

CAN THE NUMBERS OF ILLEGAL ALIENS BE CONTROLLED HUMANELY?

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Body

The Senate Judiciary Committee, by a vote of 16 to 1, last week approved a bill that would overhaul the nation's immigration laws. The sponsor of the bill, Senator Alan K. Simpson, Republican of Wyoming, and Antonia Hernandez, director of the Washington office of the Mexican American Legal Defense and Educational Fund, disagree on many of the underlying issues. In separate interviews, they discussed their concerns with Robert Pear, a reporter in the Washington bureau of The New York Times. At the outset, each was asked whether the nation had lost control of its borders and whether there should be more enforcement of the immigration laws.

SENATOR SIMPSON: There is a huge flow of undocumented aliens that must be addressed. We will be best about our duties when we legalize that flow instead of seeing it remain illegal, and we think that that's very possible with employer sanctions, an identifier system, an expanded H-2 (temporary worker) program for agricultural and other areas. The true test in the legislation will be the gut-wrenching decision whether the United States has really become so dependent upon the undocumented worker that it cannot get off that particular opiate, or whether we really do want immigration reform and control of the borders.

Question. There have been so many immigration reforms proposed in the last five years. Why do you think yours is better?

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Answer. I would like to think it's because we took the hot stuff and put it right up front and began in our early discussions to deal with the issue of a cap on legal immigration, a staunching of the flow of illegal immigration. We wanted a reform which would not have the characteristics of all our past reforms, which have been racist. By putting everything on the table early, we had an interesting response and didn't allow it to slip into the evil, vile, hidden kind of stuff that accompanies any significant reforms.

Q. Did you have any reservations about proposing a scheme that would require United States citizens to validate their identity when they apply for a job?

A. Yes, when I first heard that proposed, I rejected it. In fact, much of the original package just gave me the creeps. Then I said: This is impossible; I don't see how we can reject everything and get reform. Maybe I'd better start listening. So I started to listen and I started to research and read, and I became convinced that you have to have employer sanctions or penalties against those who knowingly hire (illegal aliens), and you have to have a universal employment authorization verification. I had a good deal of trepidation, but I said, what are we trying to do? Are we trying to slip over into 1984 and Orwellian theories? Are we trying to intrude upon the private lives and civil liberties of the American people? I would visit with people from the A.C.L.U. and civil libertarians, and I would say, O.K., if you don't like that, what's the alternative? Please give me an alternative, but no fair quoting from the Statue of Liberty. I don't want anybody in the argument to do that.

Q. What are the prospects for this legislation?

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A. I think there is a good deal of support for it. I have advised the majority leader that we will have something to be processed. He knows it is a priority item.

Q. Is it correct to say that your bill would, for the first time, put immediate relatives of immigrants under the numerical ceiling for immigration?

A. In setting the 425,000 cap, we are staying with existing levels. We are not cutting away or going up. We do still cherish and embrace the historical traditions of immediate family, and they will still come in. The people of the country are not aware that there has never been any limit on immediate family. It doesn't matter how many would come. They are not totaled against the quotas, the country allocations. What we are saying is: Continue to come in, even if it goes over the quota. But then if it does, then the next year you have a rolling reassessment of that country's quota. Yes, we do in essence place a cap on immediate family and family reunification. But it is not evidenced because it can go into the second year of the allocation, and there are only one or two or three countries that are heavily affected there.

Q. Why do you put immediate relatives under the ceiling?

A. That figure has gone up about 7 percent a year. That figure 10 years ago was 70,000, and now it is 155,000. Those are unlimited - no numerical limit on those. If we are going to have that type of exponential growth, we ought to be paying attention to it in what is called the Immigration Reform and Control Act of 1982.

When we finish the legalization process, those people will be entitled to have their families come here. That's why we must be assured that we watch for that tremendous increase. Once you have legalization, plus five years, plus 3 to 6 million people who all would then have the right to make application for their relatives under the preference system, that's a lot of numbers.

Q. Critics say that your bill would require employers to help enforce the immigration laws. What's the point of that?

A. The idea of employer sanctions draws a quick response: that it's terrible to make the employers of America the policemen of the world. But that is not what this legislation does. If people will take the time to read the bill - it's 78 pages and it's all in English - I think they will be attracted to what we really are trying to do with employer sanctions.

What is expected of the employers is one thing, one tiny small thing: that when they are hiring people, they just check off on the same form, wherever they are asking for the Social Security numbers or whatever they do ordinarily, just say, I asked this person for his identifier or his work authorization, and check the box. And you do that under penalty of perjury.

