

IMMIGRATION TO THE UNITED STATES

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BEFORE THE
SELECT COMMITTEE ON POPULATION
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STATEMENT OF DR. VERNON BRIGGS, UNIVERSITY OF TEXAS AT
AUSTIN

[Prepared Statement in Appendix on p. 462]

Dr. BRIGGS. Thank you. I'd like to make one brief introductory statement that—

Mr. SCHEUER. Please do.

Dr. BRIGGS. Since I am associated with a rather strong position on believing that illegal immigration and immigration is having adverse effects on our labor force, I'd like to be sure that—

Mr. SCHEUER. That came through in your testimony.

Dr. BRIGGS. OK, I want to be sure it is understood in the way of background that my views come from a strong effort and a commitment to try and establish unions for low-wage workers, especially farm workers in south Texas and a deep concern for successful manpower training programs. I have watched manpower programs being converted into income maintenance programs. I have seen situations in which the wages in the local labor market are below nationally set stipends provided by participation in the programs.

This means that there is a negative incentive to go into a training program. If you come out of it, you are going to find yourself working for less than what you were receiving in the program. This means that it is very difficult to demonstrate to young people that there is any payoff or any reward for human capital investments for staying in schools.

We have chronic dropout rates in schools. There is great difficulty showing people any reason why they should stay in schools in terms of any payoff that will come from training and education. Currently, I am evaluating the Youth Employment Demonstration Projects Act of 1977 and its operations in the Southwest, specifically in El Paso, Albuquerque, and Corpus Christi.

I have also recently finished a long study of rural labor markets in the Southwest for the Department of Labor. It's a concern for these—

Mr. SCHEUER. Dr. Briggs, let me say that your deep concern shines forth from your testimony.

Dr. BRIGGS. OK, well, I do not want anyone to say that my views are unconcerned about people in low-wage labor markets.

Mr. SCHEUER. You're a decent and a caring and compassionate human being and believe me, that shows. [Laughter.]

Dr. BRIGGS. All right. Let me just say briefly then, with respect to my testimony, that most of what I want to speak about pertains to illegal immigration. But I also want to say a little about legal immigration. Our legal system manifests a national policy about which we should be very proud. It is very liberal with respect to the number of people we're allowing into this country.

Mr. SCHEUER. You note in your testimony that there are only half a dozen nations in the world which are still accepting substantial numbers of legal immigrants. Which are those, just for my curiosity?

Dr. BRIGGS. Well, from what I can ascertain, it's Israel—

Mr. SCHEUER. I wouldn't think so.

Dr. BRIGGS. Well, all I'm saying is—

Mr. SCHEUER. Except for returning Jews. I think they have fairly tough immigration standards for non-Jews.

Dr. BRIGGS. None of them have as liberal a policy as we do, with respect to impartiality.

Mr. SCHEUER. Which countries, in addition to Israel, are still accepting substantial numbers of legal immigrants?

Dr. BRIGGS. Australia, New Zealand, Canada—

Mr. SCHEUER. Oh, no, no way. I was in Australia and New Zealand last year and they are pretty tough.

Dr. BRIGGS. Well, I'm saying these are only six that I can—

Mr. SCHEUER. Australia, New Zealand, Canada—

Dr. BRIGGS. Well, Argentina has been suggested to me by other panel members, but it was not one that I had in mind. The sixth nation is South Africa.

Mr. SCHEUER. Countries of—

Dr. BRIGGS. Of this nature.

Mr. SCHEUER. Of the South Africa nature?

Dr. BRIGGS. Yes; well, I will let that stand on its own.

Mr. SCHEUER. Yes.

Dr. BRIGGS. But there are very few countries that I've been able to find who are accepting anyone at all. And as you point out even these may have changed. It may be even fewer than six.

Mr. SCHEUER. Yes, I think it's fewer. I think I'm familiar with three of those.

Dr. BRIGGS. OK.

Mr. SCHEUER. Israel considers itself legally the homeland for the Diaspora, for Jews all over the world and they will take anybody who is a Jew.

Dr. BRIGGS. Yes.

