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MEETING WITH ATTORNEY GENERAL
ON ILLEGAL ALIENS
Wednesday, January 21, 1976
1:00 p.m.


Room 5111 Justice Dept.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

REQUEST

January 20, 1976

MEMORANDUM FOR: Jim Cannon
FROM: Dick Parsons 
SUBJECT: Domestic Council Committee on
Illegal Aliens Meeting

The Attorney General has called a Cabinet-level meeting of the Domestic Council Committee on Illegal Aliens, to be held on January 21, 1976, at 1:00 p.m. You have been invited to attend. This memorandum provides essential background for your information.

BACKGROUND

The Domestic Council Committee on Illegal Aliens was created by the President on January 6, 1975 (see memorandum at Tab A). Although several meetings of the committee were held last year, little was accomplished apart from a realization of the lack of information concerning the status, location, etc., of the illegal alien population.

In an effort to more clearly focus and revitalize the committee's activities, the President, this past summer, directed that the committee undertake a full-scale analysis of all aspects of the illegal alien problem (see memorandum at Tab B). Partially in response to this directive, the I&NS has commenced a major study of the demography and impact of illegal aliens in the United States. With the exception of this action, little else has been done, however.

You should know that a separate but similarly charged entity, the Department of State's Interagency Committee for the Study of Problems Related to Illegal Mexican Migration into the United States, has met with the Mexican government and begun a dialogue on possible methods to resolve our mutual problem. Lynn May and I have attempted to see that the work of the Interagency committee is coordinated with that of the Domestic Council committee.

AGENDA

The meeting you will be attending on the 21st is designed to get the Domestic Council committee moving again. The major agenda items include (1) a discussion of pending legislation relating to the illegal alien issue (see Tab C) and (2) a discussion of an

organization plan to carry out the committee's responsibility for developing, coordinating and presenting to the President policy issues that cut across agency lines dealing with the illegal alien problem. This second item (discussed in detail at Tab D) calls for the establishment of five task forces focusing on the following areas:

- Economic and Labor Market Impact.
- Immigration Law and Policy.
- Enforcement.
- Social and Community Impact.
- Foreign Relations.

A

JANUARY 6, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

January 6, 1975

MEMORANDUM FOR: THE DOMESTIC COUNCIL

Secretary of State
Secretary of the Treasury
Attorney General
Secretary of the Interior
Secretary of Agriculture
Secretary of Commerce
Secretary of Labor
Secretary of Health, Education and Welfare
Secretary of Housing and Urban Development
Secretary of Transportation
Assistant to the President Baroody
Director, Office of Management and Budget
Chairman, Council on Economic Advisers
Chairman, Council on Environmental Quality
Administrator of the Environmental
Protection Agency
Director, ACTION

SUBJECT: Domestic Council Committee on Illegal Aliens

I am today establishing a new Domestic Council Committee on Illegal Aliens. This Committee will develop, coordinate and present to me policy issues that cut across agency lines to provide better programs for dealing with this National problem. The Attorney General will serve as the Chairman of this Committee. The membership of the Committee will consist of the Secretary of State, Secretary of the Treasury, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare, Assistant to the President Baroody, and the Director of the Office of Management and Budget.

GERALD R. FORD

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B

WASHINGTON

June 16, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

JIM CANNON *JWC*

SUBJECT:

Domestic Council Committee on Illegal AliensBACKGROUND:

On January 6, 1975, you established the Domestic Council Committee on Illegal Aliens to develop, coordinate and present policy issues that cut across agency lines to provide better programs for dealing with the national problem of illegal aliens. The meetings of the Committee have revealed the current total lack of solid data on the problem and the difficulty in obtaining it. The Committee is divided on its future course -- whether it should adopt a limited, methodical approach which would take several years to carry out or attempt a quicker resolution with several attendant risks. Your guidance is necessary to resolve this impasse.

OPTIONS:

There are two competing alternatives for the Committee's future activities and a non exclusive third option.

1. Limited Step by Step Approach:

A limited option would be to establish a legislative strategy for the passage of the Rodino Bill, which establishes penalties for the employment of illegal aliens, and determine a position on the Kennedy Bill, which would confer legal status on illegals who have resided in the United States for more than three years. The Committee would also monitor an Immigration and Naturalization study, currently awaiting Congressional appropriations approval, which would identify the number, location and employment patterns of illegals in the United States. Following completion of this preliminary study and building on the data it provides, a series of impact studies could then be devised, if considered necessary, to examine the effect of illegal aliens in areas like jobs, schools, social welfare, etc.



