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# GREATER LOS ANGELES COMMUNITY ACTION AGENCY

314 WEST SIXTH STREET • LOS ANGELES, CALIFORNIA 90014 • PHONE 629-5511

## Testimony:

Public Hearing  
Department of Benefit Payments  
State of California  
December 4, 1975

The Food Advocacy Survival Team, comprised of organizations in Los Angeles County which have an interest in the welfare of all human beings, regardless of immigration status, is strongly opposed to the proposed changes in the Department of Benefit Payments regulations regarding eligibility determination of aliens for AFDC/PSB.

FAST, of which the Greater Los Angeles Community Action Agency is a member, supports the current regulations which reflect Section 11104 of the Welfare and Institutions Code and as defined by Judge Irving Perluss in the Varela vs. Swoap court decision of December 18, 1974.

Many of FAST's member organizations actively opposed SB 403, authored by State Senator Newton Russell, and AB 1116, by Assemblyman Mike Antonovich, which were designed to gut the Varela decision.

Due to this opposition, SB 403 failed to pass the Senate Health and Welfare Committee and the proposed legislation was shelved.

Now we see that the DBP has achieved the same onerous objectives through a regulatory procedure, thus averting the thorny legislative process and thereby thwarting an assertion of the will of the people through their elected officials. This administrative action was implemented through an emergency clause and is therefore currently applicable.

In effect, the public hearing on this matter, in which we are participating today, is being conducted after the fact. We are being asked to comment upon regulations the state began to implement on September 5, 1975.

Judge Perluss, in his decision, found that only those applicants for AFDC whom the Immigration and Naturalization Service had declared to be under order of deportation were ineligible to receive public assistance.

In an Alien Demonstration Project, financed by the state and conducted by the Los Angeles County Department of Public Social Services, from January through June of 1975, clerical workers were deployed by DPSS to INS to process 18,580 WR6 forms completed by aliens who had applied for AFDC.

According to a DBP report on the project dated September 26, 1975, out of this vast number of applications, only two persons (one AFDC household) were found ineligible because of their deportation status. The amount of aid illegally granted was \$196.00.

The report gives the following breakdown: legal aliens, 17,286; illegal, 56; under order of deportation, 2; no record found by INS, 92; pending Washington INS report, 1,144.

Rationale for tightening up the state regulations is to exclude those persons for whom INS has no records of entry, or finds to have illegal status, and thus save the state more money.

The new regulations, adopted precipitately, change the total philosophy of Section 11104 from a definition of durational residency requirements to legal residency.



Public Hearing  
Department of Benefit Payments  
December 4, 1975

This administrative change is an attempt to exceed the power and authority granted by the legislature. It distorts the purpose and intent of the Welfare and Institutions Code without legislative approval. The administration can only interpret the law within legislative limits and, in this case, DBP has exceeded its authority.

Poverty attorneys have pointed out serious constitutional defects in the new regulations which will undoubtedly lead to litigation to challenge the abuse of legislative authority and denial of equal protection and due process.

A case in point is the mandate that all applicants for family aid and assistance for the potentially blind must provide proof of U.S. citizenship.

This requirement could pose a serious obstacle to aid, particularly in cases of emergent need, for those citizens born in rural America where inadequate recording of births is prevalent.

There are numerous instances where persons delivered by midwives cannot establish sufficient proof of birthplace or date. Baptismal records, the only documentation available to some persons, have gone up in flames that destroyed the churches in which they were stored.

Elderly persons will be more adversely affected by this requirement, particularly if their place of birth is in a rural small town. Not only is this search for documentation time-consuming, but it is costly to the individual who is already caught up in the poverty cycle.

Although the regulations state that all applicants must provide proof of U.S. citizenship, in actual application, the burden of proof will fall more heavily upon dark-skinned Americans with accents, than upon Anglo-Saxon types.

Use of the prudent person concept will undoubtedly give rise to discrimination within classes of citizens, thereby creating a constitutional conflict.

This facet of the new regulations imposes upon the welfare population a mandate for personal identification without devising a uniform system for establishing proof of birth.

The dangers inherent in shifting this ill-defined responsibility upon a specific group are pointed out by the United States Civil Rights Commission in a position delineated on August 28, 1975, by Chairman Arthur S. Flemming in opposing the Rodino Bill that would prohibit an employer from knowingly hiring an illegal alien.

In regard to the employer determining proof of birth of a prospective employee, Flemming states, "Because many U.S. citizens, majority as well as minority group members, do not possess birth certificates or other verifying documents, it is impossible for employers to obtain proof of citizenship from all job applicants."

Even the U.S. Department of Agriculture in promulgating its new regulations on alien participation in the food stamp program in August of 1974, recognized that it is not feasible to require all applicants to provide proof of birth.

The regulations in effect read: "Verification of citizenship or alien status is not required except in questionable cases. Documentation of status can be more difficult for some citizens than for the legally entered alien...To require verification for all cases would, therefore, be an unreasonable imposition on the majority of eligible households and administratively infeasible for the county welfare department."

Questionable cases are defined by DBP to mean instances where there is an apparent conflict in the information provided by the applicant or notification from a federal agency of the individual's illegal status.



Public Hearing  
Department of Benefit Payments  
December 4, 1975

Another insidious aspect of the regulations is the unreasonable burden placed upon the eligibility worker to evaluate documents for their sufficiency. Applicants deemed by the worker to have insufficient proof of citizenship are not eligible for aid pending verification, a factor that could cause severe hardships to the penniless. The worker is placed in the unenviable role of serving as an adjunct to the immigration service, without having the benefit of training and experience to determine validity of documents.

This same employee is authorized to determine the "doubtful authenticity" of documents with the prerogative of forwarding them to INS to determine whether they are forgeries. This could lead to abuses on the part of workers unsympathetic to the poor and minorities.

Invalidating this practice, Chairman Flemming says, "Likewise, minority persons who are legal aliens authorized to work may be discriminated against in employment because employers are unprepared to make the difficult determinations among the numerous categories of aliens in this country, some of whom are authorized to work and some of whom are not."

A serious concession to the philosophy reflected in the Russell and Antonovich bills is a change in the system of options the client can use in declaring residency status.

Under the previous regulations, the applicant had the option of providing two affidavits of U.S. citizens attesting to his or her continuous residence in the United States for five years or more. These affidavits were in lieu of the WR6 form and were not sent to INS. Under the new regulations, the affidavits are forwarded to INS.

Members of FAST are deeply concerned about the adverse effect that deprivation of aid will have upon families which cannot meet the new stringent requirements in regard to documentation. In most instances, these households contain children born on U.S. soil who are entitled to these benefits, but will be deprived through fear of the parents to undergo the complex application process.

Our primary interest is the protection of the health and welfare of needy human beings, particularly children. We are not worried that a small percentage of ineligible aliens might fall through the cracks and be aided with tax dollars.

Anyone watching the rash of Bicentennial documentaries on the history of the United States will note that our nation was built and still endures upon the sweat of labor provided by immigrants grateful to reside on our shores, legally or not.

This proclivity toward hard work manifests itself in the tax contributions of undocumented workers to our local, state and federal coffers. In a television panel discussion last Sunday, Los Angeles County Supervisor Ed Edelman said of this segment of our population, "They pay tremendous amounts in taxes but are not receiving services in return. This under-utilization of services is because they are fearful."

Edelman cited a report by the County Chief Administrative Officer which estimates the tax contributions of undocumented workers. In the report, dated March 20, 1975, the CAO estimates that an alien population of 600,000 pays \$171,948,000 in federal and state taxes and \$11,807,000 in county property taxes.

These estimates were based upon a taxpayer profile of a single individual earning \$2 per hour and working 40 hours per week.

The county supervisor also referred to a report on Problems of Persons Without Immigration Documents in the Central Los Angeles region compiled by a special broad-based committee and coordinated by United Way. This report uses a more realistic profile of the undocumented worker and his earning capacity and family status than the CAO report.



Public Hearing  
Department of Benefit Payments  
December 4, 1975

The report cites a sampling of clients of One-Stop Immigration which indicates that 64.2% were married and 41.3% earned between \$4,000 and \$8,000, while 10.3% earned \$8,000 to \$12,000. Some 2.3% had incomes of \$12,000 and over.

Using the United Way report's measure of productivity would substantially raise the tax input of undocumented workers over the amount estimated by the CAO.

This concept was further documented by a survey taken recently by the U.S. Department of Labor. The survey of a sample of illegal aliens found that 77% paid Social Security taxes and 73% federal income taxes. Only 0.5% received welfare benefits, 1.3% food stamps and 3.9% one or more weeks of unemployment benefits; 7.6% had children in the public schools.

"The involvement of illegals in taxpaying is much more pronounced than their use of tax-supported systems," the report said.

California is unique in its history of Spanish and Mexican settlers who developed this area of our nation. The roots of these early explorers can be found in landmarks and monuments throughout the state and predate the Western migration of American settlers who now claim the land which was wrested from its Spanish surnamed occupants by force of arms.

These established roots and familial ties have been the impetus for illegal entry to the U.S. from Mexico for many years. Until the economic crunch hit our nation recently, this migration was relatively ignored because of the cheap labor pool it provided.

Now, federal agencies are focusing upon this group as a means of opening up jobs for Americans, but in reality the effect is to provide a scapegoat for our economic ills. A recent federal-state project designed to replace undocumented employees caught in an INS sweep with American workers proved to be a dismal failure. Employers refused to cooperate with the Employment Development Department to fill their vacated jobs.

We cannot allow innocent children and their parents to become the victims of this prevailing political, economic and social squeeze.

With the rich contributions to our state's development by those who came here when no territorial boundaries existed, California should lead the way in caring for the descendants of these early settlers in a manner that preserves their pride and dignity.

Jean McDowell  
Office of Public Affairs

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Antonia Hernandez  
Los Angeles Center for Law and Justice



# GREATER LOS ANGELES COMMUNITY ACTION AGENCY

314 WEST SIXTH STREET • LOS ANGELES, CALIFORNIA 90014 • PHONE 629-5511

## MEMORANDUM

DATE: February 22, 1977  
TO: Community Advocates  
FROM: Jean McDowell, Advocacy Planning Specialist  
Fund & Contract Planning Division  
SUBJECT: POSITION PAPER ON IMMIGRATION REFORM

At a meeting convened recently by Bishop Juan Arzube, chairman of the Inter-Religious Committee on Human Needs, and attended by members of the Immigration Coalition, headed by Rosalio Munoz, recommendations for reform in the nation's immigration laws and policies were developed.

The enclosed position paper was prepared by Bert Corona, Antonia Hernandez, Mark Day, Robert La Vega Miller, and myself on the basis of these recommendations.

This paper, with supporting documentation, has been sent to President Jimmy Carter through members of his transition team and to key legislators.

In order to achieve this reform, it will be necessary to have broad based, nationwide organizational support. Please read this paper and if you or any groups with which you are affiliated endorse this position, fill out the form at the bottom of this page and return it to me. I am compiling a list of supporting groups and individuals to impress upon elected officials the prevailing concerns of the community in regard to repressive immigration laws and policies.

It is important to respond promptly since the Carter Administration will be filling the crucial post of Commissioner to the Immigration and Naturalization Service in the near future.

We also request that you make your views known to the new president through the head of his Domestic Council, Stuart Eizenstat, at the White House in Washington, D.C. and to your federal elected officials.

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Return to: Jean McDowell  
314 West Sixth Street  
Los Angeles, California 90014

I support the position paper entitled "Plight of Undocumented Aliens in America."

The \_\_\_\_\_ (organization) supports the position mentioned above.

Signed: \_\_\_\_\_  
(Please Print)

Address: \_\_\_\_\_

Date: \_\_\_\_\_



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Effects of the latest government orchestrated propaganda campaign to blame the economic decline of the nation on undocumented aliens, most recently inflamed by the rhetoric of former United States Attorney General William Saxbee in 1974, are being felt by the most defenseless segments of our society.

A disillusioned public struggling to maintain its financial stability in a period of recession accepted Saxbee's fallacious contentions that undocumented workers were a drain on the economy and created "a severe national crisis."

This repressive stance against foreign-born workers, whose labor has historically contributed to our nation's growth and subsequent status as a world power, is manifested in policies which create social problems such as these:

- elderly undocumented persons forced to beg for food and money to sustain themselves, living in drafty, cramped tool sheds and garages, who are ineligible for old age assistance despite the fact that they spent years in this country mopping floors, caring for children in homes of Americans and assuming the most menial of jobs,

- deaths of undocumented senior citizens afflicted with kidney failure, precipitated by their ineligibility for the life-saving hemo dialysis treatment,

- some members of a family are eligible for food stamps, public assistance and medical care, while others are ineligible, resulting in most parents' being afraid to apply for benefits on behalf of their citizen children because they might be deemed "questionable" and subjected to interrogation, with ensuing hunger and deprivation suffered by the entire family unit,

- controversy raging around young children in the current debate as to whether school districts can be required to report the names of students who are undocumented,

- children being kept in the house after school with the curtains drawn because of fear by the parents of "la migra,"

- U.S. citizens who were forced to leave the country with their parents in previous repatriation campaigns have come back to their birthplace with alien children and find their offspring are excluded from federal benefits,

- young children are left in this country when their parents are deported in raids by the Immigration and Naturalization Service, with neighbors and sometimes strangers assuming the responsibility of caring for them,

- minor children have been deported along with adults in street sweeps without the knowledge of their parents,

- applicants for Social Security cards are being apprehended and deported immediately following their failure to complete the application form in regard to documents,

- personnel of public agencies, particularly welfare workers, are being compelled to play the unenviable role of an INS agent, one that they are woefully unprepared to undertake and are reluctant to perform because of humanitarian reasons.

A majority of these economic refugees are engaged in menial work that most American citizens shun. Federal agencies are focusing upon this group as a means of opening up jobs for Americans, but in reality the effect is to provide a scapegoat for our economic ills. A federal-state project launched last year in California designed to replace undocumented employees caught in an INS sweep with American workers proved to be a dismal failure. Employers refused to cooperate with the State Employment Development Department to fill their vacated jobs.



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 2

December 23, 1976

Undocumented workers rarely seek benefits available through public agencies, contrary to the prevailing myth that they drain the social services programs. This fact was revealed in a study conducted in 1975 by the U.S. Department of Labor. The survey of a sample of persons who had been apprehended by INS found that 77% contributed to Social Security and 73% paid federal income taxes. Only 0.5% received welfare benefits, 1.3% used food stamps and 3.9% had received one or more weeks of unemployment benefits; 7.6% had children attending public schools.