We knew that if we ever put a tremendous burden on the employer, we would never get to first base. That's why the legislation does not put a tremendous burden on the employer.

MISS HERNANDEZ: We believe that there should be more enforcement, more control of the borders, but there has to be a humane immigration policy. We agree that the Immigration and Nationality Act should be updated, that it is archaic. Our concern is that these people are coming through and are being exploited, and furthermore that their presence here makes the lives of Hispanics much more difficult.

Question. What is your reaction to the recent roundup of more than 5,000 illegal aliens by the Immigration and Naturalization Service?

Answer. It was a public charade that will not in any way affect the overall economic problems of this country. Any day they want, they can pick up that many undocumented persons without making a big public fanfare.

Q. How does that relate to what would happen if Congress enacted the proposal sponsored by Senator Simpson and Representative Romano Mazzoli of Kentucky?

A. The employer sanctions, combined with a multiple identification system, would create the same type of environment. We had reports from Los Angeles that the immigration officers would go into companies, surround the

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premises, look at the employees, divide them into Latin-looking and Anglo employees, and they wouldn't harass the Anglo employees. They would put all the Latin employees in one corner. Then they would interrogate each and every one of them to see whether they were United States citizens or legal resident aliens. The added problem is that a lot of United States citizens who were Hispanic Americans didn't have documentation with them. They were taken to the central station until they could prove (their status). Why should anyone of any heritage in America have to undergo that humiliation, that harassment or that inconvenience?

Q. Is there any way to aggressively enforce the immigration laws without having harassment that discriminates against Hispanic Americans?

A. I don't think so. Basically, the problem of harassment, of intimidation is placed on you because of who you are, your ethnicity, your nationality. I.N.S. people will tell you that they can smell or determine who is an undocumented alien and who is not, but that's a bunch of baloney. There's no way they can tell. People will say, that's why you should have a counterfeit-proof identification card. Well, that is unrealistic too. Any I.D. card is going to be based on the same documents that are so easily counterfeited. You can buy a birth certificate, you can buy a Social Security card.

Let me give you a very personal example. My father is a United States citizen, and he looks as Mexican as anyone I've ever seen. He had one of the old cards that I.N.S. used to issue with his picture, saying that he is a United States citizen. He carries it with him. That was never good enough when they used to raid his company. So now he's thinking of getting an American passport to see if that will do, since a passport is much more difficult to get.

Q. Where was he born?

A. In Texas.

Q. Would the Simpson-Mazzoli bill halt the flow of undocumented workers from Mexico?

A. No. It fails to consider the strong economic and social factors, such as higher wages and family reunification, which bring immigrants to this country. People don't understand the economic interdependence and interrelationship between the two countries. I am not saying that we have to have an open border.

Q. Would the Simpson-Mazzoli proposal lead to better enforcement?

A. They don't even enforce the laws they have now. There's nothing in the proposal that would lead us to believe they are going to enforce it. What's going to happen is that we are going to have another law on the books that is not enforced systematically, that will be enforced arbitrarily, in a discriminatory manner.

The Office of Management and Budget came up with statistics saying that a picture I.D. would cost close to \$2 billion. Without a picture, it would cost \$1 billion. They should put one-quarter of the \$1 billion into better management of I.N.S., better border enforcement and try this for a couple of years and see what happens.

Q. What about penalizing employers?

A. Employer sanctions would inevitably result in discrimination against Hispanics and other minority citizens and legal residents. Employers intent on excluding minorities could conceal their discriminatory practices under the pretext of compliance with the law. On the other hand, well-meaning employers might avoid hiring minorities or 'foreign-looking' applicants for fear of being subjected to employer sanctions.

Q. Have the professionalism and training of I.N.S. agents gotten any better?

A. In all my experiences with the immigration service, and they have been many, by and large I.N.S. officers have been courteous, respectful and understanding. We in our family have never had the questioning and the suspicion at the border, but that to us is part of being Hispanic. It's sort of assumed. At the border we have had very good relationships. My parents fear, they distrust, but they also, in all fairness, have had few unpleasant experiences at the border.

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You can't put all the fault on I.N.S. officers. They are overworked, understaffed, given an impossible task, told to enforce the law, but not to enforce the law.

Graphic

Illustrations: photos of Alan K. Simpson, Antonia Hernandez photo of immigration officials capturing illegal aliens

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