Mr. SCHEUER. But for non-Jews there, it is tough.

Dr. BRIGGS. That's what I was saying in terms of—the next line in that testimony was that there are none of these countries that I know of that—

Mr. SCHEUER. That's right. Even fewer admit persons impartially with respect to race and ethnic background. In the past, it's been virtually impossible for a black to get into New Zealand or Australia.

Dr. BRIGGS. That's exactly my point. That even with these other ones who are admitting people, they are generally doing it on a very highly discriminatory basis or a very limited basis. And even in all those countries that are admitting, there is usually a strong labor force need test that's applied.

And no one else is really doing it in terms of family reunification, which is the major characteristic of the American immigration system. So what I'm suggesting is that our legal system is something that I think we should be very proud of as a country, with respect to the numbers of persons as well as the fact that at least since 1965 it is a nondiscriminatory system. Yet, in recent years this same system is in many ways becoming something which is an increasing subject of controversy. I believe, as far as low-wage workers in this country are concerned, it is increasingly becoming a cause of oppression. And it's something that—

Mr. SCHEUER. Oppression not only to the immigrants, but to our own low-income people too.

Dr. BRIGGS. That's right. To the people who are seeking employment in these labor markets. With respect to legal immigration, the data shows that only about six States account for about 75 percent of all legal immigrants and most of those people are found in urban areas of these few States—that—

Mr. SCHEUER. And half of that is in New York and California—

Dr. BRIGGS. That's right and Texas close behind.

Mr. SCHEUER. Between Congressman Beilenson and myself, we represent these two great problem areas and so—

Dr. BRIGGS. Based upon extensive interviews in south Texas with many school officials and public officials, I would say that legal immigration is one of the most serious problems they have because they can clearly see its impact; that is, increased numbers of students to serve and inadequate community services and what have you.

And I think that legal immigration, while I support it wholeheartedly, I do think we need some sort of national policy to help impacted areas like New York, California, Texas, that are disproportionately carrying the lion's share effects of a national policy.

Mr. SCHEUER. New York and California seem to carry a disproportionate share of our own poor, our domestic-born underclass, who have gone to these two States because Congressman Beilenson and I and some of our colleagues are more compassionate, more caring than Congressmen from other States and we have higher benefits.

Our civilizations in New York and California have acted as a magnet to the poor and we're coping with them without the benefit of any assistance from the Federal Government, although it is a national problem. Do I carry your proxy on that statement, Congressman?

Mr. BEILENSEN. As the author of Governor Reagan's Welfare Reform Act of 1971, I'm not sure that I should be included. [Laughter.]

Dr. BRIGGS. Well, I'd say that there are a lot of poor people in the South as well. The South still accounts for about 40 percent of the poor of the nation and I think that we forget that too. But in the South the poor are not very well represented.

Mr. SCHEUER. Yes.

Dr. BRIGGS. Well, let me turn to the other issue. That is illegal immigration, which is the major part of our total immigration.

Mr. SCHEUER. Yes.

Dr. BRIGGS. A lot of people try to raise questions about the numbers. When I talk on this issue in the southwest, this is the first question that comes up all the time. I'm certain and, of course, Ray Marshall has also made it clear, that he doesn't even believe we need any more research on the question of the numbers of illegal aliens.

I would agree with that view. Such inquiries are likely to be fruitless. The number of illegal aliens, by its very nature, is something we're never going to be able to count.

Mr. SCHEUER. We may never count it with mathematical exactitude to the last decimal point, but don't you think we ought to know within 1,000 percent?

Dr. BRIGGS. If you can know—

Mr. SCHEUER. We ought to have some ballpark estimate of the dimension of the problem. The problem may be insignificant or it may be monumental. If we don't know whether we have a million illegal aliens or 12 million illegal aliens, it seems to me, we don't have a sufficient data base to make national policy.

I don't say it's terribly important to know whether we have 11½ or 11¾, but we ought to establish some parameters describing the scope of the problem. We ought to know better than some place between 1 million and 12 million.