Pro - This option would permit a positive step by step approach without incurring great additional costs or creating mandates for further action. It would furnish data necessary to establishing the parameters of the problem and for the formulation of a logical sequence of studies leading to solutions.

Con - It is a limited approach to the problem and would not do much before the election to solve the larger accompanying economic and social impact of the pressure of illegal aliens apart from establishing sanctions against employment.

2. Immediate Comprehensive Approach:

An alternative approach would encompass the legislative and monitoring activities outlined above plus the immediate commencement of long-range impact studies to examine such problems as:

- a. What are the cost effects of illegal aliens on social services like welfare, unemployment insurance, health delivery and education?
- b. What is the cultural and social impact of illegal aliens on areas in which they settle? Do they make contributions to the communities in which they concentrate or are they parasites?
- c. What is the effect of the illegal aliens influx on our foreign policy and international relations? (This question would be examined in concert with the Secretary of State's Interagency Committee for Study of Problems Related to Illegal Mexican Migration into the United States.)
- d. How many and what type of jobs do the illegals take away and in what industries? Can these jobs be filled by Americans and is the U.S. labor force adequate and willing to work in jobs now occupied by illegal aliens?

Pro - It would provide a large body of background data and accelerate your Administration's efforts to deal with the problem.

Con - This proposal would take time, money and the commitment of a full time staff of agency personnel or consultants. The impact studies could heighten tensions among Spanish speaking groups and the results, particularly in the social services area, could produce evidence of the inordinate cost of illegal aliens on state and local governments. This could create pressures for Federal subsidies to ease the problem.



Review of Immigration and Work Entry Laws:

An option, not excluded by adoption of either of the preceding two, would be an examination of current laws covering immigration and admission of aliens for employment. This study would seek to determine whether or not liberalizing these laws would remove the influx of illegals and their impact on the economy. It could review the policies of other countries in this regard, notably Europe, and evaluate the old Federal "Bracero" employment program, in which Mexican citizens were allowed entry for employment under a quota system.

Pro - Would provide the data for a "legalistic" solution to the problem by examining the feasibility of admitting more aliens as immigrants and legal workers.

Con - The study could incur the opposition of organized labor to whom the "Bracero" program was an anathema.

RECOMMENDATIONS

Option 1 (Limited Step by Step Approach)

- Levi, Buchen, Marsh
Seidman

Option 2 (Immediate Comprehensive Approach)

- Dunlop, Lynn, Cannon

Option 3 (Review of Immigration and Work Entry Laws) - Levi, Buchen, Marsh,
Lynn, Cannon

DECISION:

Option 1 _____ or Option 2 _____

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Option 3 Yes _____ No _____



Pending Legislation Relating to the Illegal Alien Issue

H.R. 8713 - The "Rodino Bill"

H.R. 8713 would prohibit the knowing employment of illegal aliens. It is intended to eliminate the opportunities for employment which attract illegal aliens. H.R. 8713 would not require an applicant to show proof of citizenship or eligibility to work in order to obtain a job and would not require that an employer inquire as to his status. The bill proposes a three-step penalty structure, with a warning for a first offense, a civil fine for a second offense and criminal penalties for subsequent offenses. It would also provide for legalization of status for most illegal aliens who have been in the United States since 1968.

H.R. 8713 has been criticized for conflicting reasons. Some have asserted that a requirement that an applicant show proof of citizenship or eligibility to work is necessary if the prohibition is to be effective. Others argue that it is inappropriate to involve employers in enforcing the immigration laws. Strong concern has been expressed, by the U. S. Commission on Civil Rights among others, that the bill would encourage illegal discrimination against members of minority groups seeking employment.

The Administration has supported H.R. 8713 in the belief that a prohibition against the knowing employment of illegal aliens would be widely complied with voluntarily and that the many compromises reflected in the bill adequately meet the various criticisms of it. The bill has passed the House of Representatives in each of the last

two Congresses, but has not been acted upon by the Senate. In this session it has been favorably acted upon by the House Judiciary Committee, but is unlikely to be reported for floor action soon.