These findings coincide with a similar study conducted by the Chief Administrative Officer of Los Angeles County. A report issued by the CAO in 1975 states that an alien population estimated at 600,000, the highest of three estimated numbers, pays \$171,948,000 in federal and state taxes and \$11,807,000 in county property taxes.

A special broad-based committee, coordinated by United Way in Los Angeles and headed by County Supervisor Ed Edelman, also conducted a study and its report indicates a substantially higher tax input by undocumented aliens.

Porfirio Miranda, member of the faculty in the School of Social Welfare at the University of California at Los Angeles, testified on this subject at recent hearings on the recovery of cities conducted by the House Committee on Banking, Currency and Housing.

Miranda alluded to Saxbee's drive to deport massive numbers of Mexicans and Chicanos and likened this move to the destructive social policies of the depression era.

He quoted the following excerpt from A. Hoffman's book, "Unwanted Mexican-Americans in the Great Depression:"

Over 400,000 Mexican aliens and their American-born children were repatriated during the 1930s. That a so-called mighty nation with 'high principles' could eagerly seek workers from across the border and after benefiting from their labor, reject them coldly, made Mexicans feel like unwanted things rather than people.

A widespread awareness of the ramifications of these repressive government policies against aliens is developing throughout the nation. This year, the Los Angeles County Bar Association issued an extensive report on the deportation and removal of aliens, which concluded that this group is being denied due process. The 18-month study resulted in 59 proposals to ensure that the legal rights of aliens are not violated by public agencies.

The National Conference of Catholic Bishops and social action committees of other religious denominations have joined with the United Farm Workers of America, other labor unions and community groups in protesting the denial of human rights to aliens.

Their concern is embodied in this statement by Austin T. Fragomen, Jr., of the Center for Migration Studies in Staten Island, New York, in his booklet, "The Illegal Alien: Criminal or Economic Refugee:"



# PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 3

December 23, 1976

In moments of national crises and economic depression, immigrants have been made the target of irrational and discriminatory attacks. Perhaps as the weakest and most defenseless subgroup of society, the immigrants were looked upon as unable to protect their human rights and as a more convenient scapegoat.

Disputing the contention by government spokesmen that undocumented workers have a significant effect on the employment market, Fragomen points out that the impact must be evaluated in terms of the nation's total work force. He points out that these workers take jobs that often cannot be filled by Americans. The author further states that the impact is regional, rather than national, due to large concentrations of aliens in certain areas, such as the southwest.

Fragomen also points out an important factor that the estimated numbers of undocumented workers in the labor market include many persons who are documentable and not eligible for deportation, but have not yet legalized their status.

New hope for dispelling this current repressive atmosphere is seen in the forthcoming administration of President-elect Jimmy Carter who has committed himself to consideration of humanitarian factors in formulating public policy. Recognizing the contributions of undocumented aliens who are established members of our society and the need to preserve family unity, Carter spoke out before his election in favor of granting legitimate status to foreign-born residents who have been here for a period of time.

This same philosophy is expressed in a position of the Inter-Religious Committee on Human Needs of Los Angeles County entitled, "A Moral Approach to Aliens," which states:

Our nation is committed through the United Nations Declaration of Human Rights to the concept that every person has the right to work and to a standard of living adequate for the health and well-being of himself and his family. The proposed amnesty would put into practice the observance of these human rights in regard to all our residents of foreign descent who are now woven into our nation's social fabric.

With the prospects of President-elect Carter's enlightened approach, this interdenominational committee and other organizations which focus on the problems of immigrants have prepared the following recommendations designed to humanize laws and policies relating to the foreign-born for submission to the Carter Administration:

## NEED FOR INS ADMINISTRATIVE REFORM

### INS COMMISSIONER

The key to a humanistic immigration policy lies in the individual who holds the position of Immigration and Naturalization Service Commissioner. Not only charged with implementing the legislation adopted by Congress, this person exercises immense power over the formulation of those laws and their enforcement.



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 4

December 23, 1976

In the past, this appointive office has been held by men whose background is in law enforcement or military service. Since the conduct of this office touches upon and shapes the lives of millions of human beings, the person wielding this power should have a social services background.

Under the present administration, the INS has been an integral part of the propaganda mill to turn the wrath of our people, frustrated with the struggle to survive inflation and unemployment, upon undocumented workers.

Instead of backing full employment bills to provide Americans with jobs they would be willing to fulfill, the INS has pushed legislation with employer sanctions that if passed would subject workers with a foreign appearance or speech to gross discrimination on the part of an employer fearful of being penalized for breaking the law.

Horror stories abound concerning the tactics used by INS to apprehend deportable aliens. The governor of Arizona and a California assemblyman relate stories of brushes with INS agents who stopped and interrogated them simply because they are dark-skinned Mexican-Americans. The latest incident of INS abuse publicized in Los Angeles involves a four-year-old child caught with a 19-year-old friend in a sweep while taking a walk on the street and being deported to Tijuana, while his mother and the police were searching frantically for him.

These types of abuses precipitated the study by the Los Angeles County Bar Association into legal treatment of aliens and its subsequent report which condemns the service's lack of due process accorded to persons apprehended.

The year 1977 brings the promise of change with the administration of a new president who has made a commitment to hear the views of the people and consider human values. This coalition, dedicated to protecting the rights of the foreign-born, wishes to take part in altering the image of "la migra" through recommending humanitarian changes in policy and law.

### RECOMMENDATION:

President-elect Carter should consult with organizations and church groups that deal with immigration issues prior to appointing a successor to the retiring INS commissioner. Above all, the appointee should be oriented to social services rather than law enforcement.

The new commissioner should appoint an advisory committee representing parts of the nation heavily populated with foreign-born residents. This committee should have significant input as to immigration policy and not be merely window dressing.

### UNDOCUMENTED PERSONS, NOT "ILLEGAL ALIENS"

At the heart and mainspring of all the abuses that are daily heaped upon thousands of persons with whom INS comes into contact in our nation is the grossly inaccurate and illegal interpretation by the INS that everyone in this country who is not a citizen and does not have a visa—an I-130 green card—is an "illegal alien." To this misnomer has been added, through mass propagation by INS officers, and political and media spokespersons, the odious quality of contemptuousness and despicability. Thus we have as the basis for the application and implementation of our immigration laws and policies a concept and interpretation that has absolutely no place in the law, itself. The term "illegal alien" is not found anywhere in the statutes. The term "illegal alien" is one born and used out of the context of political contention. It is purely a propagandistic tool term.



# PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 5

December 23, 1976

Such an illegal misapplication of the law has no place in our American concepts and ideals of the constitutional guarantee of equal treatment under the law and in the administration of justice for all persons. Certainly our nation and its people deserve and merit precise and legitimate application of the laws of the land.

The Los Angeles County Bar Association, in its report, "Deportation and Removal of Aliens," made recommendations based on findings of the INS's misapplication and illegitimate implementation of immigration law in the detention, removal and deportation of aliens and violations of the rights of citizens as well. The study, which singles out 49 violations and makes 59 recommendations, establishes evidence of the wanton wastefulness, administrative chaos and complete distortion of the intent and purpose of Congress in approving present immigration statutes.

By treating all persons without visas or documents, especially those from Western Hemisphere nations, as "illegal aliens" and adding to this misnomer the implication and interpretation that all of these persons are criminals and not entitled to constitutional rights and processes, INS is creating a morass of ill-founded consequences in our society.

Immigration law states that a person is deportable only after such a person has been determined so by an immigration judge at a court hearing. Until that process takes place, such persons must be presumed to be here without documents but their status is a legal one within the law, until it is determined by the judge.

INS makes no distinction between persons who are documentable because of their having immediate relative status with or to U.S. citizens and/or permanent resident aliens, and those persons who are undocumentable under present statutes or who have appeared at immigration hearings and been ordered deported but have failed to depart. It makes no distinction between long-time residents with roots in this country and those just recently arrived. In its practices, INS lumps all persons without documents together and mistreats them all alike as "illegal aliens." This ill-founded interpretation with all its dangerous implications for the very existence of our democratic and legal fabric has been introduced pervasively into all of our institutions. In our schools, hospitals, trade unions, Social Security offices, health and welfare agencies, labor law enforcement bodies, courts and even in civil and commercial relationships, we find new "regulations" and "requirements" for the reporting of persons to INS if they have no visas.

Citizen groups have been inured to accept such inhuman treatment and violation of civil and constitutional rights of innocent and often helpless human beings such as the indigent aged, the sick and very minor children by this pervasive penetration of the public's mind of the "illegal alien scare." In the State of California and other states such "Reporting" regulations have created havoc with the fruitful and efficient operation of schools, public assistance and Medi-Cal programs. Citizens' suits and injunctions against such "reporting" regulations have had to be initiated as the only redress and relief from the inhuman and irresponsible consequences of the regulations based on the illegitimate lumping of all undocumented persons into an a priori category of "illegal and deportable aliens."

It is our profound belief that new administrative and executive decisions can and must be taken to excise and extirpate from policy and practice the use of the "broad-brush" categorizing of undocumented and documentable persons living in our country who have not yet been judicially proven to be here "illegally" or to be deportable as "illegal aliens" and criminally mislabeled until the proper judicial and constitutional processes have been followed and they have been ordered deported. Such a change in the administration of immigration laws will solve 99% of the present abuses, eliminate much of the waste and chaos that plagues our immigration apparatus and free our diverse governmental agencies to focus upon the real causes of unemployment, crime, poor health, poverty and not upon those who have been made into victims and scapegoats.



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 6

December 23, 1976

### RECOMMENDATION:

The new INS commissioner should take immediate steps to eradicate this destructive and erroneous practice and educate governmental spokespersons, the media and the public as to the proper distinction between undocumented aliens and illegal aliens.

### ABOLISH THE "FINK SYSTEM" CONCEPT

One of the first charges of the new commissioner should be to discard the insidious practice of compelling every public agency to become an enforcement arm of the INS by reporting alleged "illegal aliens."

Influenced by INS, the nation's social programs and Social Security have included in their regulations provisions for personnel to screen applicants for residency status and to report to the service those persons suspected of being here illegally.

With a brief narrative description of legal entry categories and pictures of INS admittance cards, as an introduction to immigration law, workers are expected to perform the highly technical task of determining legal status and thus eligibility for benefits.

The obvious result is that workers are highly suspicious of any applicant who appears to be foreign-born. The discrimination that transpires because of this reporting system is rampant.

This reporting concept has filtered down to the public schools in Los Angeles County and the issue is currently being litigated. To date, the court has blocked the Los Angeles County Schools from turning over the names of undocumented students to the State Department of Education.

Besides the discriminatory aspects of this practice, social service workers and teachers are placed in a degrading role which is repugnant to most of them. They have neither the training nor the inclination to serve as INS agents.

### RECOMMENDATION:

Eliminate INS pressure in the formulation of laws not pertaining to its function and delete from current laws and regulations the mandatory reporting system.

### ELDERLY DESTITUTE ALIENS

One of the most appalling ramifications of this screening and reporting policy is the terminations of elderly aliens from the Supplemental Security Income (SSI) program by the Social Security Administration.

The first case detected in Los Angeles was a 78-year-old woman who had resided in the United States for 30 years. Two months after being terminated from SSI because a worker made the determination that she was an "illegal alien" she received a notice from INS to report to a deportation hearing.

This elderly widow, without a family to help, was forced to beg for money to pay her rent and utilities and food to eat until her immigration and financial problems were resolved by One-Stop Immigration and the Los Angeles County Board of Supervisors. The local legislators adopted a special general relief program to aid her and several other senior citizens in the same predicament, under the condition that they petition to INS to legalize their status.



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 7

December 23, 1976

Recipients of this interim aid have included a 108-year-old widow from Mexico, an Armenian gentleman 91 years old and a native of Samoa who is 92 years.

The first applicant for this special assistance never lived to receive the grant, although she was approved. When she was terminated from SSI, her MediCal was also cut off. Suffering from kidney failure, she was not eligible for the hemo dialysis treatment recommended by her doctor and instead was given the less costly and extremely painful peritoneal dialysis. She died within a few months.

A 76-year-old woman from El Salvador, who has worked and resided here for 30 years, was able to move from the tool shed that had been her home for five years as the result of the County aid program.

The number of elderly aliens in similar situations is estimated to be approximately 1,060 by James B. Cardwell, Commissioner of Social Security. If these senior citizens were merged into the federal adult aid program they would receive a grant of \$276 per month instead of the \$167 general relief grant and be eligible for MediCal.

In an affluent nation such as ours, it is criminal to deny assistance to elderly persons who have contributed to our work force during their productive years and are now at the mercy of society during their old age.

### RECOMMENDATION:

Blanket elderly indigent undocumented aliens into the SSI program to receive all benefits, with provisions made to adjust their immigration status.

### PUBLIC CHARGE PROVISION DISUNITES FAMILIES

Our country's view of the true role of immigrants historically has been one shaped for the most part by economic considerations. Analysis of American economic history indicates that immigration has stimulated the growth of wealth in our country. No economist would ever suggest, as sometimes does the politician and INS during periods of economic crisis, that the deportation of ten million undocumented workers would give jobs to ten million unemployed native-born or permanent resident workers.

Since colonial times, however, an opposite view has also prevailed, coming from so-called "man-in-the-street" crude economics that sprung from the conditions of the stagnated feudal economies and conditions of Europe during the founding of our country. That view was that immigrants who might become public charges should be kept out.

The view that fails to separate the undesirable nature of the conditions that the immigrants are forced to live in from the real causes that are responsible for these conditions and that places the blame for their victimization upon the immigrants themselves, still is accepted and actually propounded by our U.S. State Department, Department of Labor and other government spokesmen. Upon analysis and examination, this view is again not justifiable nor sound. It fails to probe deeply and properly into the very nature of our economic order. This "buggy-whip" view of economics fails to account for the role of immigrants as consumers and of their total economic contributions to our society.

