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I Left My Brain in San Francisco

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In the News | The Free Market and U.S. Immigration Policy

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Notes from the Field | NC LISTEN Rallies to Stop Use of State Facilities to Issue Illegal Alien IDs

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House Appropriations Committee Limits Spending on Worksite Enforcement

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To assist employers who want to be sure they are not hiring unauthorized workers, the federal government developed E-Verify (previously called the Basic Pilot system), a voluntary program which allows them to verify electronically the validity of a worker's Social Security number and, for those who are foreign-born, the worker's authorized work status. The program was begun in 1996. Some 70,000 employers nationwide are currently enrolled in the E-Verify program, allowing them to determine instantly in most cases if a worker is eligible to be employed.

Authorization to continue the E-Verify program expires on November 30, and unless Congress acts to continue it, the most effective tool to prevent the employment of illegal aliens will be lost. Given the program's effectiveness, and given the fact that virtually every member of Congress professes to support immigration enforcement in the workplace, reauthorization would seem automatic and noncontroversial. However, in the special interest dominated arena of immigration politics, E-Verify has run into some roadblocks.

At a June hearing before the House Immigration Subcommittee, Chairwoman Zoe Lofgren (D-Calif.), an immigration attorney, expressed concerns about privacy and discrimination issues, in spite of the fact that there is no evidence that the use of E-Verify has caused any such problems. Lofgren's claims were shared by a representative of the American Civil Liberties Union, which has a long record of opposing nearly all immigration enforcement policies and is a party to efforts to bar worksite enforcement.

Support for continuing and expanding E-Verify received bipartisan support at the hearing. Rep. Heath Shuler (D-N.C.), co-author of the SAVE Act (H.R. 4088), argued that E-Verify is highly effective and could handle 240 million employer inquiries a year, or about four times the number of people who are hired in the U.S. annually. The small error rate of about 4 percent, explained Jonathan Scharfen, acting director of Homeland Security's Citizenship and Immigration Services agency, is a result of people failing to update information with the Social Security Administration and is easily correctable. DHS has already announced an agreement with SSA to eliminate this problem.

Rep. Ken Calvert (R-Calif.), has introduced two pieces of legislation to reauthorize E-Verify. One would reauthorize the program with no changes for another ten years, the other would phase in its mandatory use by all employers over seven years. A universal work authorization system is something that FAIR has advocated since the organization was founded. In an age when millions of credit cards and ATM cards are instantly verified every single day, there is no technological barrier to implementing a mandatory work authorization system in the U.S.

Rather, the impediments to implementing such a system have always been and continue to be political.

In one final effort to undermine E-Verify, Rep. Sam Johnson (R-Tex.) offered seemingly innocuous amendments that would have made it relatively easy for the next administration to render the program inoperative. Johnson's amendments would have required DHS to reimburse the Social Security Administration (SSA) for all costs associated with E-Verify and would have prohibited the use of SSA's own funds to run the program. Thus, the simple failure of the two agencies to enter into a reimbursement agreement would effectively shut it down.

When FAIR learned of these potentially fatal amendments, we immediately alerted members and activists all across the country who flooded Capitol offices with phone calls and emails opposing these destructive changes. According to one congressional staffer, many House offices were "freaking out" about the volume of calls they were receiving about E-Verify. Again, the response of ordinary citizens helped maintain this valuable tool in the fight against illegal immigration.

As of the deadline for this edition of the newsletter, no action has been taken on reauthorization of E-Verify.

AFL-CIO Concerned that DHS Rule Change Will Undermine U.S. Workers

Earlier this year, we reported that the Department of Homeland Security (DHS) administratively expanded the H-1B visa program without congressional approval by extending the period of time foreign students are permitted to remain and work in the U.S. Previously limited to one year after graduation, the DHS “emergency” rule, changed to the Optional Practical Training (OPT) program, will allow many foreign graduates with degrees in science and technology to work here for up to 29 months.

The high tech industry has been lobbying Congress for an increase in H-1B visas. However, FAIR and IT trade organizations have been working to block increases, citing the impact it would have on American workers. Even the AFL-CIO, which has strongly backed amnesty for illegal aliens, has joined the effort to oppose this rule change.