H.R. 981

H.R. 981 would amend the Immigration and Nationality Act to create for the first time a preference system and annual country quotas for Western Hemisphere immigration, for which visas are now issued on a first come - first serve basis. The preference system and annual 20,000 per country quota now applicable to the Eastern Hemisphere would be applied to Western Hemisphere, except for Mexico and Canada which would receive annual quotas of 35,000 each. In addition, the bill would simplify and expedite the labor certification process for the admission of needed workers.

The bill would serve to create more orderly Western Hemisphere immigration. It would reduce for those entitled to preferences the current two to three year waiting period for obtaining a visa and make the labor certification process a more viable means of obtaining needed labor legally. In these ways it would alleviate some of the incentive for illegal immigration. Altering its prior position, the Administration now supports applying the 20,000 quota to Mexico and Canada. Providing for immigration subject to the quotas of either 35,000 or 20,000 would, however,

reduce authorized immigration from Mexico, although it could increase immigration from Canada. Thus, it might exacerbate the pressures for illegal immigration from Mexico.

With the exception noted, the Administration supports H.R. 981. There is a general consensus among the interested parties that H.R. 981 is a desirable effort to improve the system of Western Hemisphere immigration, but would not alone substantially reduce illegal immigration. It is still being considered by the House Judiciary Committee and, absent a strong effort, its enactment in this Congress is not anticipated.

DOMESTIC COUNCIL COMMITTEE ON ILLEGAL ALIENS

Background and Proposed Organization Plan

The Committee

In January 1975, President Ford established the Domestic Council Committee on Illegal Aliens, chaired by the Attorney General, "to develop, co-ordinate and present policy issues that cut across agency lines to provide better programs for dealing with this national problem." Surveys of agency attitudes and approaches to various aspects of the illegal alien problem were prepared and certain possible legislative proposals were explored. Subsequently, the President refined the Committee's mandate, requesting development of a legislative strategy, initiation and evaluation of long range studies on key questions regarding the impact of illegal aliens, and review of the U.S. immigration laws to assess whether they should be modified in light of the influx of illegal aliens. A task force approach to discharging these responsibilities was suggested.

The Illegal Alien Problem

Immigration to the United States is intended to be governed by the Immigration and Nationality Act of 1965, under which approximately 400,000 aliens are admitted annually. Actual immigration, however, bears little relation to the program prescribed by law. In 1974, 788,000 deportable aliens were located, about twice the number authorized admission that year. Latest estimates indicate that there are now 8 million illegal aliens in the United States.

Historically, illegal aliens have been Mexicans, concentrated upon our Southwest border, performing agricultural work. Today, however, only about 60% of illegal aliens are Mexican and there are increasing concentrations of illegal aliens in urban, industrialized areas throughout the country. There are, for example, estimated to be 1 million in the New York City metropolitan area alone. While most Mexicans seem to enter the United States surreptitiously and illegally, the majority of others enter legally in a temporary status and become illegal aliens when their visas expire.

Illegal aliens come to the United States seeking economic opportunity. Population trends in the countries from which they primarily come suggest that the incentive to emigrate in search of jobs should be expected to increase in the foreseeable future.

The influx of unauthorized immigrants has important, but somewhat unclear, implications for the United States. Many compete for jobs which are of interest to American workers. Many others, however, seem to accept employment for which Americans are unavailable. Nevertheless, because of their illegal status, all live in fear of apprehension and are subject to economic exploitation or abuse. The question of how illegal immigration and the proposals to deal with it affect the needs and interests of the United States is of central importance.

Immigration should be controlled by a system of laws which are fair and effective. The Committee's goal should be to develop an improved immigration policy, sensitive to economic realities, reflecting democratic values and faithful to our tradition as a nation of immigrants.

Organization of the Committee

The Committee consists of the Attorney General, the Secretaries of Agriculture; Commerce; Health, Education, and Welfare; Labor; Treasury; and State; the Director, Office of Management and Budget; and Special Assistant to the President Baroody.

It is proposed the Committee be organized into 5 task forces:

- Economic and labor market impact
- Immigration law and policy
- Enforcement
- Social and community impact
- Foreign Relations *

The task forces are intended to be working committees whose members are available to commit a substantial percentage of time and agency resources, including travel if necessary, to this effort. Task force chairmen should be senior officials of their departments selected by their respective Secretaries. The task force chairmen will comprise a steering committee for coordination and immediate

* Note: This subject will be handled by a previously constituted group, the Interagency Committee on Mexican Migration to the U.S. The Committee is chaired by the Department of State and was established pursuant to meetings between President Ford and President Scheverria of Mexico in 1972. The scope of its activities as originally defined will be broadened for purposes of the Domestic Council Committee.

response purposes. A modest level of staff support, located in the Department of Justice, will be available.