When U.S. Consuls abroad or U.S. immigration officers here decide to deny a permanent visa to a spouse, parent, child, brother or sister of a U.S. citizen or of a permanent resident alien on the grounds that the prospective immigrant relative has little or very low skills for employment, or a job offer that is deemed insufficiently paid or a work and earnings record that is also considered inadequate, they are, in effect,



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 8

December 23, 1976

impeding the policy for the unification of families. A positive policy to unite families cannot be predicated on solely economic grounds and much less upon such shaky economic formulations as are made by far-removed vicarious and subjective decisions of U.S. Consuls.....as to the condition of the U.S. members of that family.

In many cases such denials to poor people to join their families already here in the U.S. causes greater economic adverse conditions to the U.S. born or permanent resident members of that family, such as minor children, the sick, disabled or indigent aged who are deprived of the work potential and earning potential of their prospective immediate relative immigrant.

The denial to mothers to join their minor children here who are U.S. born is brutal, inhuman and uncivilized treatment. Such decisions are made daily by U.S. consuls in Latin America and especially in Mexico. Such barbarous decisions rebound in global adverse consequences to everyone concerned, to the parent, the children and ultimately our country's good reputation and esteem abroad.

### RECOMMENDATION:

The government adopt a policy based upon the philosophy of unification of families, predicated solely on the familial ties, without consideration of income.

### THE MONZO INCIDENT

In an action of frightening proportions in a free society, the U.S. Border Patrol and U.S. Attorney's office recently raided an antipoverty program in Tuscon, Arizona, that provided an array of social services to low-income families. Included in these services is immigration counseling for aliens wishing to legalize their status.

Armed with a court order, the federal officials confiscated almost 800 case files which were reviewed and then used as a basis for deporting aliens.

As a consequence of counseling undocumented aliens as to immigration procedures, four of El Concilio Manzo's employees, one a Catholic nun, have been charged with a multitude of trumped up violations of federal law.

Community, church and labor groups throughout the nation are vehemently supporting the Monzo defendants, with political action and funds for their defense.

This punitive action against an immigration counseling service for the poor sets a dangerous precedent and if allowed to prevail similar programs in other states will be vulnerable to attack.

Federal officials again stress the "fink system" philosophy and fault the counselors for not reporting undocumented aliens who came to the center to seek assistance with immigration problems.

In an editorial, the Los Angeles Times called the incident "bad business" and said, "The respect for the system of justice can only be eroded by efforts to deny counsel to those who seek it."

### RECOMMENDATION:

The federal government immediately drop all charges against the Monzo defendants and take steps to ensure that the client-counselor confidential relationship is not violated again through such action by



December 23, 1976

federal officials in regard to services offered by poverty agencies, churches, hospitals, schools, unions or any other similar agency.

### CONTRACT TO CONDUCT INS SURVEY

The proposal to contract with J. A. Reyes, Inc., to conduct indepth interviews with 100,000 undocumented persons in the United States is unacceptable to immigration advocates for several reasons.

Selection of this firm to conduct the survey was based upon its "acceptability" to the Spanish-speaking community and its organizational ties, rather than the assurance that a sound ethical basis for interviewing aliens would be used, with full protection of the client-professional relationship.

Also suspect is the promise of a "moratorium" from deportation for persons being interviewed during their period of cooperation with the firm.

In 1954, similar "moratoriums" or extended stays were offered by INS through press announcements. This program resulted in the deportation of over 1,100,000 persons, the greatest number in history and unequaled to this day, with the largest percentage from Mexico. Hundreds of thousands of these deportees were documentable. An equal number were U.S. citizen children who are now adults living in other countries and unable to return to the land of their birth. Many persons who received temporary stays during this three-year period were eventually removed without due process or immigration counseling.

### RECOMMENDATION:

Before the proposed survey is conducted, undocumented persons who participate with the firm contracted by INS must be guaranteed unconditional amnesty, to avert a mass displacement of people such as occurred in 1954.

### IMMIGRATION AND THE LAW

The passage of the "Eilberg Bill" (H.R. 14535) has enhanced the human misery undocumented workers suffer and has used these individuals as "scapegoats" for the unfortunate economic condition this country is presently facing.

This legislation does little to ameliorate the inequalities found in the present immigration law and will, in effect, create further inequalities. In addition, H.R. 14535 will increase the number of undocumented aliens coming into this country after it becomes effective January 1, 1977.

This bill is similar to the Rodino and Eastland bills previously proposed, except that it does not contain provisions making the employment of undocumented workers illegal.

However, an analysis of the bill indicates that it would have a drastic effect on the immigration from Mexico and probably would increase the magnitude of illegal entries from that country.

The bill does not change the current law regarding the total number of aliens that can immigrate from the Eastern and Western hemispheres. A total of 170,000 aliens are eligible to enter from the Eastern Hemisphere and a total of 120,000 from the Western Hemisphere.



## **PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA**

**Page 10**

**December 23, 1976**

However, the bill sets a limit of 20,000 aliens on each country per year. The 1975 annual report of the INS indicates that 42,045 aliens, other than "immediate relatives" were immigrated from Mexico in the fiscal year ending June 30, 1975. Under the Eilberg Bill, this number would be cut to less than half.

The law cuts in half the number of aliens who could legally immigrate from Mexico to join their relatives in the United States. Those affected by this law would be Mexican nationals who were the parents of United States citizen children under 21 years of age. (The "immediate relative" status is only gained by a parent of a U.S. citizen once the child reaches the age of 21 years.) Also affected are the husbands, wives, parents and children of aliens already lawfully immigrated to this country. These are the categories of the aliens who comprised the 42,045 immigrating in 1974-75, and of whom only 20,000 would be allowed to enter under the new law.

Under the current law, aliens from the Eastern Hemisphere can adjust their status from within the United States if the alien was inspected when first admitted to this country. This provision was never made applicable to the Western Hemisphere and the alien seeking to adjust his status would have to return to his country of origin or the U.S. Consul servicing that area.

Under the Eilberg law, there is an attempt to equalize this previous inequality by extending the adjustment of status provision to the Western Hemisphere. However, the law also provides that no alien is eligible to adjust his status from within the United States if he had ever worked in the country without authorization. This provision would have the effect of foreclosing the possibility of adjusting the status of most aliens from within the United States. Most aliens with "immediate relative" status have resided here for a prolonged period of time and have family members, usually children or spouses, who are citizens or lawful permanent residents.

Another drastic change that will adversely affect aliens is the requirement that they obtain a labor certification. Under the present law, parents of minor U.S. citizen children can have the labor certification requirement waived. Although it took approximately two and a half years for parents of citizen children to immigrate, the avenue for doing so exists now. After January 1, these parents cannot immigrate through this preference until their child reaches the age of 21 years. The only way the alien parents could immigrate before their children reach 21 years is to obtain a labor certification, which is virtually impossible.

The effect of this provision is to divide families and force the citizen children to live in a foreign country as an alien until reaching adulthood.

It is clear that the passage of H.R. 14535 will not resolve the problem of undocumented aliens, but instead will increase their numbers and add to their misery and exploitation.

Based on the above analysis, the following legislative proposals are recommended for adoption in 1977:

1. A quota ceiling for the contiguous countries of Mexico and Canada be increased to 40,000 persons per year.
2. The labor certification requirement for parents of U.S. citizen children be waived and the prior law be revived allowing citizen children, regardless of age, to facilitate the immigration of their parents.
3. The adjustment of status provision for the Western Hemisphere be equalized with that of the Eastern Hemisphere and that the provision requiring initial legal entry be waived (deleted).



4. That Section 259 of the Immigration and Nationality Act (8 U.S.C. 1259) be amended by striking out "June 30, 1948" in Clause (a) of such section and inserting in lieu thereof, "Any alien who has resided in the United States for five years or more."
5. Any bill proposed regarding immigration be thoroughly analyzed and any bill containing possible discriminatory aspects which would adversely affect any minority group be deleted.
6. That citizenship be granted to any lawful permanent resident who has lived in the United States for three years and that naturalization procedures be revised to facilitate this process, thus encouraging fuller participation by all.

#### ALLEGED THREAT OF ILLEGAL ALIEN CRIME

Recent articles in the Los Angeles Times on the topic of immigration have made many readers wonder if the yellow journalism of yesteryear has made a comeback at that newspaper.

On Sunday, January 30, 1977, the Los Angeles Times published two articles dealing with the alleged crime rate among undocumented immigrants by Times reporters Patt Morrison and John Kendall. The articles were part of a series covering all aspects of the immigration question. But these articles were particularly disturbing since they were based, for the most part, on shallow information, pseudo-scientific "studies" and unsubstantiated assumptions.

Since these articles were published, the Times has received several letters-to-the-editor from concerned citizens protesting the unfair reportage and the anti-alien sentiments expressed in the articles by Morrison and Kendall. Not one of these letters was published.

John Kendall's article (January 30) analyzes a "briefing paper" prepared by a Los Angeles Police Department Task Force. Among the conclusions of the paper, wrote Kendall, were that the greater Los Angeles area now has a population of 650,000 illegal aliens which puts a strain on police protection and that by 1981 this figure will reach a million. These figures were drawn from projections made by the Immigration and Naturalization Service.

Kendall's article also quoted Police Chief Ed Davis, who praised the paper as "excellent" and "cautiously conservative in the use of data." Davis also criticized the federal government for "benign neglect" for failing to "give sufficient resources to the INS and the Border Patrol."

The LAPD report, using the figures of the INS, estimated that "based on per capita expenditures, the cost of providing police services to illegal aliens in the City of Los Angeles was \$37,050,000." Then the report made the following assumptions:

If we assume that illegal aliens commit no more or less crime than the general population, we could impute a share of the crime load to this group based on their percentage representation in the general population... This would be 18.7 percent of the crimes committed. Whether this crime level extrapolation is higher or lower than the actual is not as significant as the fact that any crime committed by an illegal alien should not be occurring in the City of Los Angeles.

The population of undocumented immigrants as provided to the LAPD by the INS conflict substantially with figures the LAPD submitted to the Los Angeles County Bar Association's Special Committee on the Deportation and Removal of Aliens. The LAPD reported in 1975 that an excess of 281,000 undocumented immigrants resided in the City of Los Angeles, as contrasted with the current estimate of 650,000.



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 12

In 1975, the LAPD also reported that during the fiscal year, 1,376 "illegal aliens" were taken into custody. Sixty percent of the charges were alien related, such as forged green cards. Ten percent of the offenses were for traffic charges, leaving less than 500 persons involved in crime related activities or curfew violations.

It is easier to understand why the LAPD is suddenly concerned about an "illegal alien crime wave" when one realizes that Chief Ed Davis is using the "illegal alien" issue in his quest for the governor's seat in California.

It is interesting to note that although the LAPD has a "policy" of not arresting persons for immigration violations alone, 60% of the aliens arrested in the 1974/75 fiscal year were for this reason, according to the department's own statistics.

The inappropriate use of law enforcement officials in Los Angeles County for the apprehension of undocumented aliens, a responsibility of the INS, is common. Recently, the Glendale Police Department was picketed because of a raid following a meeting to organize workers in a local business in which 12 persons were arrested and turned over to INS.

As a result of this misuse of personnel and frequent harassment of citizens and legal aliens, California State Senator Alex Garcia has drafted legislation to introduce making it a misdemeanor for a law enforcement officer to arrest an individual solely on the grounds of improper immigration status.

The manipulation of crime figures to support a sociological or political viewpoint seems to vary among police departments in Southern California. In the Centinela Valley-South Bay area, police chiefs surveyed by the Los Angeles Times (Sept. 9, 1976) reported that undocumented aliens were rarely involved in major crimes. In fact, the Sheriff's station indicated that the incidence of crime among these people was "absolutely nil."

The Times report, written by Osgood Caruthers, indicated that the alien population of the South Bay, both legal and illegal, is enormous. Nevertheless, law enforcement officials even praised these people for their willingness to work hard at menial jobs that Americans refuse to perform.

A few weeks later, Times reporter James Quinn interviewed Glendale Police Chief Duane Baker, who said that Glendale had become the target for an organized Mexican alien burglary ring. Both the reports by Quinn and Caruthers were responsibly written, and gave no cause for alarm that the recent pieces by Patt Morrison and John Kendall seemed to exhibit.

Kendall's article went on to cite a questionnaire on illegal alien crime which was circulated to members of the LAPD. The officers reported an increase in the amount of undocumented immigrants arrested on a variety of charges. The briefing paper also reported that the Los Angeles County Sheriff's Department has a file which contains over 200 identified illegal aliens who are known burglars and thought to be active in the Greater Los Angeles area."

Patt Morrison's article, entitled "ILLEGAL ALIENS BLAMED FOR INCREASING CRIMES," was more sensational than Kendall's. Ms. Morrison's lead sentence was reminiscent of the yellow journalism of the 1940's when the Times, the Herald Express and other newspapers whipped the reading public into a frenzy against Mexicans who wore the infamous "zoot suits." Ms. Morrison wrote:

As many as 50 Mexican illegal aliens are burglarizing homes from Glendora to Malibu at any moment of any day, officials say, and the county sheriff's department has begun to handle that crime problem as the unique problem that it is.



Morrison wrote about a countywide file, put together by the L.A. Sheriff's Department, "devoted to the...growing crimes by illegal aliens, such as burglary, auto theft, and shoplifting." Morrison concludes with the story of a social worker in Arizona whose house was burglarized several times by undocumented immigrants.

She packs a pistol now, the only one that wasn't stolen...but she considers herself better off than the local Border Patrol. Arizona sources say that the Border Patrol's sensors--the expensive electronic devices set out along the international boundary to detect footfalls of illegal border crossers--were not registering one day. When officers went out to find why, they discovered that the sensors had been stolen.

Both Times articles shared one trait in common--singling out one group, undocumented immigrants, and scapegoating them with the "criminal" label. As one veteran Chicano leader put it, "They (the Times) wouldn't dare try this on the black community. Suppose they said that "as many as 100 or 200 blacks were burglarizing homes at any moment of the day?" The black community would be all over them in a matter of hours. They're doing it to the Latino community because they know we are not organized enough to strike back."

Perhaps the chief flaw of John Kendall's article is that it places so much blind trust in a study (the LAPD briefing paper) that any college freshman could plainly see lacks any substance. The figures on "illegal alien crime" are based on INS statistics which have been severely criticized by immigration scholars in recent years.

To use these dubious figures as a basis on which to support other conclusions, namely the amount of "illegal alien criminals," is to construct an argument on the shifting sands of wild guesses and worn-out cliches. And to quote Police Chief Davis who praises the paper as "excellent" does not lend any further credibility to its level of scholarship. Davis may or may not be a good policeman. But he is definitely NOT an expert on immigration.

