and numerical limitations on, the admission of refugees to the United States;

(5) conduct a comprehensive review of the provisions of the Immigration and Nationality Act and make legislative recommendations to simplify and clarify such provisions;

(6) make semiannual reports to each House of Congress during the period before publication of its final report (described in paragraph (7)); and

(7) make a final report of its findings and recommendations to the President and each House of Congress, which report shall be published not later than September 30, 1980.

(e) (1) The Commission is authorized to appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions without regard to the civil service laws, rules, and regulations. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission, and such detail shall be without interruption or loss of civil service status or privilege.

(2) Staff members of the Committee on the Judiciary of the Senate or of the Committee on the Judiciary of the House of Representatives may be detailed to serve on the staff of the Commission by the chairman of the respective committee. Staff members so detailed shall serve on the staff of the Commission without additional compensation except that they may receive such reimbursement of expenses incurred by them as the Commission may authorize.

(f) The Commission may call upon the head of any Federal department or agency to furnish information and assistance which the Commission deems necessary for the performance of its functions, and the heads of such departments and agencies shall furnish such assistance and information, unless prohibited under law, without reimbursement.

(g) The Commission is authorized to make grants and enter into contracts for the conduct of research and studies which will assist it in performing its duties under this section.

Grants and
contracts.

(h) The Commission shall cease to exist upon the filing of its final report, except that the Commission may continue to function for up to sixty days thereafter for the purpose of winding up its affairs.

Termination.

(i) There is authorized to be appropriated the sum of \$700,000 to carry out the provisions of this section.

Appropriation
authorization.

(j) Notwithstanding any other provision of this Act, no payment, or authorization to make payments or to enter into contracts under this Act, shall be effective except to such extent, or in such amounts, as are provided in advance in appropriations Acts.

SEC. 5. Notwithstanding any other provision of law, any refugee, not otherwise eligible for retroactive adjustment of status, who was or is paroled into the United States by the Attorney General pursuant to section 212(d)(5) of the Immigration and Nationality Act before September 30, 1980, shall have his status adjusted pursuant to the provisions of section 203 (g) and (h) of that Act.

8 USC 1182 note.

8 USC 1182.

8 USC 1153.

Approved October 5, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1206 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 124 (1978):

July 18, considered and passed House.

Sept. 20, considered and passed Senate.

94TH CONGRESS
1ST SESSION

H. R. 2159

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1975

Mr. SISK introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To provide for the reimbursement of medical treatment facilities
for emergency medical treatment given to aliens unlawfully
in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) if—

4 (1) any alien unlawfully in the United States is
5 provided emergency medical treatment, and is unable to
6 pay the cost of such treatment or can pay only a portion
7 of such cost; and

8 (2) the alien or the medical facility which provided
9 such treatment is not eligible under any public assistance

1 program for payment of or reimbursement for such cost
2 or is eligible under such a program for payment of or
3 reimbursement for only a portion of such cost,
4 the medical facility which provided such treatment may
5 apply to the Attorney General for reimbursement for that
6 portion of such cost which is not paid.

7 (b) An application for reimbursement under this sec-
8 tion shall be submitted in such form, and contain such in-
9 formation, as the Attorney General may prescribe. The
10 Attorney General may not approve such an application un-
11 less he finds that (1) the alien with respect to which the
12 application is submitted is unlawfully in the United States,
13 (2) the treatment for which reimbursement is sought was
14 given for a medical emergency, and (3) the medical facility
15 which provided such treatment is unable to recover its
16 costs in providing such treatment for the alien or from any
17 public assistance program.

18 (c) The amount of any payment under this Act for the
19 cost of emergency medical treatment shall be determined by
20 the Attorney General, except that no payment may exceed
21 the value of such treatment as determined under regulations
22 of the Attorney General.

1 (d) The Attorney General shall take such action as
2 may be necessary to make an alien for whom a payment is
3 made under this Act eligible for treatment and care by the
4 Public Health Service Act as authorized by section 322 (c)
5 of the Public Health Service Act (42 U.S.C. 249 (c)).