Dr. BRIGGS. I don't have any objection to what you say. All I'm saying is that to me a lot of people simply say this is a false issue because we don't know the numbers and until we find the numbers, we can't discuss it. My only point is that everybody familiar with this issue that I know of, admits that illegal immigration is an issue. Whether the numbers are 3 million, 6 million, 9 or 12, which have all been cited in the studies that we are familiar with is irrelevant if you concede that the number of persons is large and that it is increasing.

Mr. SCHEUER. The same thing is true with the impacts on the labor market and the impacts on the social welfare system. It's not necessary to know within a fraction of 1 percentage point what the impacts are, but we ought to know whether they're negative impacts or positive impacts.

Dr. BRIGGS. That's right. I have no objection to that. All I'm saying is that I think it's likely to be a fruitless quest to learn the precise numbers.—By its very nature, it is an illegal activity and it's one that we're not going to be able to find out very much about.

People talk about the census figures. The fact is no one knows whether they're counting illegal aliens or not. They don't know. They can't say they're not counting them. How do they know? There is no way to find out. We don't know whether they're being counted in all this data or whether they're not being counted.

Nobody can really ask them. And if you ask them, I'm sure they're not going to admit it. I doubt that they're going to admit it to a census or to any recognized Government official. They may admit it to an interviewer. But my only point is that, as I look at most of the serious social questions in this country, it's sad to say we don't have data on any of them.

Energy is a good example. When I was here in Washington 2 weeks ago, the Federal Energy Administration reduced the estimate of oil off the east coast from 60 billion barrels to 6 in 1 day. Well, that tells me they have no idea what we have in terms of energy supplies.

We know we have an energy problem. The same, I think, can be said with respect to local labor market data. We are all concerned with youth unemployment in this country. But you get into a specific labor market and you have a devil of a time trying to figure out exactly who is unemployed and how many are.

Local labor market data is awful, when you get down to local labor markets. Crime, mental health, health statistics—all these things—we know we have national issues, but the data about all of them is awful. And all I'm saying is we go ahead, we pursue policy, even though we know the data is poor.

And I think the same should be true of our immigration question. Everybody familiar with this issue admits we have an issue and I think we should go ahead regardless of uncertainty about the numbers.

Now as for labor market impact, I'm not one of those economists who believes that economics is a precise, mechanistic type of science. I think there is a lot of human meddling in economics. And I think that what we have here is a good example. You can manipulate the supply of labor.

And in the Southwest that has been the historic way in which the labor market has been kept in surplus. A substantial low wage population exists because of policies that substantially increase the supply of labor by tolerating either illegal immigrants or legal immigrants. In the past, other means such as Braceros, green carders, white carders have also been used to accomplish the same goal.

We've got all kinds of variations of people that come across the border into the local labor markets.

Mr. SCHEUER. In his written testimony, Dr. Piore gave some almost ludicrous examples of how the Immigration and Naturalization Service fine-tunes its enforcement policies to manipulate this labor market.

For example, he mentioned that they'll have a big crackdown of illegal aliens in restaurants and hotels in the spring when the kids are about to finish school and are looking for summer jobs. So they clean out all the illegal aliens and make space for the kids to take summer jobs.

There's a seasonal aspect to enforcement to accommodate kids who are looking for summer employment. Then, there is a cyclical aspect to it. In other words, when employment is full, they sort of turn the other cheek, or look the other way.

When there's a letdown in the economy and jobs are tight, then they'll have a crackdown to make way for jobs for Americans. Dr. Piore, am I paraphrasing you with reasonable accuracy?

Dr. PIORE. Exactly.

Mr. SCHEUER. I think you could fairly well call that a manipulation of enforcement to achieve what you would consider desirable goals from the point of view of our own unemployed, and especially our own youth. But, it certainly is manipulation.

Dr. BRIGGS. Yes.

Mr. SCHEUER. Please, proceed.

Dr. BRIGGS. In talking about who is adversely affected, I have tried in my paper to identify what I think are really the three issues. Namely, there are some people who are exploited clearly.