What is most alarming is not that Kendall quoted heavily from the police briefing paper, but that he offered no critical alternative. He has not drawn from any of the arguments of the immigration experts, nor has he covered the other side of the question which is the first duty of any reporter. His reportage has thereby lost objectivity and become propaganda. It is doubtful if Kendall is even aware of the many complexities surrounding the issue of undocumented immigrants.

In looking through other sections of the Times, one notices that experts are assigned to report on sensitive and complicated topics: a writer, for example, who specializes in science will be assigned to cover scientific material; an expert on education will cover educational topics; and a business expert will write on business, etc.

Why hasn't the Times selected a person with knowledge and sensitivity in immigration matters to coordinate and develop the recent series on that complex and delicate subject? With the exception of Frank del Olmo, the Times reporters lacked the breadth of vision and scholarship that is needed to interpret the many forces that shape immigration to the United States.

The Times immigration series has done little to advance the public's understanding of this vital issue. In fact, it has done much to perpetuate negative stereotypes, confusion and scapegoating that should have been laid to rest decades ago. The articles by John Kendall and Patt Morrison were inexcusable.



It would be unfair to lay the entire blame at the feet of the Los Angeles Times, since inaccurate and distorted reports on undocumented immigrants are prevalent in the mass media throughout the country. Nevertheless, since the Times is one of the largest news organizations of its kind in the world, it should be a progressive voice in dispelling the myths surrounding this question.

**RECOMMENDATION:**

In light of the present immigration crisis, the following actions should be implemented as soon as possible:

1. Public agencies such as the INS, police departments and the news media should show a greater sense of responsibility when quoting figures and statistics concerning undocumented aliens or illegal immigration.
2. The general public should challenge, whenever necessary, the use of inflated figures or distorted facts, when used to describe the presence of undocumented immigrants in the United States.
3. Educational efforts such as conferences and seminars should be undertaken to educate agency personnel and journalists as to the complexities of the immigration crisis.
4. States adopt laws, with penalties, prohibiting local enforcement officers from assuming the role of INS agents by arresting individuals solely on the basis of residency status.

**EQUAL TREATMENT FOR ALL VISA APPLICANTS**

Attorneys and community agencies engaged in immigration counseling are concerned about the inequities in the processing of visa applications between applicants from the Southwestern states and those in the East.

The statistics of the Immigration and Naturalization Service indicate that of nearly 5 million aliens in the United States who report their presence, over 25% reside in California. Over 89% of the "deportable" aliens located by the INS were Mexicans, residing in the Southwest region (approximately 680,000 of a total 767,000). Over 91% of the forced departures (nearly 600,000) were Mexicans located in this region.

Despite the preponderance of immigration activity in this region, little effort is made to increase staff to facilitate the processing of visas. As a result, backlogs in the Los Angeles District Office of INS alone average one to two years on the simplest of applications, compared to a few months in New York or Washington, D.C. While hard data are not available, it is well known that staffing is superior in the Atlantic regions, and the Easterns have dominated the INS internal structure throughout its history.

The Los Angeles County Bar Association, through the former chairman of its Immigration Committee, Robert La Vega Miller, has continuously pressed INS to establish facilities in the Western region to expedite the processing of visas and to grant equitable hearing rights.

In response to this pressure, the current chairman of the Board of Immigration Appeals has considered a stopgap measure of using a videophone hookup to alleviate the backlog.

Although this constitutes a recognition of the problem, it is not an adequate solution. It is absolutely essential that total activities and resources be REALLOCATED, not simply increased, to the West in a manner consistent with the mission and function of the INS as specified in the applicable statutes and regulations.



In a letter to the INS Commissioner dated September 16, 1974, Miller stated:

There is no question today but that total aliens reporting for California alone in 1973, exceeded the totals for each of the next two reporting States of New York and Florida, and nearly exceeded the sum totals of both.

A continuing topic for many years has been the establishment of a Board of Immigration Appeals within this region. As a means of accomplishing same, analogy has been drawn to the "circuit" system of the U.S. Tax Court.

Regardless of the mechanics, it is no longer tolerable that persons entitled to representation on the Eastern seaboard may have effective representation by personal appearances and argument before the BIA, whereas those entitled to the same representation are effectively denied same when their matters arise in this region. Written or telephonic substitutes are neither equitable nor adequate.

This appeal was subsequently rejected by INS on the basis of limited resources and the belief that persons in the western part of the country have had effective representation before the board.

**RECOMMENDATION:**

The INS assure equity of treatment in timely processing of visas and fair appeal rights among all regions through the establishment of an appellate body of the Board of Immigration Appeals in the Western region, accessible to applicants in this part of the nation.

**EMERGING EFFECTS OF EILBERG**

As of January 15, 1977, the American Consulates in Mexico have already informed persons who have had preference dates registered years prior to January 1, 1977, in the first two preferences, that they must wait an additional five years before they can expect to receive visas. Some of these cases have already been waiting from two to four years. Prior to the Eilberg law taking effect on January 1, 1977, the waiting period was generally from 26 to 30 months in total. The first two preferences under the previous law were sons and daughters of American citizens over 21 years of age, and the spouses, parents and children (of any age) of permanent resident aliens.

**ROLE OF THE MULTI-NATIONALS IN LATIN-AMERICA...PARTICULARLY MEXICO**

In his speech to the U.S. Congress on February 17, 1977, President Jose Lopez Portillo of Mexico used the polite language of diplomacy to point out the real forces at work in Mexico's economy and its problems, stating:

An entire series of factors have transformed the traditional relations between Mexico and the United States: financing, trade, currency, foreign investment, tourism, migrant labor, drug traffic, prisoners, third-world relations; all have acquired a new political dimension.

These problems derive from different levels of development along an ample border which is the world's most crossed. In order of importance, you are our first client and we are your fourth. The balance of trade is very unfavorable for us and, at times, you restrict imports that might improve it, aggravating our economic



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 16

problems by causing unemployment. It is understandable that many of our men want to work in your country in order to improve their standard of living, as has been the case in other times and places. Due to these and other known and reprehensible reasons, some of our people and some of yours cultivate and deal in drugs. Thus, many of the problems that bother you the most are closely related to our economic problems.

I am here to remind you that our common American continent continuous south of the border, that it requires from your powerful nation the establishment of a sensible policy based on efficient mechanisms in order to eliminate or reduce fundamental problems; a policy that only your government, as such, can establish, so as to reach permanent equilibrium, because the private interests that today almost exclusively guide this relationship are unable or perhaps UNWILLING TO ATTAIN THIS BALANCE.

Foreign investment has grown to more than five billion dollars in Mexico by 1975. Former President Luis Echeverria said, "It has been fomented and welcomed as long as it contributes to our technology, spurs development in new industries and helps our exports. We're not interested in having foreign investors acquire existing companies because this doesn't mean any new capital, technology or import substitution—much less new jobs."

In 1975, there were 42 multi-national corporations established in Mexico, operating a total of 83 separate plants, facilities and subsidiaries. According to renowned economist and investigator Jose Luis Cecena who heads the Center for Economic Research at the University of Mexico, the volume of foreign investments in Mexico grew sevenfold from 1940 to 1960. It more than doubled from 1960 to 1970 but the important factor is that in 1960 one-half of foreign investments went into basic industries and by 1970 two-thirds of foreign investments went into basic industries.

Cecena said, "This change in orientation of direct foreign investments signals a trend of imperialist monopolies to control the industrialization of the country and to impede its independent development. As 'partners,' U.S. monopolies penetrated the most important and dynamic branches of industry: petrochemical, electronics, machine manufacturing, automotive, the production of building materials, steel production, etc. Many of these branches of industry are under the control of foreign companies.

"Foreign capital maintains firm positions in the traditional industrial and production spheres of: mining (90%), textile (62%), and food (57%). Of the 400 largest companies in the country, with a total annual production of more than 5 million pesos, 160 are completely controlled by foreign capital and 73 are under its decisive influence."

In spite of tremendous growth of production in all spheres of activity in the past thirty five years, Mexico cannot yet feed, house, clothe nor employ some 50% of its population. The correlation between the growth of the domination of multi-nationals in Mexico's economy and the growing gaps of insufficiency in meeting its people's needs is more than apparent. The following is a graph from the Mexican Census Department:



## PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA

Page 17

|  | 1940       | 1950       | 1960       | 1970       |
|--|------------|------------|------------|------------|
| Total Population                                   | 19,653,000 | 25,791,000 | 34,923,000 | 48,377,000 |
| Children up to 14 years                            | 8,096,000  | 10,754,000 | 15,752,000 | 22,359,000 |
| Total population able to<br>Work...ages 15 to 59   | 10,546,000 | 13,569,000 | 17,417,000 | 22,983,000 |
| Population economically<br>Active (from age 12 up) | 6,055,000  | 8,272,000  | 11,332,000 | 12,949,000 |

The columns for 1970 show that the percentage of unemployed (those who are not active economically) has actually risen from previous decades and the total population able to work...has also fallen in relation to the total population...indicating the net loss of some 5,000,000 persons from the work force (immigrants to the U.S.A.). Were these workers who are in the U.S.A. to be counted, the real unemployment figures for this period of the 70's would be well over 50%.

This picture is also true for the other countries of the Caribbean and Central and South America that are sending their workers north to work in the U.S.A. The stronger the influence of our multi-nationals the more acute is their own internal economic crisis with resultant unemployment and a dead-end future without solution.

### RECOMMENDATION:

Because of the preponderous power that U.S. multi-nationals have over the world markets and the economies of the Latin-American underdeveloped countries, it is absolutely imperative that the United States government initiate and carry out a meaningful program of economic cooperation and economic assistance with Latin-American governments that is independent of the interests of the multi-nationals in the given countries.

### A CHARTER OF RIGHTS FOR IMMIGRANT WORKERS IN THE U.S.A.

The major trade union federations in Europe have approved a charter of rights for the 15,000,000 immigrant workers from the Mediterranean nations working in the industrialized countries of northern Europe. These workers suffer many of the same violations as do immigrant workers in the U.S.A. This Charter of Rights for European immigrant workers has been endorsed by many of the United Nation countries and organizations. It starts as follows:

"The right of every human being, regardless of race, sex, social or national origin to enjoy the right to work in his or her own country." We propose the following Charter of Rights for undocumented workers here:

### CHARTER OF RIGHTS

To correct this widespread violation of human rights it is urgent that the United States adopt a charter of rights for immigrant workers similar to those promulgated by such organizations as the United Nations, the International Labor Organization, the World Council of Churches, the Roman Catholic Church and several others.



## **PLIGHT OF UNDOCUMENTED ALIENS IN AMERICA**

**Page 18**

Such a charter would grant undocumented immigrants the same rights and defenses as U.S. citizens, thereby removing the illegal status which makes them vulnerable to persecution.

In its June 21, 1976 editorial, the Wall Street Journal said that "the easiest, cheapest and fairest way to protect the labor market will be to legalize the immigrants, putting the law to work protecting them rather than persecuting them."

Such a charter of rights should contain the following provisions for immigrants:

1. Freedom from deportations and separation of family members.
2. Amnesty for all immigrants now being threatened with deportation.
3. The right to unify families.
4. The right to normalize status without having to return to the country of origin.
5. Equal rights in all areas of employment:
  - a. Job security, seniority, equal pay, equal access to promotions, to organize and to hold trade union office.
  - b. Access to unemployment insurance, social security, disability insurance, Medicare, and labor law enforcement.
6. Full housing opportunities for immigrant workers and their families.
7. Full educational opportunities for the children of immigrant workers and their families.
8. The right to use of their native language in citizenship acquisition, in judicial proceedings and all contractual arrangements, public and private.
9. The right to vote for those who acquire permanent resident status.
10. The right to inviolability of person.

**Submitted by:**

**Immigration Coalition  
2808 Altura Street  
Los Angeles, California 90031**

**December 27, 1976**

**Revised: February 23, 1977**



# GREATER LOS ANGELES COMMUNITY ACTION AGENCY

314 WEST SIXTH STREET • LOS ANGELES, CALIFORNIA 90014 • PHONE 629-5511

## MEMORANDUM

To: Inter-Religious Committee on Human Needs/  
Community Advocates

From: Jean McDowell, Advocacy Planning Specialist  
Fund and Contract Planning Division

Date: March 22, 1977

Subject: ACTION ITEMS INVOLVING UNDOCUMENTED PERSONS

### Proposed Health Cuts

In an endeavor to limit health services to undocumented aliens, County Counsel has ruled that the only services that can be rendered to indigent non-residents by the Los Angeles County Department of Health Services are:

1. Emergency services to alleviate severe pain or to diagnose and treat a medical condition which if neglected could lead to disability or death.
2. Public health services related to the protection of the general public, such as the prevention and treatment of communicable diseases.

Specifically ruled out by County Counsel is provision of prenatal care, with some question raised as the applicability of child health screening or well baby clinics.

A special committee of the Immigration Coalition is organizing to fight this drastic cutback in health care that has far reaching implications in terms of damage to health and subsequent emergency care needed through neglect.

An insidious aspect of the debate that is revolving around this issue is that the determination of medical need is being made by the County's legal arm, not by the physicians who are trained in health care.

A massive organizational effort will be needed to stop these drastic changes in policy that will deprive undocumented persons of almost every type of preventive health care or treatment of ailments that are not serious enough to be life threatening or disabling.



Memorandum  
March 22, 1977  
Page Two

We need your help in this campaign to safeguard the health of the young, the elderly and the unborn "non-resident" members of our community. Please contact Barbara Gedanke, at the American Civil Liberties Union, 487-1720, or me, at 629-5511, Ext. 206, to join the fight.

#### Human Rights Forum

The Immigration Coalition is sponsoring an immigration forum which will focus upon "Human Rights for Human Beings" on Saturday, March 26, 1977, at 7 p.m., at the Embassy Auditorium, 843 South Grand Avenue, Los Angeles.

Informative speakers will be on the program, including Bishop Juan Arzube, chairman of the Inter-Religious Committee on Human Needs. Three targets of legal action by the Immigration and Naturalization Service, Margo Cowan of Monzo Council in Tuscon, Arizona, Jacobo Rodriguez and Jose Medina, will speak about their defense cases. Ethnic musical entertainment will be provided by Allison Pickering and Los Huicholos, a Latin American instrumental group.