94TH CONGRESS
1ST SESSION

H. R. 3609

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1975

Mr. SISK (for himself, Mr. MELCHER, Mr. KREBS, Mr. HARRINGTON, Mr. BADILLO, Mr. BOB WILSON, Mr. McFALL, Mrs. HECKLER of Massachusetts, Mr. ANDERSON of California, Mrs. CHISHOLM, and Mr. VAN DEERLIN) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Public Health Service Act to provide financial assistance to medical facilities for treatment of certain aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That part C of title III of the Public Health Service Act is
4 amended by adding at the end the following new section:

5 “MEDICAL TREATMENT OF ALIENS

6 “SEC. 330. (a) If—

7 “(1) any alien unlawfully in the United States is
8 provided emergency medical treatment and is unable to
9 pay the cost of such treatment or can pay only a portion
10 of such cost; and

1 “(2) the alien or the medical facility which pro-
2 vided such treatment is not eligible under any public
3 assistance program for payment of or reimbursement
4 for such cost or is eligible under such a program for pay-
5 ment of or reimbursement for only a portion of such
6 cost,

7 the medical facility which provided such treatment may ap-
8 ply to the Secretary for reimbursement for that portion of
9 such cost which is not paid.

10 “(b) An application for reimbursement under this sec-
11 tion shall be submitted in such form, and contain such in-
12 formation, as the Secretary may prescribe. The Secretary
13 may not approve such an application unless (1) Attorney
14 General has determined that the alien with respect to which
15 the application is submitted is unlawfully in the United
16 States, and (2) the Secretary finds (A) the treatment for
17 which reimbursement is sought was given for a medical
18 emergency, and (B) the medical facility which provided
19 such treatment is unable to recover from the alien or any
20 public assistance program its costs in providing such treat-
21 ment for the alien.

22 “(c) The amount of any payment under this section
23 for the cost of emergency medical treatment shall be deter-
24 mined by the Secretary, except that no payment may exceed

1 the value of such treatment as determined under regulations
2 of the Secretary.

3 “(d) The Secretary shall take such action as may be
4 necessary to make an alien for whom a payment is made
5 under this section eligible for treatment and care as author-
6 ized by section 322 (c).”

93D CONGRESS
1ST SESSION

H. R. 982

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1973

Mr. RODINO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, section 245 of the Immigration and Nationality Act
4 (8 U.S.C. 1255) is amended to read as follows:

5 “SEC. 245. (a) The status of an alien who was inspected
6 and admitted or paroled into the United States may be ad-
7 justed by the Attorney General, in his discretion and under
8 such regulations as he may prescribe, to that of an alien
9 lawfully admitted for permanent residence if (1) the alien
10 makes an application for such adjustment, (2) the alien is
11 eligible to receive an immigrant visa and is admissible to the

1 United States for permanent residence, and (3) an immi-
2 grant visa is immediately available to him at the time his
3 application is filed.

4 “(b) Upon the approval of an application for adjust-
5 ment made under subsection (a), the Attorney General
6 shall record the alien's lawful admission for permanent resi-
7 dence as of the date the order of the Attorney General ap-
8 proving the application for the adjustment of status is made,
9 and the Secretary of State shall reduce by one the number
10 of the preference or nonpreference visas authorized to be
11 issued under section 203 (a) within the class to which the
12 alien is chargeable, or the number of visas authorized to be
13 issued pursuant to the provisions of section 21 (e) of the Act
14 of October 3, 1965, for the fiscal year then current.

15 “(c) The provisions of this section shall not be appli-
16 cable to: (1) an alien crewman; (2) any alien (other than
17 an immediate relative as defined in section 201 (b)) who has
18 hereafter accepted unauthorized employment prior to filing
19 an application for adjustment of status; or (3) any alien
20 admitted in transit without visa under section 238 (d).”