And these are people who do work for below minimum wages. In many cases, people are smuggled in who become indebted to the smugglers for the cost of credentials. These are terrible types of exploitation. And I think that there is no citizen worker who can at all compete nor should they have to compete with people in that type of labor market situation.

But I would say that's still no reason not to act. That's all the more reason to act on this question. Let us not worry about the displacement effect, but simply say there is exploitation in our society. If we

had an employer who wanted to pay below the Federal minimum wage, we'd act strongly against him, hopefully. And I would say here that—this ought to be a grounds for acting and not an excuse for saying: "Well, they're not displacing American workers. Let's let it go on." Now that to me is no excuse.

I do think that the major impact is in the low wage labor market that pays at or above the Federal minimum wage. For the life of me, I cannot understand why Professor Piore and I disagree so much on policy in this low wage labor market, because I admire his general analysis of low wage labor market workers very much.

But I suppose we probably will disagree today.

The impact of illegal aliens is still much more likely to be concentrated in certain cities and in certain areas of our country. Their very presence explains why wages remain low so long in some of these industries. By their very presence, they make valid the argument that many employers say they can't find citizen workers to do the work anymore. It is a self-fulfilling prophecy.

As long as you allow more of the illegal aliens into these labor markets, it is for certain that citizen workers are not going to be able to compete with them. They will either have to move on or move out of the labor force or onto welfare or onto Unemployment Compensation or something on this line.

I've never felt that illegal aliens come here to get on welfare or to take advantage of our social systems.

Mr. SCHEUER. There doesn't seem to be any evidence—

Dr. BRIGGS. That's right. There's none of it. And I've never even understood why people even raise that question. The real question in my mind is why the people who write these articles on their impact on welfare, then try and dismiss the issue, don't address the real issue—namely, how many U.S. citizens may be forced out of the labor market or are on Unemployment Compensation or welfare because of the presence of illegal aliens with whom they cannot actively compete?

Mr. SCHEUER. Would you describe why they can't actively compete?

Dr. BRIGGS. Well, citizen workers, and I think rightly so, feel they have rights and entitlements in this country. No citizen can compete with someone who doesn't feel he has any rights or entitlements and is—

Mr. SCHEUER. In other words, it's not just the dollars for which they're willing to work. It's their docility, their supine acquiescence to every conceivable kind of mistreatment. The native born Americans just won't put up with that.

Dr. BRIGGS. That's right. Well, in many cases that's right.

Mr. SCHEUER. The employers know they're not going to complain; they know they're not going to organize; they know they're not going to demonstrate; they know they're not going to report them to any Government agency. It's in that area that the domestic workers can't compete, I take it.

Dr. BRIGGS. That's right. And it's also in many cases because the dollar difference is real. That is, compared to the wages they received in their own country, these wages look good to an illegal alien. They don't feel exploited in that sense.

Mr. SCHEUER. The conditions at work may be a great deal better, even though they're very substandard from our perspective.

Dr. BRIGGS. That's right. Many nonunion firms in Texas—and throughout the Southwest—use illegal aliens specifically for that purpose. They don't really exploit them in terms of paying substandard wages. There are, of course, some exploitive employers who will work people below minimum wages.

But many will pay good wage rates. The main reason they want to use these people is because they cannot be unionized. They will not join unions. There's not going to be any way to get unionization in the south Texas as long as willing strikebreakers are available.

I was very sad last year when the Texas Farm Workers marched all the way to Washington. They came here as part of a cause I support very strongly—unions for farmworkers. But at the same time they were arguing their own case—the Texas Farm Workers are not the United Farm Workers; it's a breakoff from them—they were also trying to organize illegal aliens. But by including illegal aliens in their membership, they are encouraging people to continue the very practice that makes it impossible to raise an effective union. By encouraging illegal aliens to join their membership, they make it more difficult to ever unionize. They make it impossible to fulfill their goal. Well, my point is that anybody concerned with low wage labor markets and poor people in this country should include the immigration system as part of the need for policy reform.

Mr. SCHEUER. Right.

Dr. BRIGGS. In my estimation, immigration is not the sole cause, but is a factor in perpetuating low wage labor markets. In my view, it's the constant increase in supply of illegal aliens into the low wage labor market that keeps it suppressed and depressed.