In written comments submitted to DHS, AFL-CIO’s director of Immigrant Workers Program, Ana Avendano stated bluntly that the move was a backdoor effort to increase the supply of H-1B workers to the detriment of American workers. The DHS rule, “turns a student visa program into a labor market program, and essentially lifts the cap that Congress has placed on the H-1B program,” wrote Avendano. The AFL-CIO also complained that the new rules would allow employers to use OPT workers to break strikes and that these workers are exempt from prevailing wage requirements.

“Given that DHS’s own estimates are that tens of thousands of OPT workers will soon be in the market, this is certain to exert downward pressure on wages and other working conditions,” said Avendano.

Sadly, AFL-CIO’s concern for the impact of immigration on U.S. workers has been limited to guest worker programs. The nation’s largest labor group has consistently failed to address the impact of mass permanent immigration on labor in this country. AFL-CIO let down millions of displaced American workers by supporting amnesty for illegal aliens and has refused to oppose excessive levels of government mandated immigration, which has been clearly shown, in Avendano’s words, to exert downward pressure on wages and other working conditions.

Executive Order Requires All Federal Contractors to Use E-Verify

In a significant step to demonstrate a commitment to halting the employment of illegal aliens, President Bush signed an executive order on June 6 requiring all federal contractors to use E-Verify to check the work authorization of new employees. With many businesses heavily dependent on approximately one trillion dollars of government contracts, the president's executive order will likely have a substantial impact on the effort to end the practice of hiring illegal aliens.

Over the years, the federal government has been repeatedly embarrassed by revelations that contractors, including some working on security sensitive projects, were employing illegal aliens. In his executive order, President Bush noted that it is, "appropriate to ensure that government contractors and subcontractors abide by the immigration laws" as "one of the government's primary responsibilities is the enforcement of" those laws. Mandatory use of E-Verify will ensure that companies that profit from doing business with the federal government are in compliance with federal laws barring the employment of illegal aliens.

Numerous state and local governments have already adopted requirements that businesses use E-Verify in order to qualify for government contracts. Those states and localities have seen decreases in their illegal alien populations.

FAIR, which has frequently criticized the Bush administration for its failure to effectively enforce immigration laws and for its strong support for an illegal alien amnesty and guest worker legislation, was quick to applaud the executive order. However, cheap labor business interests and illegal alien advocacy groups were highly critical of the executive order. Business groups complained that there are significant flaws in the E-Verify system, an allegation that is denied by both the Department of Homeland Security and leading members of Congress. Illegal alien advocacy groups charged that the administration's new policy is "a last-ditch effort to throw a bone" to those who support immigration enforcement (while failing to mention that that constituency represents the vast majority of Americans).

If this executive order is enforced and is carried over to the next administration, it would present a real deterrent to employment of illegal aliens. The decision to hire illegal aliens is primarily an economic one — it reduces labor costs. Losing or being barred from lucrative government contracts would be a powerful disincentive to hiring illegal aliens.

Dramatic Jump in Unemployment Among Hispanics, Especially Immigrants

To listen to business lobbyists, one might reasonably believe that the United States is on the verge of running out of workers. Hardly a day goes by when some industry group does not decry an alleged shortage of labor and demand the right to bring in yet more foreign workers.

According to a June report by the Pew Hispanic Center, however, unemployment among Hispanic workers in the United States and immigrant workers is rapidly rising. In the first quarter of 2008, Hispanic unemployment was 6.5 percent, compared with 4.7 percent for all workers. The Pew report finds that among newly arrived immigrants the increase is even more dramatic. Unemployment among Hispanics who immigrated after 2000 stands at 9.3 percent. In addition, employment data do not include unemployment among illegal alien workers. Among Mexican immigrants (irrespective of when they came), the largest immigrant group in the U.S., unemployment grew from 5.5 percent in 2007 to 8.4 percent in the first quarter of 2008.

Yet this dramatic increase in unemployment among a population that includes many poorly skilled workers has not dampened the enthusiasm of business interests for bringing in still more low-skill labor through a variety of guest worker programs. Sen. Barbara Mikulski (D-Md.), who attempted to increase the supply of low-skill H-2B workers by 400,000 by attaching an amendment to the Iraq War Appropriations bill in May, continues to indicate that she may try again.