21 SEC. 2. Section 274 of the Immigration and Nationality
22 Act (8 U.S.C. 1324) is amended by deleting the proviso in
23 paragraph 4 of subsection (a) and by redesignating subsec-
24 tion (b) as subsection (e) and adding new subsections (b),
25 (c), and (d) to read as follows:

1 • “(b) (1) It shall be unlawful for any employer or any
2 person acting as an agent for such an employer, or any
3 person who for a fee, refers an alien for employment by
4 such an employer, knowingly to employ or refer for em-
5 ployment any alien in the United States who has not been
6 lawfully admitted to the United States for permanent res-
7 idence, unless the employment of such alien is authorized
8 by the Attorney General: *Provided*, That an employer,
9 referrer, or agent shall not be deemed to have violated
10 this subsection if he has made a bona fide inquiry whether
11 a person hereafter employed or referred by him is a citizen or
12 an alien, and if an alien, whether he is lawfully admitted to the
13 United States for permanent residence or is authorized by the
14 Attorney General to accept employment: *Provided further*,
15 That evidence establishing that the employer, referrer, or
16 agent has obtained from the person employed or referred
17 by him a signed statement in writing that such person is a
18 citizen of the United States or that such person is an alien
19 lawfully admitted for permanent residence or is an alien
20 authorized by the Attorney General to accept employment,
21 shall be deemed prima facie proof that such employer, agent,
22 or referrer has made a bona fide inquiry as provided in
23 this paragraph. The Attorney General of the United States
24 shall prepare forms for the use of employers, agents, and
25 referrers in obtaining such written statements if they so de-

1 sire, and shall furnish such forms to employers, agents, and
2 referrers upon request.

3 “(2) If, on evidence or information he deems persua-
4 sive, the Attorney General concludes that an employer,
5 agent, or referrer has violated the provisions of paragraph
6 (1), the Attorney General shall serve a citation on the
7 employer, agent, or referrer informing him of such apparent
8 violation.

9 “(3) If, in a proceeding initiated within two years after
10 the service of such citation, the Attorney General finds that
11 any employer, agent, or referrer upon whom such citation
12 has been served has thereafter violated the provisions of para-
13 graph (1), the Attorney General shall assess a penalty of
14 not more than \$500 for each such alien employed in violation
15 of paragraph (1).

16 “(4) A civil penalty shall be assessed by the Attorney
17 General only after the person charged with a violation under
18 paragraph (3) has been given an opportunity for a hearing
19 and the Attorney General has determined that a violation did
20 occur, and the amount of the penalty which is warranted.
21 The hearing shall be of record and conducted before an
22 immigration officer designated by the Attorney General,
23 individually or by regulation. The proceedings shall be con-
24 ducted in accordance with such regulations, within the con-
25 straints and requirements of title 5, section 554 of the United

1 States Code which shall be applicable to the hearing pro-
2 vided for herein, as the Attorney General shall prescribe and
3 the procedure so prescribed shall be the sole and exclusive
4 procedure for determining the assessment of a civil penalty
5 under this subsection.

6 “(5) If the person against whom a civil penalty is as-
7 sessed fails to pay the penalty within the time prescribed in
8 such order, the Attorney General shall file a suit to collect
9 the amount assessed in any appropriate district court of the
10 United States. In any such suit or in any other suit seeking
11 to review the Attorney General’s determination, the suit
12 shall be determined solely upon the administrative record
13 upon which the civil penalty was assessed and the Attorney
14 General’s findings of fact, if supported by substantial evidence
15 on the record considered as a whole, shall be conclusive.

16 “(c) Any employer or person who has been assessed a
17 civil penalty under subsection (b) (3) which has become
18 final and thereafter violates subsection (b) (1) shall be
19 guilty of a misdemeanor and upon conviction thereof shall be
20 punished by a fine not exceeding \$1,000, or by imprisonment
21 not exceeding one year, or both, for each alien in respect to
22 whom any violation of this subsection occurs.