And I suggest in my testimony that if these people coming across were doctors, lawyers, college professors, and business executives, this issue would be stopped. And I think the evidence is, if I'm not mistaken, the Health Professions Act of 1976, which has now made it very difficult for doctors to come in legally into the United States.

They saw what was perceived as being unfair competition from the legal system and have secured legislation to see to it that doctors can't get into this country anymore, legally. And I would dare say that it's because these are blue-collar and service occupations that make the greatest use of these illegal aliens that we're willing to tolerate as long as we are, this farcical system that we now have in our immigration system.

The whole issue to me is should we have an immigration policy that's enforceable? We don't have one now. Our legal system is a very humane policy, but it's actually unenforceable in a sense that everybody is running around the system.

The system we have on paper is not the way most people come into the system. And we ought to have an enforceable policy. What we have now is a script for a Keystone Cops comedy. If it wasn't for the human tragedy involved in it, one would laugh at any system that does not put any penalty on employers for hiring them and doesn't put any penalties on the people who come and take the jobs. They are given voluntary departures back. An INS that has virtually no manpower and virtually very little hardware in many ways—I

think Mr. Castillo stated when he first came up here that there was only one helicopter to patrol the border along California and he said, "You know we had 14 in Houston for traffic control." INS only had one. Perhaps that's been changed now. But its budget is miniscule, given its assigned tasks. I say it's a script for a comedy, if it wasn't for the human tragedy that's involved in this whole thing.

So I think that again if these were white-collar workers, we wouldn't be here today because they would not be coming in. This issue would've been stopped long ago. Penalties and sanctions would have been invoked. But because they are disproportionately blue-collar and service workers who are feeling the brunt and bearing the brunt of this, we're willing to tolerate it and let it go on.

And I must say just for the record what is already in this testimony. I am appalled at the INS policy that Mike has talked about quite a bit; namely, the INS practice of concentrating more on the better jobs. In fact, I read Mr. Castillo's testimony in U.S. News and World Report on the airplane a week or so ago in which he said, "Our effort now is to concentrate on the better jobs because that's where the direct displacement is likely to be the most real."

What he really is saying is that we will crack down where the Americans wearing white collars or in unions are going to scream the most. And so as usual, our Government seeks to protect the people who need the protection the least and leaves the people who need to be helped the most out there to compete in a low wage labor market that's essentially wide open.

I mean why should restaurant workers and maids and laborers and motel workers—why should they have to compete with a market that's essentially wide open to the supply of alien labor to enter? It's just wrong. The emphasis of the INS ought to be on the low wage labor markets.

And I know that's not popular politically but I believe that it's an issue of what is right and wrong. I think the Government ought to help the people who need the help the most. I think it is the workers in the low wage labor market who are least able to articulate their views and who are bearing the brunt of this impact of illegal immigration.

Well, just a last thing I want to say in terms of long-run consequences. I think this is the real issue. Specifically, we are establishing a subclass in this society. And in my estimation that subclass is a real time bomb. Illegal aliens are denied the political right to vote. They are denied legal protections. Technically they have it. In fact, they don't. We're excluding them from almost every form of social systems that we have developed in this country—Supplemental Security Income, Medicaid, Aid for Dependent Children. I'm shocked—in my own state, children of illegal aliens are now charged public school tuition, which effectively means they cannot go to school. Even though I happen to support restrictive border policies, I am violently opposed to the idea of taking it out on children. In other words, tolerating workers who come here to work, but then punishing their children. I think that's just criminal.

Mr. SCHEUER. I'm not sure that we're punishing their children as much as we're punishing ourselves. I just can't think of a more counterproductive social policy than raising a whole generation of

educationless, skill-less, illiterate kids. Looking at it very selfishly from the point of view of our society, the kind of problems we're creating for ourselves a decade or two hence, when we've raised these kids without education, without skills, without the sort of acculturation effect of the schools, will seem insurmountable.

Excluding kids from our educational system, to my mind, is barbaric; but looking at it from a very cold, hard-nosed point of view of national self-interest, it's also an exercise in utter disaster.