Although it is adversely affecting U.S. citizens and legal immigrants, the overall rise in Hispanic unemployment has not changed the positions advocated by groups that purport to represent the interests of Hispanics in the U.S. Despite growing unemployment among Hispanics, these groups continue to press for a massive illegal alien amnesty and higher levels of government-mandated immigration.

The positions taken by business interests and mainstream Hispanic advocacy groups reveal their true objectives. For business interests, the quest for ever cheaper labor is the driving force behind their calls for more immigration and more guest workers, not a legitimate shortage of labor. Hispanic leadership groups are primarily interested in building political power bases, even if it means harming the interests of Hispanic citizens and legal immigrants.

The report, "Latino Labor Report 2008: Construction Reverses Job Growth for Latinos," authored by Rakesh Kochhar, can be found at: <http://pewhispanic.org/reports>.

Hold Their Feet to the Fire 2008

Both proponents and opponents agree that talk radio played a key role in the defeat of the 2007 Senate amnesty bill. When 37 talk radio hosts gathered in Washington, D.C., last April for the 2007 Hold Their Feet to the Fire event, they set off a chain of events that led to the most massive outpouring of public sentiment on a piece of legislation that most in Washington could remember.

It's now 2008, and while many of the political leaders seem to have forgotten about the public's deep concern about immigration, talk radio has not. On September 10 and 11, the FAIR Congressional Task Force (FCTF) will host Hold Their Feet to the Fire 2008, this time with more than 50 talk radio hosts from around the country.

Headlining this year's Hold Their Feet to the Fire will be San Diego's Roger Hedgecock, the originator of the event, and Lou Dobbs, who, in addition to his CNN television show, now hosts a nationally syndicated radio program.

Hold Their Feet to the Fire 2008 will provide an opportunity for Americans all across the country to discuss an issue that is critical to the future of their nation as they prepare to choose the people who will lead them. Scheduled to coincide with the seventh anniversary of the attacks of 9/11, talk radio hosts will also focus on the clear and present dangers posed by the nation's continued failure to control its borders and immigration policies.

FCTF is a non-profit 501 (c)(4) organization affiliated with the Federation for American Immigration Reform. FCTF was also responsible for organizing a talk radio row in Des Moines, Iowa, in December of 2007.

For more information about Hold Their Feet to the Fire 2008, please contact Susan Tully at susan@fairtaskforce.com.

Around the Country

Virginia

The northern Virginia suburbs of Washington, D.C. have become a hotbed of immigration reform activism in recent years. In 2006, the city of Herndon voted out of office all but one local official who had supported a day labor hiring site for illegal aliens. More recently, Prince William County has attracted national attention by instituting local immigration enforcement policies and cooperating closely with federal immigration authorities. A new report by the University of Virginia demonstrates why local residents are so concerned about mass immigration. The report finds that one in five northern Virginia residents is now foreign-born and statewide the immigrant population has doubled since 1980. This rapid influx of both government sanctioned and illegal immigrants has strained local resources and contributed to population driven sprawl in the region.

South Carolina

South Carolina has joined other states including Georgia, Oklahoma and Arizona in instituting tough policies aimed at preventing businesses from hiring illegal aliens. The law signed by Governor Mark Sanford will require all businesses to use the E-Verify system beginning July 2009. South Carolina has seen a dramatic increase in illegal immigration in recent years drawn by tourism, textile mills and the poultry industry. FAIR has worked closely with activists in South Carolina, especially South Carolinians for Immigration Moderation, which has been one of the driving forces behind passage of the state's new immigration enforcement policy.

Rhode Island

Governor Don Carcieri is holding firm to his position that Rhode Island police cooperate with federal immigration authorities. Governor Carcieri signed an executive order in March requiring state contractors to verify the immigration status of their workers and requiring state police to identify illegal aliens. His stance put him at odds with Providence Mayor David Cicilline, who continues to bar local police from cooperating with immigration authorities. But a high profile crime has helped solidify public support for the governor's stance. An illegal alien criminal who had previously been in police custody now stands charged in a brutal rape case that the governor claims could have been prevented by turning him over to federal immigration authorities.

I Left My Brain in San Francisco

San Francisco is often out of step with the rest of the country — which is part of its charm. So, when it declared itself a sanctuary city for illegal aliens, no one was really surprised. When the city took out ads to let illegal aliens know that they were welcome and protected in the City by the Bay, the general reaction was one of puzzled amusement. But the city's latest efforts to shield illegal aliens have even the folks at the hometown San Francisco Chronicle scratching their heads.