Tickets are \$1.50 apiece and can be obtained at the door or by calling Rosalio Munoz, at 227-9931.

#### Garcia Legislation

State Senator Alex Garcia has introduced SB 600 which would prohibit peace officers from stopping or detaining anyone solely to determine their residency status. The INS is funded for this purpose and city and county taxpayers' monies should not be used to duplicate these services.

The proposed bill would allow aggrieved persons to recover \$500 in damages from the offending law enforcement agency and would provide for legal injunctions against the practice through the courts.

Bob Ryan, administrative aide to Senator Garcia, is seeking specific examples of this type of harassment in our area to use for supporting arguments. If you are aware of such cases, please contact Bob at the State Capitol, Sacramento 95814.

Most cases of harassment have involved the indiscriminate stopping and detention of Mexican Americans or legal permanent residents on the basis of their appearance.



Memorandum  
March 22, 1977  
Page Three

It is important to support the Garcia bill as a means of protest against harassment by public agencies of individuals based upon ethnic origin. As soon as the bill is assigned to committee you will be notified.

On the Bright Side

It appears that the Social Security Administration will propose a change in the Supplementary Security Income (SSI) regulations within the next month to include a more liberalized under color of law provision. The contemplated change will use a seven-year continuous residency period for elderly, blind and disabled persons to qualify for SSI. The provisions will be similar to those used by Los Angeles County for the elderly aliens receiving General Relief, although somewhat more liberal.

As soon as the notice of proposed rule making is published in the Federal Register you will be informed. It will be necessary to mobilize favorable written comment so the revision will be adopted. If the federal and state governments approve this change, the elderly persons now receiving a \$167 General Relief grant will receive \$276 monthly and MediCal under SSI/SSP.

Attachment



March 21, 1977

Liston A. Witherill  
Director of Health Services  
County of Los Angeles  
313 North Figueroa Street  
Los Angeles, California 90012

Dear Mr. Witherill:

Concerned community people, civil rights representatives and members of the clergy are increasingly alarmed at the threatened cutback in health care for undocumented aliens.

We are particularly concerned that the proposed changes in health policy of the Los Angeles County Department of Health Services will affect the helpless elements of our society-- children, pregnant and lactating mothers and the elderly.

The effort to limit health care to emergency services and the treatment of contagious diseases for those persons who have not yet regularized their residency status is extremely inhumane and economically short sighted. Depriving individuals of preventive care ultimately results in a more costly service of an emergency nature or institutionalization.

The Immigration Coalition of Los Angeles voted at its last meeting to fully support your efforts to retain all available health services for all indigent persons, regardless of immigration status.

We have already witnessed the suffering and ultimate death of an elderly woman with kidney failure who was denied the hemo dialysis treatment ordered by her physician due to lack of documentation. Before her demise, she was constantly hospitalized for the painful peritoneal dialysis treatment.

We firmly believe that good health, both mental and physical, is essential to the stability of our nation. To deny persons this human right on the basis of their residency status is unconscionable in our affluent and presumably civilized society.

For this reason, organizations representing a wide spectrum of interests are mobilizing a protest against these proposed ill-advised health cutbacks. We hope you will lend your support.

Sincerely,

*Rosalio Munoz*

Rosalio Munoz, Chairman  
Immigration Coalition  
2808 Altura Street  
Los Angeles, California 90031



# GREATER LOS ANGELES COMMUNITY ACTION AGENCY

314 WEST SIXTH STREET • LOS ANGELES, CALIFORNIA 90014 • PHONE 629-5511

## MEMORANDUM

To: Inter-Religious Committee on Human Needs/  
Community Advocates

From: Jean McDowell, <sup>JMC</sup> Advocacy Planning Specialist  
Fund and Contract Planning Division

Date: June 9, 1977

Subject: Mexican American Anti-Defamation Task Force

In line with my memorandum to you dated April 28, 1977, relating to "Turning the Media Around," I am sending you this letter concerning the formation of the Mexican American Anti-Defamation Task Force. This new organization represents a wide spectrum of groups and leading political and community figures, Chicano and otherwise, who are taking positive action to assure fair and unprejudiced coverage of Hispanic issues in the mass media.

The attached statement to be published as a paid advertisement in the Los Angeles Times is still being revised by the task force so the mid-June target date has been extended. If you wish to become a sponsor of the statement to be published send a check in any desired amount to:

Mexican American Anti-Defamation Task Force  
c/o One Stop Immigration Center  
1443 Wright Street  
Los Angeles, California 90015

For further details on meetings of the task force, contact Felipe Castruita at One Stop Immigration Center, 748-5511.



# ONE STOP IMMIGRATION CENTER, INC.

1443 wright street • los angeles, california 90015 • telephone 748-5511

June 1, 1977

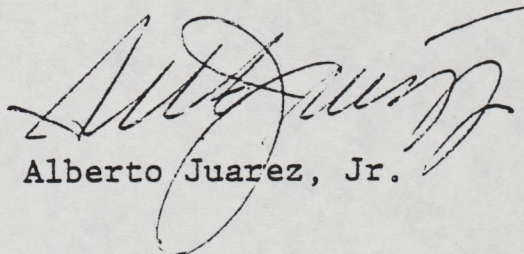
Dear Ms. *Jean* McDowell:

In response to the continuing bad press which our community has been receiving in all quarters of the news media in Los Angeles, several community organizations and interested individuals have been meeting to discuss the creation of an organization from within our community that will dedicate itself to countering further propoganda attacks. This group will serve as a vehicle to educate both the media and members of the business community, such as corporate and advertising executives, that the Spanish-speaking and Chicano community, both as citizens and consumers will not tolerate any further distortions or defamation of our respective community's.

As a first effort to launch the organization, which is currently calling itself the Mexican American Anti-Defamation Task Force, we are planning to run the enclosed statement in the Los Angeles Times, to serve notice on the community at large "Que Ya Basta". It goes without saying that this will be a rather expensive undertaking, but we are convinced that this will be an important first effort to put "Our money where our mouth is at".

The ad in the Los Angeles Times will be one full page and will run in mid-June at a cost of \$9,000.00. Any contribution that you make will be more than welcome. Simple arithmetic says that 900 Mexicanos and friends at \$10.00 a piece can do it.

Thanks for your help -

  
Alberto Juarez, Jr.

Please Make your checks payable to:

Mexican American Anti-Defamation Task Force



Dear Fellow American:

On behalf of the countless Mexican American, Chicano and Latino families in our community, we wish to share our deep concern over the heightened racial insensitivity which has pervaded all aspects of our daily lives.

We are dismayed at the apparent deterioration of the bonds of mutual respect and friendship, which although sometimes delicate and fragile, have nevertheless brought together in harmony the many ethnic, religious and national communities that reside together in our city.

The harmony that this city has achieved among its wide spectrum of races, ethnic and religious groups and come about through the labor of countless citizens of good will who have courageously fought to ensure the tranquility of positive community relations. We fear that both this harmony and tranquility has been threatened by a series of disturbing events which have occurred in our community in recent months.

Those of us within the Spanish speaking community have witnessed with growing alarm the fear and division that have been fomented over the issue of integration. The racial fear, created by irresponsible propaganda, has turned friends into foes and divided communities.



We have watched, with indignation, seemingly responsible elements of the news media revert to biased and sensationalist accounts of undocumented workers from Mexico and Latin America that shape a false public image. These residents, who live and work as consumers and taxpayers in our city are portrayed as criminals and diseased human refuse who seek to subvert and pillage our communities.

We have seen with sadness and revulsion the indictment by innuendo of the many legitimate youth ex-offender self-help programs which have been subjected to harassment and threatened with closure in the wake of sweeping accusations and allegations by the news media of a purported takeover of community programs by an alleged organized crime syndicate of Mexican ex-offenders.

We have witnessed further the reckless and irresponsible character assassination by the press of a respected Mexican American political figure--an act which has cast suspicion on the ethics and veracity of some of this city's investigative reporters.

We also have witnessed with growing anger and disillusionment as racist and anti-civil rights elements in our nation and community have attempted to subvert the equal opportunity programs for the disadvantaged, undermine affirmative action programs within business and industry, and destroy minority education opportunity programs on the campuses of our colleges and universities.



As Americans, still sensitive from our personal sufferings of social injustice and prejudice, we see and feel in the recent events within this community the tell-tale signs of racial unrest which has tragically marred every chapter of California history.

Few of us today feel comfortable in being reminded of the annihilation of California's Indian communities, the persecution of the Chinese families of Los Angeles, the uprooting of the Mexican and Spanish families of California or the incarceration of our Japanese American neighbors in concentration camps during the hysteria of World War II.

The recent tragic events of revolt in Watts and East Los Angeles dramatically point to the need for a concerted effort by people of good will to work toward the eradication of racist propaganda that perpetuates the fears of the majority community and impedes the attainment of harmony.

We call upon you as a community leader, to exert your influence upon those forces that shape public opinion to avoid the sensationalism and scare tactics that divides people of diverse backgrounds.

An attack upon one ethnic group affects all of humanity and its repercussions are felt by future generations. The mistakes of the past can be rectified only through an attitudinal change and you can be a catalyst in achieving this end.



Henceforth, Mexican American community based and political groups will monitor and review the editorials and news copy as written by reporters and editorial boards. Also, these groups will review the reporting, video and photographic techniques and other journalistic works produced by the broadcast and print media. In addition, if there is a continuing negative journalistic trend, more formal action will be necessary in order to prevent this adverse reporting, which affects the Chicano and other Spanish speaking minority groups.





MRS. GILA LOPEZ, A NATIVE OF MEXICO WHO WILL BE 110 YEARS OLD IN JULY, WAS TERMINATED FROM SSI BECAUSE SHE IS AN UNDOCUMENTED ALIEN.

A CELEBRITY IN THE CITY OF EL MONTE, CALIFORNIA, MRS. LOPEZ HAS A PUBLICITY BOOK WHICH INCLUDES NUMEROUS NEWSPAPER CLIPPINGS AND A LETTER OF CONGRATULATIONS FROM FORMER PRESIDENT NIXON ON THE OCCASION OF HER 105TH BIRTHDAY.

MRS. LOPEZ HAS APPLIED FOR ADJUSTMENT OF HER IMMIGRATION STATUS AND IS A RECIPIENT OF A SPECIAL INTERIM GENERAL RELIEF PROGRAM THROUGH THE COUNTY OF LOS ANGELES. ALTHOUGH THIS AID HELPS PAY FOR HER SUPPORT, THE GRANT IS \$121 LESS THAN SSI AND SHE IS NOT ELIGIBLE FOR MEDI-CAL. SHE RECENTLY UNDERWENT SURGERY FOR A LEG AMPUTATION AND WAS SHUFFLED BETWEEN TWO COUNTY HOSPITALS BECAUSE SHE DID NOT HAVE MEDI-CAL.



# GREATER LOS ANGELES COMMUNITY ACTION AGENCY

314 WEST SIXTH STREET • LOS ANGELES, CALIFORNIA 90014 • PHONE 629-5511

## COMMENTS ON PROPOSED REVISION OF SSI REGULATIONS RELATING TO UNDOCUMENTED ALIENS

### THE PROBLEM

The wave of hysteria surrounding the myth that undocumented aliens are draining the resources of this nation, generated by public officials frantically groping for an excuse to justify our worsening economy, has resulted in repressive federal, state and local legislation and policies that punish the most helpless in our society-- the elderly.

Coinciding with the downtrend in our economic health, life-sustaining needs such as welfare, food stamps and medical care gradually have been withdrawn from residents who have not yet legitimated their immigration status. Most tragic consequences are suffered by elderly persons who are ineligible for aid because of uncertain status, even though they have labored for years in this country.

In Los Angeles County, penniless senior citizens were forced to beg for handouts from individuals, agencies and churches because they had been terminated from the federal Supplemental Security Income (SSI) program or rejected upon application because of lack of documentation.

In January, 1974, the federal government assumed the responsibility of aiding persons on Old Age Security, Aid to the Totally Disabled and Aid to the Blind. All recipients aided by the states and counties were converted to the federal program at that time. In the process of reconsidering each case, the Social Security Administration terminated all recipients who could not produce immigration documents or proof that they entered the country prior to July 1, 1948.

The SSA termination of undocumented elderly persons from SSI was first brought to light in Los Angeles when Beatrice Cruz, a 78-year-old woman who came to this country in 1946, was eliminated from aid in November, 1974. Two months later, she received a notice from INS to appear at a deportation hearing.

Senora Cruz did not have any children born here--her one son died in Mexico before she immigrated to the United States. She did not have any health problems which required hospitalization. She worked as a domestic so did not have Social Security deductions from her salary.

Because of these factors, it is difficult for Senora Cruz to establish her residency in the United States back to 1946, through official records. This has hampered her efforts to get a favorable reconsideration of eligibility from SSA for federal benefits.

This elderly woman was not alone in her plight. Another woman without family who had worked here as a live-in housekeeper and babysitter for almost 30 years was declared ineligible for SSI and MediCal. Afflicted with swollen limbs, jobless and homeless, she lived in a drafty tool shed for several years, during which she contracted pneumonia twice. She solicited donations of food from churches and organizations in order to subsist.



June 2, 1978

The Los Angeles County Board of Supervisors and Department of Public Social Services were sensitive to the misery and anxiety of these formerly productive residents and cooperated with community organizations, church groups and legal aid attorneys to devise a special program to aid them. Leading this effort was County Supervisor Ed Edelman and his staff.

On February 24, 1976, the Board of Supervisors voted to provide General Relief for aliens with uncertain status 65 years of age and over, with the provision that they submit two affidavits attesting to residence in Los Angeles County for at least seven years and petition to INS for adjustment of status.

There are now 28 persons receiving the General Relief grant, which is a maximum of \$175 per month. The recipients are mostly widows, with the eldest being over 109 years old. None of these elderly persons can establish their eligibility for Medi-Cal because of the extensive documentation required.

Lack of Medi-Cal eligibility led to the death of Teresa Abarca, the first applicant to be certified for General Relief in the new aid program, but did not live to receive one check. Senora Abarca was afflicted with kidney failure and the hemo dialysis treatments prescribed by her doctor at the Los Angeles County/USC Medical Center was denied her because she did not have Medi-Cal. After enduring a series of painful peritoneal dialysis treatments, her condition deteriorated and she died.