Dr. BRIGGS. I agree 100 percent and I say I'm shocked at what my own State is doing and I—

Mr. SCHEUER. As a matter of fact, Dr. Piore hits this point even harder than you do. You refer to it in one sentence in your testimony some place, but he hits this on page after page after page. In terms of the adverse effects on our society, it may be that this generation of illegal immigrants, coming from an agricultural environment, may be willing to accept the hardship, the second-class status, the poor working conditions, the mistreatment, because they perceive of themselves as here only temporarily.

They're not interested in security. They're not interested in upward mobility. They're interested in aggregating a little capital and going back home; but their kids consider themselves as part of an industrial society. They're interested in security. They're interested in upward mobility.

Dr. Piore carries this thought further to illustrate that our inability to fulfill expectations for these kids a generation hence is going to create social dynamite. In your written testimony, you say:

The adults may be grateful for the opportunities provided them, but it is certain that their children will not be and they should not be.

Dr. BRIGGS. That's right.

Mr. SCHEUER. Your solution to this, I take it, is to eliminate to the maximum extent possible illegal immigration. I take it you would do it at the border?

Dr. BRIGGS. Well, I would strongly support adding deterrent policies, but I also suggest in here a much broader thing.

Mr. SCHEUER. You do. You talk about enlightened foreign aid policy and development—

Dr. BRIGGS. That's right. And tariff things especially, which is not part of the administration's package. I would support everything the administration puts up, but I don't think it goes far enough. And I think because they do not address the identification question in their package, I think, if it should be enacted, it's going to be almost meaningless unless you address the identification question.

Mr. SCHEUER. Right. You talk about increased economic aid, special tariff concessions, technical aid and information on population control. I think those are items that this committee has already determined it's going to pursue very vigorously.

What would you do to actually cut off the flow of illegal immigration? I take it you would have some kind of obligation on the employer—

Dr. BRIGGS. Absolutely.

Mr. SCHEUER. And that would decrease the pull. What would you do about interception at the borders?

Dr. BRIGGS. Well, I think that deterrence has to be a part of the policy. I don't think that all of it's going to be—but there is no single answer to this.

Mr. SCHEUER. Yes.

Dr. BRIGGS. It's a multitude of policies that are needed. And I think that you've got to put deterrents on the employers. Make that an illegal act. Although I'll admit, I think it'll be totally ineffective. But it's necessary to set the moral tone.

But I don't think—for example, I've testified in favor of such an act in the State legislature level in Texas. And one of the reasons I hope we have Federal legislation is so we don't get 50 different State laws. But California already has one. Texas did not vote for it, but I—

Mr. SCHEUER. Why do you think it would be ineffectual?

Dr. BRIGGS. Well, I got an interesting reply from a State legislator in Texas, who, after I finished my testimony, said, "Son"—he was older than I was and I knew I was in for a disciplining—he said, "Look, I've been district attorney in Fort Worth for many years."

And he said:

Do you think that any district attorney who has to deal with rapists and murderers and assault and all the rest of this thing is going to prosecute an employer for providing jobs? Not a chance in the world. And do you think that any jury in Texas is going to prosecute an employer for the crime of providing jobs for anybody? Not a chance in the world.

So he decided he was against it. I agree. I think it'll not be very effective in impact. But I'll say this—it'll set the moral tone. I think the Civil Rights Act, which I strongly supported—I don't think it has made it very much easier to prove individual acts of discrimination.

Mr. SCHEUER. Yes.

Dr. BRIGGS. But it has set a moral tone. It has set the stage so we know who's doing what's good and who's doing what's bad. Right now no employer is doing anything wrong. They have nothing to be ashamed of. They're not doing anything wrong.

They're hiring the people. It's quite legal. Of course, it used to be quite legal and right to keep a black at the back of the bus. That was the law. And I think that the law was wrong then and I think this law now or the absence of a law here is wrong. We need to put the moral weight of the State on this issue.