23 “(d) (1) Any vessel, vehicle, or aircraft which has been
24 or is being used in furtherance of a violation of subsection
25 (a), or which has been or is being used by any person who

1 for a fee refers or transports an alien for employment in fur-
2 therance of a violation of subsection (b), shall be seized and
3 forfeited: *Provided*, That no vessel, vehicle, or aircraft used
4 by any person as a common carrier in the transaction of
5 business as such common carrier shall be forfeited under the
6 provisions of this section unless it shall appear that (A) in
7 the case of a railway car or engine, the owner, or (B) in the
8 case of any other such vessel, vehicle, or aircraft, the owner
9 or the master of such vessel or the owner or conductor, driver,
10 pilot, or other person in charge of such vehicle or aircraft was
11 at the time of the alleged illegal act a consenting party or
12 privy thereto: *Provided further*, That no vessel, vehicle, or
13 aircraft shall be forfeited under the provisions of this section
14 by reason of any act or omission established by the owner
15 thereof to have been committed or omitted by any person
16 other than such owner while such vessel, vehicle, or aircraft
17 was unlawfully in the possession of a person who acquired
18 possession thereof in violation of the criminal laws of the
19 United States, or of any State.

20 “(2) All provisions of law relating to the seizure, sum-
21 mary and judicial forfeiture, and condemnation of vessels and
22 vehicles for violation of the customs laws; the disposition of
23 such vessels and vehicles or the proceeds from the sale
24 thereof; the remission or mitigation of such forfeitures; and
25 the compromise of claims and the award of compensation to

1 informers in respect of such forfeitures shall apply to seizures
2 and forfeitures incurred, or alleged to have been incurred,
3 under the provisions of this chapter, insofar as applicable
4 and not inconsistent with the provisions hereof: *Provided,*
5 That such duties as are imposed upon the collector of cus-
6 toms or any other person with respect to the seizure and
7 forfeiture of vessels and vehicles under the customs laws
8 shall be performed with respect to seizures and forfeitures
9 of vessels, vehicles, and aircraft under this section by such
10 officers, agents, or other persons as may be authorized or
11 designated for that purpose by the Attorney General.”.

12 SEC. 3. The Immigration and Nationality Act is amended
13 by inserting immediately after section 274 the following new
14 section:

15 “DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING
16 ASSISTANCE UNDER THE SOCIAL SECURITY ACT

17 “SEC. 274A. Any officer or employee of the Depart-
18 ment of Health, Education, and Welfare shall disclose to the
19 Service the name and most recent address of any alien who
20 such officer or employee knows is not lawfully in the United
21 States and who is receiving assistance under any State plan
22 under title I, X, XIV, XVI, XIX, or part A of title IV of
23 the Social Security Act.”

24 SEC. 4. The first paragraph of section 1546 of title 18
25 of the United States Code is amended to read as follows:

1 “Whoever knowingly forges, counterfeits, alters, or
2 falsely makes any immigrant or nonimmigrant visa, permit,
3 border crossing card, alien registration receipt card, or other
4 document prescribed by statute or regulation for entry into
5 or as evidence of authorized stay in the United States, or
6 utters, uses, attempts to use, possesses, obtains, accepts, or
7 receives any such visa, permit, border crossing card, alien
8 registration receipt card, or other document prescribed by
9 statute or regulation for entry into or as evidence of author-
10 ized stay in the United States, knowing it to be forged, coun-
11 terfeited, altered, or falsely made, or to have been procured
12 by means of any false claim or statement, or to have been
13 otherwise procured by fraud or unlawfully obtained; or”.

14 SEC. 5. Nothing contained in this Act, unless otherwise
15 specifically provided therein, shall be construed to affect the
16 validity of any document or proceeding which shall be valid
17 at the time this Act shall take effect; or to affect any prosecu-
18 tion, suit, action, or proceeding, civil or criminal, done or
19 existing, at the time this Act shall take effect; but as to all
20 such prosecutions, suits, actions, proceedings, statutes, condi-
21 tions, rights, acts, things, liabilities, obligations, or matters,
22 the statutes or parts of statutes repealed by this Act are,
23 unless otherwise specifically provided therein, hereby con-
24 tained in force and effect.

1 SEC. 6. This Act shall become effective on the first day
2 of the first month after the expiration of ninety days follow-
3 ing the date of its enactment.

OFFICE OF U.S. SENATOR ALAN CRANSTON

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Los Angeles--U.S. Senator Alan Cranston announced here today that he will oppose the "Rodino Bill" to penalize employment of illegal aliens because "it would touch off a new wave of discrimination against Spanish-speaking workers and other nationalities."