Senora Gila Lopez, who in July of last year at her 109th birthday celebration held at El Monte Community Hospital was awarded plaudits, plaques and plants by local, state and federal elected officials, was denied Medi-Cal. Recently, she was rushed from her home in El Monte to County/USC Medical Center where she was in surgery for nine hours to amputate her leg. The thrombosis that caused the problem still not corrected by that surgery, she was sent to Rancho Los Amigos for a subsequent operation and then back to County/USC for post-operative care.

Had she been eligible for Medi-Cal, this elderly widow could have been serviced at the El Monte hospital, close to her family and friends. It is doubtful that she would have been transferred back and forth, which not only added to her misery, but worked a hardship on her great-great granddaughter who must rely upon public transportation for mobility.

#### THE SOLUTION

These problems have prompted the same advocacy groups to seek a change in the SSA definition of "under color of law" that entitles undocumented aliens to SSI, Medi-Cal or food stamps when applicable.

The current regulations require aliens without documents to provide public records of their residency in the United States prior to July 1, 1948, to be entitled to benefits in the "under color of law" category. This is virtually impossible for persons who do not have children born in this country.

With the help of Congressman Edward R. Roybal and Senator Alan Cranston, community groups and church leaders have convinced the Social Security Administration of the



June 2, 1978

need to revise the SSI regulations, making them comparable to the provisions of the Los Angeles County interim aid program.

Initiated by former Social Security Commissioner James Cardwell, this proposed rule change was published in the May 16, 1978 edition of the Federal Register (4110-07). The proposed policy change liberalizes the SSA definition of under color of law for establishing eligibility for SSI. Under this new regulation, elderly, blind and disabled applicants without documents who are otherwise qualified for SSI may receive benefits if they can prove their continuous residency in the United States since before January 1, 1970.

This revised policy is a breakthrough in our long-standing effort to solve this human problem, and the Greater Los Angeles Community Action Agency, which has been in the forefront of this campaign, strongly supports its adoption. The new policy would provide recipients in Los Angeles County with a monthly grant of \$296, compared to \$175, and MediCal.

In promulgating the regulations to implement this change, we recommend that all applicants be informed that SSA will notify the Immigration and Naturalization Service of the alien's presence in this country and that applicants be referred to community programs that assist low-income persons in adjusting their status.

Former Immigration and Naturalization Service Commissioner, L. F. Chapman, Jr., assured Senator Cranston in a letter dated April 29, 1976 that the policy of the INS at that time was not to seek out and proceed against aged and destitute undocumented aliens. He stated his appreciation of the humanitarian aspects of the problem and suggested that the individuals contact INS to have their status adjudicated, assuring them of compassionate treatment. There is ample reason to believe that his successor, Leonel Castillo, will follow the same enlightened policy.

This approach has been successful in Los Angeles County and one of the first of our clients to receive the special General Relief aid already has been granted a suspension of deportation by a judge, with the help of the International Institute immigration service. This 84-year-old widow, without family, was penniless before Los Angeles County adopted its aid program. She has been supplementing her meager monthly grant of \$175 by selling hand made pot holders and doilies to the staff at the Lincoln Heights Legal Aid who have befriended her.

Since this proposed rule change is based upon humanitarian reasons, we urge the SSA to be flexible in its interpretation of "continuous residency" to allow for brief visits to the individual's homeland. In all cultures it is important to maintain one's familial ties and with Mexico being in such close proximity to the United States, it is reasonable that occasional visits would be made across the border.

The criteria for establishing continuous residency should be the maintenance of living quarters with personal possessions, such as clothing and furniture. This would indicate a non-abandonment of residency even though the individual may leave the country on a temporary visit.

Also, it is important to ensure that no unreasonable demands for documentation of residency be imposed upon the applicant. Our experience in Los Angeles County has



shown that few aliens take advantage of public facilities such as hospitals that could provide official documented proof. Most individuals do not retain rent receipts or utility bills for years on end.

For this reason, the emphasis should not be placed upon public records to establish proof of residency. Two notarized statements of religious leaders, longtime friends or family members should suffice to establish proof if other official documents are unavailable.

This proposed rule change has widespread support. On October 15, 1977, a gathering of more than 300 delegates to the California Conference on Immigration and Public Policy at East Los Angeles College adopted a resolution proposing the adoption of this definition. The same resolution was unanimously adopted by the Los Angeles County Democratic Central Committee at an immigration conference held March 18, 1978, with a recommendation that the policy be submitted to the national Democratic Party for adoption.

A number of government studies have concluded that undocumented workers contribute far more in taxes than they reap in benefits, including the Department of Labor report and a study in San Diego County conducted by Dr. Vic Villalpando.

Wayne A. Cornelius, of the Massachusetts Institute of Technology, writes in his publication, "Illegal Mexican Migration to the U.S.: A Summary of Recent Research Findings and Policy Implications," the following:

There is uniform agreement among researchers that Mexican illegals make amazingly little use of social welfare services while present in the U.S. and that the cost of the services they do use is far outweighed by the contributions to Social Security and tax revenues.

The specter of helpless human beings suffering deprivation because of our nation's political and economic policies is abominable. As a signatory to the United Nations Universal Declaration of Human Rights, the United States has committed itself to the concept that every person has a right to a standard of living adequate for his health and well-being. In keeping with President Carter's stated commitment to human rights, it is incumbent upon us to comply with the provisions of this document in regard to all people.

The Greater Los Angeles Community Action Agency urges the Social Security Administration to attain this humanitarian goal for the elderly, blind and disabled by adopting this proposed rule change for SSI eligibility of aliens.

Jean McDowell  
GLACAA Grants Section  
June 1, 1978



# GREATER LOS ANGELES COMMUNITY ACTION AGENCY

314 WEST SIXTH STREET • LOS ANGELES, CALIFORNIA 90014 • PHONE 629-5511

URGENT

URGENT

URGENT

URGENT

## MEMORANDUM

Date: November 29, 1978  
To: Community Advocates  
From: Jean McDowell *JM*  
Subject: SSI Rule Change for Undocumented Persons

The response to our appeal for written comments in support of the proposed rule change to liberalize accessibility to SSI/SSP for undocumented elderly, blind and disabled persons was excellent.

Although we did not produce the volume of letters and telegrams generated by those opposing the measure, the quality of our support was impressive.

Despite the recommendation by the Social Security Administration that the rule change be adopted, with the deletion of the comparison to President Jimmy Carter's amnesty proposal in the introductory remarks, the revision is bogged down in the Department of Health, Education and Welfare.

The speculation is that consideration is being given to the argument of Senators James Eastland and Charles Percy and the General Accounting Office that the Social Security Administration is legislating rather than regulating in this instance. This argument was adequately refuted by the SSA staff, who contended that the agency had the proper authority to make this rule change.

Again, we need your support in urging HEW Secretary Joseph Califano to approve this proposed rule change so it can be published in its final form and implemented.

Enclosed is a letter from the Greater Los Angeles Community Action Agency to Califano that can be used as an example of the points to include in your communication. I urge you to draw upon your own experiences with the affected population to emphasize the need for prompt action.

Nelle Sandridge, an aide to Congressman Ed Roybal in Washington, D.C., is tracking the progress of this rule change. When I receive word on the final outcome you will be notified immediately.

Enclosure



# GREATER LOS ANGELES COMMUNITY ACTION AGENCY

314 WEST SIXTH STREET • LOS ANGELES, CALIFORNIA 90014 • PHONE 629-5511

November 29, 1978

Honorable Joseph A. Califano, Jr.,  
Secretary  
Department of Health, Education and  
Welfare  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Califano:

In 1975, a tragic situation involving elderly persons with uncertain immigration status surfaced in Los Angeles County. Widows in their seventies, eighties and up to 108 years of age were terminated from SSI/SSP benefits because they were without proper immigration documents. Some of these elderly persons did not have any family to help support them and were absolutely destitute, relying solely upon community and church contributions for their subsistence.

Recognizing the humanitarian need to aid these helpless individuals, the Los Angeles County Board of Supervisors adopted an interim program of General Relief for them until a federal resolution could be found .

To rectify this problem for these long-term residents and formerly productive workers, the Social Security Administration published a proposed rule change in the May 16, 1978, Federal Register. This revision updated the continuous residency cut-off date for undocumented persons to qualify for SSI benefits from the current date of before July 1, 1948, to the more plausible time frame of before January 1, 1970.

Favorable comment on this rule change was submitted by the National Council of La Raza and its member organizations, the Mexican-American Legal Defense and Education Fund, California Rural Legal Assistance and a host of other community organizations. Churches of all denominations and interested individuals, public agencies and elected officials lent their support to the proposed revision.

The Social Security Administration has recommended that this new interpretation of the "under color of law" provision be adopted and we urge you to expedite the finalizing of this regulation.

In terms of fiscal impact, the Social Security Administration has estimated that only approximately 8,000 persons nation-wide will apply. In the Los Angeles County program, the highest caseload has been 33 approved cases and 8 pending.

Further diminishing the financial impact is the fact that most recipients will be elderly persons whose life spans are limited. One such case is 110-year old Gila Lopez of El Monte, California, who was terminated from SSI/SSP a couple of years ago.

The urgency in adopting this rule change is dramatically illustrated in the case of 75-year old Maria Cavala of Los Angeles. Since she is without relatives, money or a home, Mrs. Cavala alternates sleeping at the houses of various friends. She receives food from charitable organizations and friends while awaiting the approval of her application for the \$175 per month General Relief grant. This process is slowed because a condition of this aid is that the applicant must apply to the Immigration and Naturalization Service for an adjustment of status prior to approval of the grant.

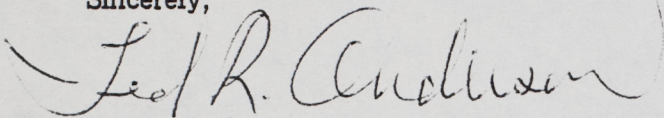


Honorable Joseph A. Califano, Jr.,  
Secretary  
Department of Health, Education & Welfare  
Page 2  
November 29, 1979

The adoption of this rule change will allow applications to be expedited, provide a higher grant and above all, will permit recipients to receive Medi-Cal or Medicaid.

We urge you to consider these human factors and act now to publish the final regulations in the Federal Register.

Sincerely,

A handwritten signature in cursive script, reading "Ted R. Anderson". The signature is written in dark ink and is positioned above the typed name.

Ted R. Anderson,  
Interim Executive Director

TRA/mrd  
Enclosures



MEMORANDUM

To: Community Advocates

From: Jean McDowell *J.M.* (676-5663) Jean McDowell

Date: January 3, 1979

Subject: Health Cutbacks for Undocumented Persons

Another crisis concerning survival needs of undocumented persons is upon us. The Los Angeles County Board of Supervisors will consider a proposal to deny non-emergency health care services, including maternity and child care, to persons without immigration documents. Church and community representatives will protest this change in policy when the supervisors deliberate on Tuesday, January 9, 1979, at 11:00 a.m., at the Board of Supervisors Hearing Room, 500 West Temple Street, Los Angeles.

Enclosed is a statement which explains the proposed policy and its ramifications. Please read it and disseminate it to other concerned people.

We need to mobilize around this issue that would adversely affect infants, children and women in particular.

Please contact your County supervisor to urge a NO vote and try to bring people to the Tuesday meeting in a strong show of protest.

See you there!

Enclosure



## DENIAL OF HEALTH SERVICES TO UNDOCUMENTED PERSONS--

### TAXATION WITHOUT REPRESENTATION

The New Year brings with it the renewed specter of diminished health care for undocumented persons in Los Angeles County. On January 9, 1979, at 11 a.m., the County Board of Supervisors will deliberate on a proposal by Chief Administrative Officer Harry Hufford to sharply curtail health services to persons without immigration documents.

#### PROPOSED HEALTH CUTBACKS

The Hufford proposal includes the denial of non-emergency health care services at County facilities to indigents who do not have the permission of the Immigration and Naturalization Service to remain in this country indefinitely. Currently, all services are provided to any person in need, regardless of immigration status.

Included in the category of non-emergency services in the Hufford proposal are prenatal/postpartum and child health care services.

Emergency care that is life threatening and public health immunization programs would continue to be available to everyone.

Hufford cites as justification for this change an opinion of the County Counsel that Los Angeles County currently is not in conformity with state law in providing non-emergency health care services to persons who are not lawful residents of the County. (Section 17000, Welfare and Institutions Code)

Legal Aid attorneys have long differed with County Counsel on his interpretation of "lawful County resident," contending that the intent of the State Legislature in adopting this section was to define one's place of residence or domicile, not immigration status.

The Hufford proposal calls for a pre-screening process whereby clerks untrained in the complexities of immigration law will determine whether an applicant has sufficient documentation. In the event a would-be patient is without immigration papers, there is an option to complete a CA6 form to be sent to INS for determination of status.

This process would surely screen out persons who are not here legally, even if they have life threatening or communicable diseases. Applicants would most likely opt to go without health care rather than expose themselves to INS and risk deportation.

#### HEALTH DANGERS INVOLVED

The ramifications of this proposal are frightening. Denial of prenatal care to pregnant women before delivery would result in a higher risk



of infant mortality and mental and physical retardation through undetected blood incompatibility. This inhumane policy would affect the fetuses or babies who would be United States citizens by virtue of their birth in this country.

A recent survey on health care in East Los Angeles conducted by The East Los Angeles Community Union (TELACU) for the Department of Health, Education and Welfare showed a critical shortage of doctors and health facilities in the area. It also pointed out a higher incidence of communicable diseases in ELA than countywide.

Among these diseases is tuberculosis, which afflicts persons who are undernourished, debilitated by hard labor and live in crowded conditions.

Lack of treatment for this respiratory disease, through fear of deportation, would affect not only the afflicted, but the entire community. Undocumented persons work as food handlers, domestics and gardeners in the homes of the affluent and in other capacities where they have contact with the public. Failure to treat undocumented workers represents a danger not only to them, but to the general public. If they are turned away from treatment for fear of the pre-screening process, the spread of disease cannot be controlled.

#### DISCOUNT TAX CONTRIBUTIONS

Because of the dangers inherent in this aspect of the Hufford proposal, Robert W. White, director of Health Services for Los Angeles County, has issued a statement opposing this limitation of health services. Explaining his position, White says:

From a cost standpoint, it is imprudent to delay nonemergency care until it becomes emergent. This is contrary to all tenets of medical practice and is poor economics besides. By applying the recommended policies to that group of undocumented immigrants who reside within Los Angeles County, unless they apply for Medi-Cal, we would be forcing a large number of people to defer medical care until the condition in question becomes emergent. I cannot, in good conscience, support such a policy.