It is proposed that task force reports to the Committee be made by June 1, 1976. Task force efforts should include recommendations on pending legislation and other proposals, development of studies and pilot programs, identification of new areas for inter-agency cooperation, new contracts or use of existing resources to develop needed data, and contacts with affected constituencies within and outside government. The advice of interests and experts from outside the federal government should be considered particularly important. The task force reports should provide a basis for a full range of recommendations from the Committee to the President.

The membership and responsibilities of the proposed task forces are as follows:

1. Economic and Labor Market Impact Task Force

Chair: Labor

Members: Agriculture
Commerce (Bureau of Economic Analysis-
Balance of Payments)
Treasury (Internal Revenue Service)
Office of Management and Budget

As indicated earlier, most illegal aliens enter the U. S. in search of jobs. Many believe they take agricultural and industrial jobs normally filled by American workers, compete as low-skilled laborers most directly with unskilled ethnic or minority

groups, depress wages of American workers, adversely affect the balance of payments by sending money out of the U. S., and impose costs on American taxpayers by using public services and directly or indirectly contributing to the cost of welfare. There are indications, however, that illegal aliens perform economically essential functions for which Americans are unavailable, thus contributing to our economy and country. Analysis and consensus on the economic impact of illegal aliens are critical. This task force would analyze the economic impact of illegal aliens from two vantage points: (a) the labor-market economic sector and geographical distribution of illegal workers, their behavior and movement in the labor market, and their effects on native workers; and (b) the fiscal effect of illegal aliens on public expenditures, tax revenues and the balance of payments.

2. Immigration Law and Policy

Chair: Justice (Immigration and Naturalization Service)

Members: State (Security and Consular Affairs)
Labor
Office of Management and Budget

The goals of the Immigration and Nationality Act are the reuniting of families and the admission of needed workers and certain refugees. However, the Act has had several unforeseen effects, contributing to the long backlog in obtaining admittance from the Western Hemisphere which is itself an inducement to illegal immi-

gration. This task force would evaluate the basic premises of the Act and how it might be improved. This would include consideration of the approaches to immigration of other countries, the numerical limits on authorized U. S. immigration, the possibility of a preference system and country quotas for the Western Hemisphere, and means of improving the process for admitting needed workers on a permanent or temporary basis, including the possibility of bilateral arrangements to control the flow of what is now illegal immigration.

3. Enforcement Task Force

Chair: Justice (Immigration and Naturalization Service)

Members: State (Security and Consular Affairs)
HEW (Social Security Administration)
Treasury (Internal Revenue Service)
Special Assistant to the President for
Hispanic Affairs.

Law enforcement resources appear to be inadequate to meet the demands posed by present levels of illegal immigration. This task force would examine ways to organize and utilize these resources more effectively. This would include consideration of means of preventing visa abuse and use of fraudulent documents, compliance with and enforcement of FICA and withholding tax requirements, INS enforcement programs, and present practices in issuing social security numbers. The task force would also evaluate the resource implications of other possible law enforcement techniques. In the case of both present and possible law enforcement programs, explicit consideration should be given to their impact on U. S. citizens and authorized aliens.

4. Social and Community Impact

Chair: Health, Education and Welfare

Members: Commerce (Bureau of the Census)
Assistant to the President
Agriculture (Food and Nutrition Service)
Justice (Community Relations Service)

The influx of large numbers of immigrants has traditionally created community tensions, animosity from those who feel most threatened and sympathy from many others. It has also imposed additional public responsibilities on the communities in which they settle. These factors are complicated by the secret, illegal status of much of the current generation of immigrants. This task force would also be a vehicle for communication and cooperation between the Committee and the many ethnic, immigrant and state and local groups intensely interested in this area. This task force would assess the social ramifications of illegal immigration, including its effect on federal, state and local tax-supported services and programs, its population growth and distribution implications, and its consequences for legal resident aliens and minority groups.

5. Foreign Relations

Existing Interagency Committee on Mexican Migration
chaired by the Department of State.

This task force would be responsible for co-ordination and communication with those countries from which illegal aliens primarily come. In conjunction with the other task forces it would also develop short-run proposals which might be adopted by foreign