But, in effect, I think it'll have no impact. And this is why I disagree with my Chicano friends who are very worried it'll have a significant impact. I tend to minimize it. They're quite fearful of this thing and certainly I can understand some of their fears.

On the other hand, I don't think until you make that moral statement you can do anything else. You've got to make the issue either morally right or wrong in some sense before you act in order to justify doing anything. And then I would go on, I think, with a voluntary departure system I think has got to be greatly reduced.

Mr. SCHEUER. Voluntary what?

Dr. BRIGGS. The voluntary departure system. There's no reason not to come over now—no reason whatsoever. Because if you get caught, all you're going to do is get a free trip home. And I think that has got to be changed.

I don't like to say that, but I must say that when I weigh out all the alternatives of continued illegal immigration on a lot of other people's lives, I think perhaps some of these things are not—in a relative sense—not quite as abusive as continuing to let this thing go on.

And I think you've got to increase the Immigration and Naturalization Service's manpower and their budgets and perhaps even their mandate.

Mr. SCHEUER. You as a liberal, a person who really feels this issue cutting right to the bone and feels almost emotional about it, you would approve a determined effort to tighten up the border?

Dr. BRIGGS. Absolutely. Absolutely. And, of course, this is one of these issues in which it splits liberals. It even splits conservatives. I know conservatives who are split on this issue too. It has split the Chicano community. In some sense even, it splits everybody.

Because immigration really is what this country is all about in a sense; it obviously goes to the roots of a lot of people.

Mr. SCHEUER. And we're saying close the door now.

Dr. BRIGGS. Well, we're not closing it. I think as long as we keep our 400,000 legal immigrants a year—maybe even increasing it—no one can say we are closing the door. I would increase the number coming from Mexico, by the way. I think the recent law setting Mexican quotas at 20,000, making them equal with everybody else, is just unrealistic.

Mr. SCHEUER. I do, too.

Dr. BRIGGS. I think it ought to be at least 50,000 or maybe more.

Mr. SCHEUER. Or 100,000. Yes.

Dr. BRIGGS. But at least they would get into the legal labor market. I think that setting it at 20,000 was a terrible mistake. It just encourages the illegal route. And I think that given the patterns that we've built up and the pressures from Mexico, we can, I think, absorb 50,000 legal immigrants a year.

What we cannot continue to absorb is an uncontrolled supply of illegal immigrants.

Mr. SCHEUER. Congressman Beilenson?

Mr. BEILENSEN. Thank you, Mr. Chairman. Actually in the last few minutes you just pursued all of the questions which I was going to ask. I am taken and I agree with the statement Dr. Briggs makes toward the end: "Much of our present problem stems from the fact that our current immigration laws are essentially unenforceable."

But again I'm not so sure where that takes us. You go on to say that there are no penalties placed against employers for hiring illegal aliens, but you've just told us that perhaps that might not be terribly enforceable either. Unless you were just speaking in terms of a local law rather than—

Dr. BRIGGS. No, I still think it's necessary, because it sets the moral tone. But I think that until you do that, you can't do anything else. I mean, if you allow people to be employed and not put any sanctions on it, I think you're going to find yourself in a—

Mr. BEILENSEN. Well, from the beginning I've been bothered by other things beyond the specifics by the same thing you have; that our existing law is a farce. It's not enforceable and I just don't like

us to have any law on the books which can't be and isn't being enforced and everybody knows is that kind of law.

But that leaves us hanging really. I'm not at all sure just what kind of a—or whether we possibly can't have an effective immigration law. I mean it may just be an impossible problem.

Dr. BRIGGS. Well, I think it's an important part of it. Again I'm not saying that it would be totally impossible. The people that I've talked with—some people have suggested to me that maybe selective enforcement—that picking on a few cases may—and actually trying to push hard on a few cases may set a pattern for others to follow.

And in other words, it will give voluntary compliance. I'm willing to believe there are some district attorneys who might fight a couple of these cases or push them. And there may be some jury somewhere who might be willing to test it.

Mr. SCHEUER. If it's a Federal law, it won't require action by a local district attorney. It would require action by the U.S. attorney, and then that's national policy.