Plagued by an influx of Honduran crack and cocaine dealers, San Francisco officials have determined that their most important responsibility is to protect the drug dealers from federal immigration authorities. To accomplish this, the city came up with a scheme described by U.S. Attorney Joseph Russoniello as “a perfect storm of dumb moves.”

To begin with, the drug dealers know that adult criminals are the exception to San Francisco's sanctuary policy, so they claim to be minors when they are arrested. The city routinely accepts these claims even though, as the former head of the SFPD's narcotics unit acknowledges, the police know that they are adults. They “pass themselves off as juveniles with a three-day growth of beard,” says Captain Tim Hettrich.

Sometimes the “youths” are placed in group homes in Oakland under the supervision of drug traffickers who claim to be their relatives. In other cases, the city that refuses to assist in immigration enforcement because it's a “federal matter,” decided to protect these “youths” from being deported by the federal government by doing it themselves. Juvenile Court judges have approved city-paid flights back to Honduras, thereby assuring that the ten-year ban on returning to the U.S. that results from a federal deportation does not apply.

At this point, federal authorities were no longer amused and detained a San Francisco juvenile probation officer and two Honduran “youths” as they were changing planes in Houston. The city has now suspended the practice of flying drug dealers home. But, the chief of San Francisco's Juvenile Probation Department remains defiant. “I don't believe we've done anything wrong,” said William Siffermann.

Mayor Gavin Newsom apparently disagrees with the opinion of the Juvenile Probation Department. After enduring intense criticism of the policy, the mayor publicly admitted that it was a mistake and ended the city-funded flights home for juvenile offenders.

In the News

The Free Market and U.S. Immigration Policy

No media organization has been more vocal, or more strident about encouraging mass immigration than the Wall Street Journal. In fact, the paper has gone so far as to editorialize in favor of an open borders amendment to the constitution. Editorial board member Jason Riley has recently written a book touting that position. On June 20, in an op-ed published on the widely-read Townhall.com Web site, FAIR responded to Riley's "Case for Open Borders."

People don't have much faith in government, especially the federal government...and who can blame them? The public looks to Washington and sees neither competence nor integrity in the people and institutions who are determining their fate.

Into the vacuum have stepped the evangelists for a new god: the free market. In his new book, *Let Them In: The Case for Open Borders*, Wall Street Journal editorial board member, Jason Riley, argues that immigration policy ought to be set not by legislators and bureaucrats in Washington, but by the demands of the free market.

Americans have been raised to believe that free market capitalism has been the source of our abundance and there is certainly much truth in that belief, especially when you compare it to the economic disasters wrought by centralized command economies. But any virtue taken to an extreme ultimately becomes destructive.

The free market, unregulated, unbridled, and divorced from any notion of public interest, is nothing more than the law of the jungle. At its best, American capitalism has never been a truly free market. Rather, the system has produced the greatest and most equitable prosperity when it has operated with the minimum regulation necessary to prevent it from devolving into an exercise in survival of the fittest.

An immigration policy dictated solely by market forces, as Riley and the Wall Street Journal advocate, is a surrender of our right as free people to choose our own destiny. Rather than determining our own future through our elected representatives (no matter how poorly they represent us), *Let Them In: The Case for Open Borders* suggests that we cede that prerogative to some amorphous entity known as the free market.

Under the Riley/Wall Street Journal plan, the free market will decide when we've had enough immigration. Citing the example of the cessation of large-scale migration from Puerto Rico in the early 1960s, when average wages in the territory reached a mere 35 percent of what they were in the U.S., Riley predicts that today's flow, principally from Mexico, will abate once a magic "tipping point" is achieved.

Riley is probably right, but that should be of little comfort to anyone who works for a living in this country. The end of Puerto Rican migration occurred because wages on the island rose to a

level that convinced most people to stay put. Given the forces of globalism, the tipping point for Mexican workers is more likely to result from a decline in wages in this country, rather than substantially greater prosperity in Mexico.

But even when that magic tipping point is realized vis-à-vis Mexico, there will still be dozens of countries where workers still feel it benefits them to work at even a depressed American wage. Thus, the free market model Riley proposes would see mass migration end only when we've reached an economic tipping point with every country on earth, or when America becomes so overpopulated that it ceases to be an attractive alternative to people around the world.