Although Hufford cites a cost saving factor in recommending the elimination of non-emergency health care services to undocumented persons, he has not produced any evidence that this population does not pay its own way.

Every major study conducted in the United States has shown that undocumented persons contribute to our tax base far out of proportion to the public services used.



Even the Los Angeles Times concedes this fact in an editorial published on December 5, 1978. The editorial states:

As for the complaint that the illegals are a drain on the taxpayers, the opposite seems to be true; they pay much more in taxes than they receive in services or in social benefits.

The editorial cites statistics of a study by the U.S. Department of Labor of apprehended illegal aliens which show that 70% had Social Security and income taxes withheld from their wages, but only 4% collected unemployment benefits or had children in public schools and less than 1% used food stamps or were receiving welfare. A high percentage contributed to the property tax through rent payments or home ownership.

This same opinion is expressed by Wayne A. Cornelius, of the Massachusetts Institute of Technology, who in a research paper says:

There is uniform agreement among researchers that Mexican illegals make amazingly little use of social welfare services while present in the U.S., and that the cost of the services they do use is far outweighed by their contributions to Social Security and tax revenues.

One of the first studies on the tax contributions of undocumented workers came out of Harry Hufford's office in 1975. Conducted at the request of Supervisor Ed Edelman, the survey showed the following estimated tax contributions by the approximate number of 135,000 workers:

|              |                   |
|--------------|-------------------|
| Federal      | \$45,090,000      |
| State Income | 2,565,000         |
| Sales        | 10,395,000        |
| Gasoline     | 7,425,000         |
| Property     | <u>18,630,000</u> |
| Total        | \$84,105,000      |

In San Diego County, findings of a study in 1977 showed that undocumented workers contributed \$48,841,017 in payroll taxes and insurance and spent \$115 million for goods and services.

The most recent study was done by the Task Force on Medical Care for Illegal Aliens in Orange County. This task force concluded:

The findings of the Orange County study, like the others, suggest that undocumented immigrants very likely pay more in taxes than they use in tax-supported public social services. They are not, according to the evidence, a burden to other taxpayers.



Denial of Health Services  
Page Four

In evaluating the cost of health care to undocumented persons in Los Angeles County, a report issued in 1977 did not consider any tax contributions of the target population. This taxation without representation stance is misleading to the public.

LEGAL ASPECTS

When this same issue arose in 1977, the National Health Law Program, in conjunction with other legal aid entities, prepared legal statements refuting the arguments of County Counsel that Los Angeles County is violating state statutes in providing non-emergency services to undocumented persons.

In regard to prenatal, obstetrical and postpartum care and child health programs, the NHeLP paper cites medical journals that substantiate the inclusion of these services in the category of public health. The paper states:

It is irrational, inhumane and, as will be demonstrated below, illegal for the county to increase barriers to prenatal and maternal care. It is the children who suffer and it should be remembered that the children, regardless of the residency or immigration status of the mother, are American citizens entitled to the equal protection of the law.

Addressing itself to general medical care for undocumented persons, another NHeLP paper points out the flaws in County Counsel's legal ruling. The paper indicates the illogical reasoning that counties do not have the obligation to provide non-emergency medical care to non-residents and therefore to do so is illegal and in violation of state law. This assumption clearly usurps the discretionary power of counties to provide these services if they so decide.

COMMUNITY OPPOSITION

Because of the humanitarian and legal aspects of this issue, as well as fairness in terms of tax contributions, churches, community organizations, unions, legal aids and civil liberties groups are unified in their opposition to the Hufford proposal.

Among those speaking out against its adoption are Catholic Auxiliary Bishop Juan Arzube, United Neighborhood Organization (UNO), Los Angeles County Democratic Central Committee, American Civil Liberties Union, Legal Aid Foundation of Los Angeles, One Stop Immigration Center, THE Clinic for Women, East Los Angeles Health Task Force, Community Health Foundation of East Los Angeles, and the National Health Law Program.

We ask you to join this effort by contacting your County Supervisor to urge a negative vote on the proposal and to organize opposition forces at the January 9 meeting in the Board of Supervisors Hearing Room, 500 West Temple Street, Los Angeles.



February 22, 1979

Governor Edmund G. Brown, Jr.  
State Capitol  
Sacramento, California 95814

Dear Governor Brown:

Because of your interest in expediting negotiations with Mexico for the purchase of oil and natural gas for the energy needs of our nation, I am sending you a copy of a packet I mailed to President Jimmy Carter.

The issues of oil and immigration are intertwined and therefore your attention also should be focused upon the protection of human rights for all California residents, regardless of their immigration status.

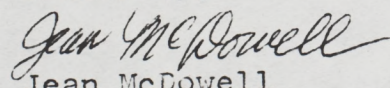
Your administration has promulgated restrictive regulations governing the eligibility of aliens for Aid to Families with Dependent Children and Medi-Cal which are totally out of conformity with state law. As a result, needy and infirm persons are denied assistance. Undocumented persons who complete the CA6 form are called before an investigator of the Immigration and Naturalization Service and either deported or allowed voluntary departure. This practice has resulted in the disunification of families in cultures which have a traditional close family structure.

A health crisis is developing in Los Angeles County which you must address if you have an interest in the welfare of the Hispanic and Asian populations. Heretofore, your administration has proven more insensitive to these issues than that of your predecessor, Ronald Reagan.

As you are aware, a report issued from the lieutenant governor's office in 1977 estimates conservatively that the minority population in California at that time was 34.75%. If the estimated undocumented immigrant population is added, the statistics increase to 37.8% of Third World population in the state. The report projects figures of 60.7% and 63.8%, respectively, by 1990.

I hope that you will work with community advocates to rectify the problems that create inhumane treatment of undocumented immigrants in the State of California. By doing this, a more favorable climate will be created for negotiations with Mexico to share in its natural resources.

Sincerely,



Jean McDowell  
4934 West 134 Street  
Hawthorne, California 90250  
Phone: (213) 676-5663

Enclosures



February 22, 1979

Senator Edward M. Kennedy  
421 Russell Office Building  
Washington, D.C. 20515

Dear Senator Kennedy:

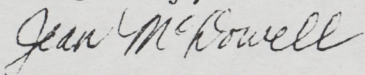
Because you and the memory of your late brother, Robert, are so highly esteemed by persons of Mexican descent, I am sending you the enclosed material which I mailed to President Jimmy Carter concerning the protection of the human rights of undocumented immigrants.

If the recent commitment made to Mexican officials by President Carter to treat all foreign born residents with dignity and respect, regardless of their immigration status, is to be observed, there must be changes in federal regulations governing health and welfare programs.

One cannot be treated with dignity and respect while being denied food, shelter and proper medical care. This is happening increasingly in Los Angeles County to helpless and deserving persons, particularly the elderly and children, as our government denies benefits to the undocumented poor.

Please read the enclosed material carefully and use your considerable influence to effect these changes needed to ensure that nobody who resides in the United States is denied life sustaining assistance when needed.

Sincerely,



Jean McDowell  
4934 West 134 Street  
Hawthorne, California 90250  
Phone: (213) 676-5663

Enclosures



February 22, 1979

President Jimmy Carter  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear President Carter:

It was gratifying to read in the Los Angeles Times that you made a commitment to protect the human rights of aliens in the United States when addressing the Mexican National Congress on February 16, 1979, during your official visit to Mexico.

In line with this pledge, so warmly received by the Mexican legislators, was a commitment to work cooperatively with our newly oil rich neighbors to find a realistic long term solution to illegal migration that will respect the dignity and human rights of undocumented workers.

Survival needs such as adequate food, shelter and health care are recognized as basic human rights in the United Nations Universal Declaration of Human Rights to which our nation is a signatory.

Blatant violations of these human rights are being perpetrated through restrictive regulatory procedures established by agencies of the U.S. government and untold numbers of undocumented immigrants are suffering undue hardship and deprivation.

A show of good faith to the Mexican officials to whom your pledge was made can be implemented immediately by taking the following administrative actions:

1. Department of Health, Education and Welfare adopt a proposed rule change that will update the residency requirements for undocumented elderly, blind and disabled persons to receive Supplementary Security Income.
2. Delete the residency requirements for eligibility to Aid to Families with Dependent Children, Food Stamps and Medicaid which prohibit undocumented persons from receiving these benefits.

The current outdated SSI "under color of law" provisions have deprived deserving elderly persons of this federal aid. Among those denied SSI is a 110-year-old widow who is a native of Mexico.

A rule change to rectify this inhumane policy was recommended for adoption by the Social Security Administration and has the support of every major national Hispanic organization, as well as Black and Asian groups, numerous church denominations and community organizations.



President Jimmy Carter  
February 22, 1979  
Page Two

Congressman Edward R. Roybal and Senator Alan Cranston of California have led the legislative drive for adoption of this revision. The proposed rule change has been languishing in the office of HEW Secretary Joseph Califano for months, despite numerous nationwide appeals for its adoption.

In regard to the other aid programs, the residency requirements are not embodied in the laws which created them, but are built into the federal regulations promulgated to implement the laws.

Every study that has been conducted of the tax contributions made by undocumented workers and their use of public services points up the fact that they pay far more into our tax system than they derive in benefits.

It is only in desperation that immigrants without documents seek public assistance, usually in cases where the breadwinner is ill or injured or the mother is left alone with dependent children. It is unconscionable to allow children and their parents to go hungry because of their uncertain immigration status, but this is happening every day because of the federal regulations governing aid programs.

In Los Angeles County, the Board of Supervisors is considering a policy to deny non-emergency health care to persons who refuse to apply for Medi-Cal and thus expose themselves to scrutiny by the Immigration and Naturalization Service.

This proposed policy would affect undocumented children, elderly persons and pregnant women, among others. Denial of pre-natal care invites the death or physical or mental retardation of the fetus who is a potential U.S. citizen. Another ramification of this denial of health care would be to disqualify high risk pregnant women from receiving the benefits of the Women's, Infants and Children's supplemental feeding program. If adopted, this policy would constitute a subtle form of genocide, afflicting primarily Mexicans and Asians.

Enclosed are several papers which delineate the problems mentioned above.

Mr. President, I hope that your "born again" concern about the human rights of immigrants in the United States will move you to take immediate action on these life sustaining issues. In 1977, I sent you a copy of the enclosed position paper prepared by Chicano leaders and others with expertise in the field of immigration. Among the issues covered in the paper are those delineated in this letter. I did not even receive the courtesy of a form letter in response to this paper.

It is unfortunate that our national conscience must be pricked by the necessity of obtaining Mexican fuel for our voracious energy needs. But the reality is that President Jose Lopez Portillo now has the lev-

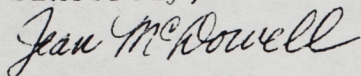


President Jimmy Carter  
February 22, 1979  
Page Three

erage with which he can bargain to assure that economic refugees from his country are accorded humanitarian treatment by the U.S. government. The Mexican president and his predecessor, Luis Echeverria, have on numerous occasions publicly expressed their concern about the inhumane treatment received by their people who have come here in search of a better life through hard work and productivity.

In light of your stated commitment, our nation must revise its policies and care for the small numbers of undocumented immigrants who find themselves in need and seek government aid.

Sincerely,



Jean McDowell  
4934 West 134 Street  
Hawthorne, California 90250  
Phone: (213) 676-5663

cc: Presidente Jose Lopez Portillo  
Senator Edward M. Kennedy  
Governor Edmund G. Brown, Jr.

Enclosures



a 6 de marzo de 1979

Hon. Lic. Jose Lopez Portillo  
Pres. de la Republica Mexicana  
Plaza de la Constitucion  
Los Pinos, Mexico D.F.

Al Honorable Señor Presidente López Portillo:

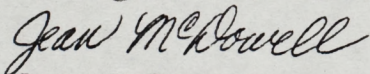
Adjunto encontrará ud. una carta y unos documentos tratando de la cuestión de la salud y del bienestar de los imigrantes sin papeles en los Estados Unidos. Se han mandado copias de estos documentos también al Presidente Jimmy Carter para poner énfasis en la necesidad de tomar acción federal en seguida, para proteger los derechos humanos de estos imigrantes sin papeles.

Le estoy mandando estos documentos para que ud. esté al corriente de los problemas tan serios enfrentando a la gente mexicana viviendo sin papeles en los Estados Unidos. Espero además que estos informes le sirvan cuando entre ud. en negociaciones con los representantes de los Estados Unidos, con respecto a los asuntos de inmigración.

Con su ayuda, Señor Presidente, es posible que los norteamericanos que simpatizan con la situación de los mexicanos sin documentos, logren hacer los cambios necesarios para garantizar el tratamiento humanitario que merece todo el mundo.

Le agradezco de antemano por su atención. Si le puedo enviar información adicional, no deje ud. de ponerse en contacto conmigo.

Su Segura Servidora,



Jean McDowell  
4934 West 134 Street  
Hawthorne, California 90250  
United States of America  
Telefono: (213) 676-5663



3/7/79

Herman -

Enclosed is a copy  
of the packet I sent  
to Pres. Lopez Portillo.

I also included items  
that need support in  
Sacramento to ensure  
adequate health care  
for undocumented persons.

The newsletter from  
Charles Wilson is  
atrocious & he should  
be called down.

Please get this packet  
to Mexico. Thanks Fern





Rep. Charles H. Wilson

Dateline:  
Washington, D.C.

Vol. 9, #1

February, 1979

## A Newsletter to California's 31st District

### Illegal Aliens

In the first hours of the 96th Congress, I introduced legislation which will help halt the flow of illegal aliens into Southern California and the United States.

No one is really quite sure as to exactly how many illegal aliens now reside in the Los Angeles area, but conservative figures estimate there are at least 750,000. And, the number is increasing on a daily basis.

The effect is not numbers alone—illegal aliens pay no taxes. Yet, they use our hospitals, schools and welfare services.

*false*

#### Taxpayers Burden

For Los Angeles County, it is estimated that one in every six patients admitted to a county hospital is an undocumented alien. The bill, paid for by the taxpayers, is \$40 to \$58 billion.

*false*

With the passage of Proposition 13, state and local governments simply cannot and should not have to pay for those persons who are not in this country legally and who, consequently, are not contributing to the system.