Mr. BEILENSON. It would require a local jury, wouldn't it?

Mr. SCHEUER. It would require a local jury. Yes. But I'm not as pessimistic as you are—

Dr. BRIGGS. Well, I'm just repeating what he told me.

Mr. SCHEUER. I think if we describe it as a matter of national policy and send employers a clear message that we expect them to obey the law—assuming the law is passed—I think corporations would begin to behave differently after a couple of prosecutions.

That's the way it's been on corporate bribery and on various consumer and antitrust matters.

Dr. BRIGGS. And civil rights.

Mr. SCHEUER. The first couple of guys get hit hard and their corporations are embarrassed and a few chief executive officers are fired. After that the word gets around that they have to change their life style. And Federal grand juries have gone in where local grand juries have been reluctant to act.

In cases of murders of civil rights activists, a local jury wouldn't convict for murder, but a Federal grand jury was convened for deprivation of civil rights and they got a conviction. I'm not saying it's going to be a perfect instrument, but I don't think it's going to be quite the exercise in futility that you seem to think.

I agree with you that as a statement of national purpose it's very important.

Mr. BEILENSON. I agree too and if we can—if we can empanel on those local juries some local unemployed, unskilled workers, we'll get some convictions.

Mr. SCHEUER. Yes; you bet.

Mr. BEILENSON. Yes; you bet.

Mr. SCHEUER. And local taxpayers. The corporations, by hiring illegal immigrants, are depriving native born Americans of jobs—Americans, who therefore may be on unemployment insurance or welfare that they wouldn't be on otherwise. You're hitting some pretty sensitive nerves there.

Dr. BRIGGS. Yes. I've finished all of my—

Mr. SCHEUER. OK. That was very thoughtful and stimulating testimony. What do you perceive to be the impact of the 70,000

permanent resident aliens who actually live in Mexico but cross the border to work every day—these green card commuters that we've heard about?

Dr. BRIGGS. I think that the green carder issue along the border is perhaps even more important than illegal aliens on that strip right along the border. In fact when I mentioned earlier about the impact of illegal aliens and farm unionization, what I saw down there firsthand were buses picking up green carders right at the border and taking them right into the fields.

And there was nothing we could do to stop it. But I also worked this last year on a bilingual vocational education project and had occasion to tour the whole border from one end to the other, talking to junior college officials. And in doing background study on this labor market, the border—just that strip—the 25 counties along that border—there are about—in 1970 there were 900,000 people employed.

Now the estimate today may be as high as 100,000 green carders that actually do come across the border each day to work in that border labor market. That is significant. That means out of 900,000 or 1 million people, at least one-tenth of them are border crossers.

And in economics in a local labor market that's a significant number. And they too are concentrated in certain occupations—heavily in the textile industry, light manufacturing, construction, the retailing, the service industries again.

And they make it very difficult in those local labor markets for wages to ever get above the Federal minimum wage. In fact—

Mr. SCHEUER. I think many of the remarks you're making now apply not just to border areas, but to New York City and Los Angeles. You mention in your testimony that 14 out of these 80 areas of highest unemployment are in the four States bordering Mexico. I think it's significant that 64 of them are not border areas.

Dr. BRIGGS. Yes; I would say that you can carry that analysis into New York with no question. Most of what is said here would apply. But I think with New York and some of these other cities like Chicago, the labor market is so complex—that is, there are so many other factors involved too—that is, the internal migration that you mentioned earlier and migration from the South to the North that have burdened your labor markets—that on the border you can see more clearly the exact impact.

You can isolate more clearly the impact that an essentially open border policy has.

Mr. SCHEUER. Yes.

Dr. BRIGGS. That's my only point.

Mr. SCHEUER. You also stated in your testimony that the jobs that pay only the minimum wage now would attract native born Americans if the supply of illegal immigrants willing to take very low wage jobs were not readily available.

How much would these wage rates have to go above the minimum wage in order to be attractive to native born Americans?

Dr. BRIGGS. I'm not even sure I follow your question now. I think that there are a lot of native born citizens who are getting—

Mr. SCHEUER. At the minimum wage.