At a press conference in the Westwood Federal Building where he was joined by Catholic Auxiliary Bishop Juan Arzube, Cranston also said he will introduce legislation to legalize the status of thousands of illegal aliens who have been in the U.S. before 1972 and to revise the Immigration Act to eliminate discrimination against natives of the Western Hemisphere seeking legal residency in the U.S.

Bishop Arzube is chairman of an Inter-Religious Committee on Human Needs which recently issued a statement entitled, "A Moral Approach to Aliens." Cranston said he endorses the call by the religious group for compassion and understanding of aliens who are fleeing from the oppression of unemployment, hunger and poverty and seek asylum here.

Cranston said he will make a major speech on the subject of illegal aliens in the Senate when he returns to Washington and after he confers with other Senators concerned with the problems of illegal aliens and immigration.

After studying the subject for six years and after scores of meetings with Mexican-Americans, employers and constitutional lawyers, Cranston said he was convinced that the bill by Congressman Peter Rodino of New Jersey to penalize employers for hiring illegal aliens "if not unconstitutional on its face will, nevertheless, be repressive and discriminatory in its application in California."

(more)

illegal aliens--add one

Cranston said he was also concerned about charges that illegal aliens become a social burden.

"Very few have been discovered on welfare or receiving other government benefits. For the fact is that most of these workers do not ask for government services for fear of being discovered and deported.

"And how many millions of dollars have they paid into social security without ever receiving a penny in return? Surely a great, great many. How many have paid sales taxes? Probably all. How many have paid property taxes? Probably most if not all, directly or indirectly. How many have paid income taxes? Probably most."

The Rodino Bill is expected to pass the House of Representatives this year. A similar measure by Rodino passed the House in the last Congress but died in the Senate.

Cranston said the Rodino bill has two "major faults":

"First, it puts the employer in the position of being a policeman--doing the work of the immigration agent who has the legal responsibility and the training for that job.

"Second, for millions of Spanish-speaking persons and for many others as well it could mean a new wave of discrimination and harassment. To play it safe, some employers would simply refuse to hire Spanish-speaking, brown-skinned persons, citizens and non-citizens alike. Any person who didn't "look like an American" would have to carry proof of citizenship and be subject to questioning and investigation."

Cranston said the bill would also "in a broader sense make second-class citizens of many thousands of foreign-born persons who have become American citizens.

The promise of our citizenship process is to provide the same opportunities, freedoms and rights to all Americans under the Constitution and the laws of the land.

)(more)

illegal aliens--add two

But in one stroke, the Rodino bill would single out millions of American citizens, foreign-born or native-born, for potential discriminatory treatment. A brown skin, an accent or a racial characteristic different from the majority of Americans, would be like Nazi Germany's yellow star of David--a brand of prejudice, discrimination and isolation.

When a person takes the oath to become an American citizen our government confers upon that citizen all of the rights and privileges of the Constitution and its explicit and implicit guarantees of equality.

"The Rodino bill would tarnish that guarantee."

Cranston said that, while he opposes employment of illegal aliens, he believes trained law enforcement officers of the Immigration and Naturalization Service--not employers--should have the responsibility for discovering and deporting illegal aliens.

He said he supports increased funding for the INS to improve its Mexican border operations "to cut off the flow of illegal entrants at the source."

Aliens who have been here before 1972 should be given the opportunity to seek legal residency--if they are qualified on a one-time basis only, Cranston said.

Clearly, we cannot and should not offer to legalize the status of illegal aliens in this country every time we come to grips with the problem of illegal entry. To do so, would make a mockery of our immigration laws.

But to make sure that aliens are not encouraged to attempt illegal entry into the United States we must tighten surveillance of the borders and other entry points and we must provide the INS with funds and agents to make sure that those who do enter illegally are quickly deported and are warned that all attempts at illegal entry will result in deportation.

Simple humanity and simple justice requires, however, that we recognize and accept the plight of the thousands of illegal aliens who have settled here and made a home for themselves and their families. To tear apart those families with mass deportations would be unconscionable and unacceptable to American standards of justice and fair play.

United States Senate

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