*15000 Aviation Blvd. Rm 2W30  
Lawndale CA 90261  
(213) 536-6680*

**During the first hours of the 96th Congress, Rep. Wilson introduced legislation to halt the flow of illegal aliens into the United States.**



#### Social Security System

My proposal would require that any social security card contain an identification characteristic, such as a picture or fingerprint.

Since a social security card and number are already necessary for employment, this new social security card could become an effective tool in removing the economic incentive which brings most illegal aliens into our country—American jobs.

#### Not A National I.D. Card

I know that some will oppose this proposal because they will label it a "national identification card." This is simply not the case. The only purpose will be to verify that the

bearer is the rightful holder of the card.

The legislation will also require that a prospective employee be required to present his social security card to his employer for verification before obtaining employment.

#### Not Expensive Procedure

Such a procedure would not place any further burdens on employers or businesses. It is simple, is not expensive to accomplish and will prevent undocumented workers from obtaining jobs.

We have the mechanics all ready in place through the social security system and another Federal agency need not be created to handle the process.



# The Illegal Alien Problem: The Melting Plot

## Carter Proposal

There have been numerous proposals set forth in the past several years to deal with the illegal alien problem. Two years ago, the Administration suggested granting permanent resident status to the 6 to 12 million illegal aliens now residing in the United States and allow temporary working status for five years for the estimated 5 million illegal aliens in the country before January 1, 1977, with restrictions on bringing in families or using taxpayer-financed social services.

The President's proposal was severely criticized even by members of his own Cabinet and Congressional approval of the program looked doubtful. In my opinion, the program was totally unacceptable in light of the increased burden it would place on state and local services.

## Enforcement

Part of the current problem is, of course, enforcement. No more than 300 border patrolmen out of a national staff of 2,200 are on duty at any one time along the U.S.-Mexican border, an entry point for many illegal aliens.

Just inside the border are numerous "home-free zones" where new arrivals can melt easily into the population. The Federal budget squeeze further handicaps enforcement leaving agencies without the personnel or equipment that they say is needed to match growing border traffic.

The Immigration and Naturalization Service (INS), for example, only got three quarters of the amount it sought for the current fiscal year.

## "Twin Plants"

Compounding the situation are the findings of a recent Federal study which concluded that population continues to grow in most Mexico border towns. One of the reasons are the 700 or so "twin plants" which have principal opera-

tions in the U.S. and auxiliary plants in Mexico. However, the unskilled or semi-skilled workers in Mexico make much less than workers here. The attraction to come to the U.S. is obvious—higher wages.

According to INS Commissioner Leonel J. Castillo, "A lot of people who move to Tijuana are not going to work in an electronics plant there when they can go to work for the same company not far away in Los Angeles and make seven times as much money."

## Mexican Oil—A Solution?

Despite unfavorable working and living conditions that confront an illegal alien in this country—their plight is much better here than in Mexico, for instance. A high birth rate coupled with difficult economic conditions, has forced many to look elsewhere.

A new discovery of oil (which is said to rival that of Saudi Arabia) could lessen the effects of a poor economy in Mexico and consequently provide more jobs for its citizens. It is estimated that if Mexico meets oil-production targets and exports 1.1 million barrels of oil a day by 1980 as planned, the result would be approximately \$5 billion left over in the annual budget for specific needs.

In my opinion, our government cannot put all their eggs in one basket and count on improved economic conditions in other countries to wipe out the illegal problem. Even though such a situation would help, I am doubtful that it would stem the tide.

The United States has long had a tradition of welcoming immigrants to this country—it is a tradition to preserve. It is my firm belief that we need to put a stop to this serious problem. We have right now a workable system that would accomplish that goal. By passing legislation that would require proof of legal residence, we can and will halt the flow of those who come here without the consent of the law.

# A State is

Each year, Members of the House of Representatives, the U.S. Senate, the Supreme Court, the Cabinet, the Diplomatic Corps, and various other government dignitaries and officials gather in the House chamber to hear the President deliver his State of the Union address.

After listening to President Carter on Tuesday night, January 23rd, I had a reasonably good idea where this country had been in the past year (the problems we face are rather obvious), but did not receive any insight or hear some concrete solutions about what we should do about our problems in the next 365 days.

Basically, the President said that the Union was not crumbling, but that it needed a "New Foundation." Upon hearing this phrase, "New Foundation," I was somewhat puzzled not knowing if he meant a new tax exempt foundation, or help for the housing industry.

In comparison to some of the other themes developed by previous Presidents, Franklin Roosevelt's "New Deal," John Kennedy's "New Frontier," or Lyndon Johnson's "Great Society," President Carter's "New Foundations" certainly did not catch on. Frankly, his speech did not say much that was not already



At a recent press conference, Congressman Wilson special panel on SALT II responds to a question from Intelligence Agency.



# LEGAL AID FOUNDATION OF LOS ANGELES

## LEGAL SERVICES ALIENS' RIGHTS PROGRAM SERVICIOS LEGALES PARA LOS DERECHOS DE INMIGRANTES

1550 WEST EIGHTH STREET • LOS ANGELES, CALIFORNIA 90017 • (213) 487-3320

### URGENT

TO: PERSONS CONCERNED WITH ALIEN HEALTH CARE

FM: PETER A. SCHEY

SUBJECT: MEDI-CAL FOR ALIENS (PROPOSED REGULATIONS TO BE  
FINALIZED OR ABANDONED IN NEXT FEW WEEKS)

DATE: FEBRUARY 28, 1979

The newly appointed Director of Health Care Services of the Health and Welfare Agency, Beverlee Meyers, has recently proposed new Medi-Cal regulations which would substantially improve the application process and result in far fewer denials of assistance based on alienage. Implementation of these proposed regulations is now in the hands of Mario Obledo, Secretary of the Health and Welfare Agency, and Governor Brown. It is imperative that interested persons contact Secretary Obledo and Governor Brown, to urge adoption of the proposed regulations.

THOUSANDS OF DOCUMENTED AND UNDOCUMENTED IMMIGRANTS, AND U.S. CITIZEN MEXICAN-AMERICANS WILL BE DIRECTLY AFFECTED BY THIS ISSUE; YOUR INPUT IS OF CRITICAL IMPORTANCE AT THIS TIME.

Brief Description of Current Practices and Regulations: At the present time all persons who are not in possession of INS documentation (or whose documentation is "questionable") must "cooperate" with INS as a condition of eligibility. Firstly, they must give up their right to remain silent when dealing with INS. The Immigration Service is a law-enforcement agency and people coming into contact with INS agents have the right to remain silent when interrogated. Current regulations require people to give up this right and to "cooperate" with INS in order to qualify for medical services. Secondly, people are forced to travel to the closest INS office as part of their cooperation with that agency. Many people are required to travel hundreds of miles to the nearest INS office, where they then must wait in lines for up to six hours before they are referred to an agent for an interview. Thousands of people needing medical assistance understandably refuse to go through this process. Thousands of people are simply incapable of travelling the required distance to an INS office. They go without medical assistance.

Current regulations require every Medi-Cal applicant to present INS documentation in order to establish on-going eligibility. This policy directly conflicts with current state law (Welfare and Institutions Code Section 11104), which allows



aliens to qualify for Medi-Cal if they "certify" that they are either (1) in the country legally and entitled to remain indefinitely; or (2) not under order for deportation. There is no requirement under state law that people must produce INS documentation. In fact, under state law, a person can qualify for Medi-Cal until INS determines that they are deportable from the United States. Secretary Obledo's current regulations simply ignore this critical aspect of state law in order to save money for the Brown administration. Thousands of people who should qualify for Medi-Cal under state law are denied assistance under the current regulations.

Brief Description of Proposed Regulations: Most importantly, the proposed regulations would eliminate the "cooperation" requirements found in the current regulations. Applicants will not have to subject themselves to interrogations by INS agents as a condition of receiving Medi-Cal. Secondly, the proposed regulations would allow aliens to qualify for Medi-Cal unless they were under an order for deportation issued by INS. That is, the proposed regulations would follow state law. Until INS determines that a person is deportable, the Health Care Services will not pre-judge their status. Being in possession of INS documentation would not be required to receive on-going Medi-Cal benefits.

What Needs to be Done: The proposed regulations have the support of Health Care Services. With the support of Secretary Obledo, the proposed regulations could be implemented within a few weeks. Without his support, they will be abandoned. It is therefore urgent that Governor Brown and Secretary Obledo be informed of the widespread support for the proposed regulations. They should also learn of our total opposition to the current regulations, the only ones in the country which require "cooperation" with INS and which make this state's health care agencies extensions of INS's enforcement efforts. Unless the Governor's office and Secretary Obledo hear from Chicano organizations and other interested persons around the state, it is unlikely they will approve the proposed regulations. I strongly urge your organization, your members, and other interested persons (including legal services people) to write, telegraph or telephone Governor Brown and Secretary Obledo. Their addresses and phone numbers are as follows:

BILL PRESS  
Governor's Office  
State Capitol  
Sacramento, Cal., 95814  
(916) 332-2318

MARIO OBLEDO  
Secretary, Health & Welfare  
Agency  
915 Capitol Mall  
Sacramento, Cal., 95814  
(916) 322-2862, 445-6900

So that we know who has contacted Governor Brown and Secretary Obledo, please send blind copies to this office. Many thanks for your immediate attention on this issue.

///



NATIONAL HEALTH LAW PROGRAM, INC.  
(NHcLP)

2401 Main Street  
Santa Monica, California 90405  
(213) 392-4811

RECEIVED FEBRUARY 22 1979  
EAST LOS ANGELES

TO: Health Advocates  
FROM: Alan Rader and Dorothy Lang  
SUBJECT: Medi-Cal for Undocumented Aliens  
DATE: February 21, 1979

It is imperative to call Bill Press in the Governor's office (916) 322-2318 and Mario Obledo, Secretary of Health and Welfare (916) 445-6900 to get them moving on the new regulations to permit undocumented aliens to receive Medi-Cal that we have discussed before. These regulations have bogged down at Obledo's level and require pressure either directly by our clients or on our clients' behalf to get them moving. This is especially critical in light of the terrible attorney general's opinion that has just been released on the issue of whether Los Angeles County is permitted to provide non-emergency, elective health care to undocumented aliens under W & I Code Section 17000 (NO).

Rumor has it that Obledo himself is blocking the implementation of these regulations. Beverlee Myers wants to implement them immediately as emergency regulations. Obledo is reported to have said that he will not permit emergency regulations or perhaps any regulations at all.

It is necessary to convince Obledo and the Governor of our clients' need for these regulations. A telephone call would be best, but letters are also valuable. The addresses are as follows:

Bill Press  
Governor's Office  
The Capitol  
Sacramento, CA 95814

Mario Obledo, Secretary  
Health & Welfare Agency  
915 Capitol Mall  
Sacramento, CA 95814

Please do not delay in contacting them.



Contact Your Legislators and State Officials and Urge Them To  
Preserve the Right of Undocumented People to Receive County Health Care

L.A. County is threatening to end non-emergency health care traditionally provided to all people on the basis of need alone, without reference to immigration status. Its proposal, which is being closely watched by other counties eager to institute the same policy, would force the undocumented to apply for Medi-Cal as a condition of receiving health care at county facilities. This forced application includes signing a CA-6 form which is sent to the Immigration and Naturalization Service. Upon receipt of this form, INS calls the person in and asks him to present his immigration papers. If he does not have any, the Medi-Cal application will be denied, and the person will very likely receive a date for a deportation hearing. Because this can result in deportation, the undocumented fear the entire procedure and will defer badly-needed health care rather than risk exposure to INS.

The county's efforts to institute this policy received support recently from Attorney General George Deukmejian, who issued an opinion which states that counties do not have the authority to provide health care under its General Relief program to the undocumented. This opinion has been badly distorted by the press, and by counties who are seizing upon it as an excuse to implement the policy of denying care:

- 1) The opinion does not state that the county is prohibited under state law from providing this care. It states only that it may not do so pursuant to one program. A County has ample authority to continue to provide such care under its traditional powers to protect the health and welfare of people living within its borders.
- 2) The opinion does not state that a person seeking health care can be required to apply for Medi-Cal. It states only that a person seeking funding for his care under Medi-Cal must fill out a Medi-Cal application.
- 3) The opinion explicitly sidesteps the question of whether a county employee can be held personally liable for providing care against advice of counsel, in effect admitting that no such liability exists.
- 4) The opinion is badly reasoned and without legal precedent in its conclusion that an undocumented person cannot legally form the intent to remain in the county.



- 5) The opinion is not a binding judicial precedent, but rather the opinion of just one man. There are reports that an alternative opinion was also under consideration but was never released.

In response to these efforts to cut off health care, the State Department of Health's Director, Beverlee Meyers, has proposed new administrative regulations which would make most undocumented persons eligible for Medi-Cal. If these regulations are passed, care would likely continue because the state, rather than the county, would be bearing the cost of the care.

State and federal officials and legislators should be contacted and urged to support Medi-Cal eligibility for the undocumented. In particular, they should urge passage of the proposed regulations on an emergency basis, to expedite implementation and assure continued care for all people.

Contact:

|  |                |
|--|----------------|
| Governor Brown (fiscal aide: Bill Press)   | (916) 322-2318 |
| Mario Obledo,<br>Secretary of California Health & Welfare Agency<br>(aide: Ken Wagstaff) | (916) 322-2862 |
| State Sen. Joseph Montoya (aide: Jerry Asher)  | (916) 455-3386 |
| State Sen. Alex Garcia   | (213) 628-5155 |
| Assemblyman Richard Alatorre (aide: Dan Arguello)  | (213) 255-7111 |
| Assemblyman Art Torres   | (213) 728-8882 |
| Congressman Edward Roybal (aide: Henry Lozano)   | (213) 688-4870 |

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Also contact your L.A. County Supervisor and urge him to vote to provide health care to the undocumented and to all persons in need of care.

974-1411

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Prepared by the Coalition for Health and Justice for All Taxpayers

For information, contact:

|   |          |
|---|----------|
| Phil Castruita, Hugo Garcia (One Stop Immigration)  | 748-5511 |
| Kathy Krause (L.A. Legal Aid)                       | 266-6550 |
| Jeff Kincheloe, Howard Strauss, Pete Navarro (ACLU) | 487-0244 |

kk/2-21-79