One of the inherent flaws of the unbridled free market is that it is incapable of taking a long-term view of things. The unbridled free market said it was expedient to offer subprime mortgages to people who couldn't afford the houses they were buying. It said it was more expedient to remain dependent on foreign oil than to develop alternative energy sources and invest on conservation.

Market forces ought to be a factor, not the only factor in determining immigration, or any other policy. Immigration policies must be formulated with a sense of how they will affect us in the long-term, economically, socially and culturally. Moreover, they must be formulated by the American people and those who are accountable to us. The free market has no accountability and no responsibility to serve the greater good.

This nation's founders were dedicated to the revolutionary principle of self determination. They believed that a free people ought to be in charge their own destiny —a free people, not a free market. Policies that are forced upon us, whether by monarchs, dictators, or plutocrats, amount to tyranny. Let Them In: The Case for Open Borders is, in reality, the case for the tyranny of the marketplace that few Americans would be willing to accept.

Notes From the Field

NC LISTEN Rallies to Stop Use of State Facilities to Issue Illegal Alien IDs

By Ron Woodard, Director, NC LISTEN

On June 28, Blue Ridge Community College — near Asheville and part of North Carolina's state community college system — allowed the Mexican Consulate to use a state building for an event to assist illegal immigrants in acquiring matricula Consular ID cards. These cards have but one primary purpose, to help illegal aliens remain in America. When FAIR's regional field representative, Joyce Mucci, brought the matter to the attention of NC LISTEN, we decided to act.

Blue Ridge officials were contacted immediately and pressed to withdraw support and use of state facilities. When college officials refused to back down and openly denied our access onto the campus to monitor the event, NC LISTEN pressed on.

NC LISTEN went to work educating the public about how its public college was being used by a foreign government to assist illegal aliens. We initially engaged State legislators of the local district, and had members of NC LISTEN call the President of Blue Ridge, state legislators, and the Henderson County commissioners. We issued a press release which resulted in a local newspaper story, and contacted talk radio in Asheville who aired two shows on the issue.

As public awareness grew, we picked up support from other immigration reform groups and non-profit organizations, and developed relationships across the state. Two local political candidates were so upset they spearheaded a citizen rally on the day of the event on the campus of Blue Ridge. The rally was taped and uploaded to YouTube, with the video showing long lines waiting for matricula Consular cards.

Because it is against the law to aid and abet illegal aliens to remain in the U.S., several state legislators are now looking into this matter. Although this event did take place, the public opposition and new coalition partners we developed should help us move state legislation forward. We appreciate FAIR's consistent support of our efforts in North Carolina and across America.

NC LISTEN is a North Carolina-based immigration reform group. We welcome the opportunity to share our strategies with other immigration reform groups. Visit us on the web at www.nclisten.com.

House Appropriations Committee Limits Spending on Worksite Enforcement

For many years, advocates for illegal immigration dismissed proposals for greater enforcement in the workplace as an idea that wouldn't work. Over the past year, numerous state and local governments have instituted their own sanctions against employers who hire illegal aliens while the federal government has stepped up worksite enforcement. The results have proven the critics wrong.

Even as worksite enforcement is being proven effective, the House Appropriations Committee is shifting spending priorities away from those efforts. The committee increased funding to the Department of Homeland Security (DHS) for tracking and removing criminal aliens — a priority no one can argue with — but it has come at the expense of additional resources for worksite enforcement and programs that train local police departments to assist immigration enforcement.

FAIR has been at the forefront of the efforts to make removal of criminal aliens from our streets an urgent priority. Far too many innocent lives have been shattered by the government's failure to identify and remove foreign criminals. However, removal of criminal aliens must not come at the expense of other areas of immigration enforcement. Deterring illegal immigration frees up resources so that DHS can be more effective in dealing with hardened criminal aliens. Additional money spent on programs like worksite enforcement, which deters illegal immigration, is more than offset by savings on education, health care and other social costs.

Two members of the Appropriations Committee in particular, Rep. Harold Rogers (R-Ky.) and Jack Kingston (R-Ga.), attempted to secure additional funding for worksite enforcement and construction of the border security fence. FAIR will work with enforcement-minded members to ensure that these important programs are adequately funded when appropriations measures come to the floor of the House for a vote.