



# Center for Migration Studies

## *Endres Collection*

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Academic Service-Learning Project  
LIS 203

# Collection Background



- ✦ Arthur Endres: counsel for House Judiciary Committee, Subcommittee on Immigration, Refugees, and International Law
- ✦ During the 1980s, CMS obtained 13 boxes of documents from Endres' tenure
- ✦ Contents:
  - ✦ Refugee Act of 1980
  - ✦ Immigration Reform and Control Act of 1986 (IRCA)

# AS-L Tasks



- ✦ Identify documents and separate by Act
- ✦ Organize content in a logical manner
- ✦ Create finding aid
- ✦ My group specifically worked with IRCA
  - ✦ Historical/Biographical Note

# IRCA: Verification/Record Keeping Requirements

Bill S.1200: Simpson-Mazzoli Act-Summary of House Report 99-1000, October 14, 1986

## VERIFICATION/RECORD KEEPING REQUIREMENTS

The Senate bill provided that employers with four or more employees, but not recruiters or referrers, must comply with various verification requirements. It required that a person employing four or more persons must verify that he/she has examined documents which establish both 1) employment authorization and 2) identity (showing that the individual is not presenting documents relating to another individual). A U.S. passport, certificate of U.S. citizenship, certificate of naturalization, or certain resident alien cards would establish both. Otherwise, one document of each type would be presented. Employment authorization documents would include the Social Security card or birth certificate. Identity documents would include: driver's license, other State-issued card, or, under certain circumstances, other documentation approved by the Attorney General. The Senate bill also provided that the attestation forms signed by the employer and employee must be retained for specified periods.

The Senate bill did not impose civil fines for failure to satisfy the above requirements. Instead, it provided that if an employer did not meet them, the employer was presumed to have knowingly hired the alien. The presumption could have been rebutted by "clear and convincing evidence" to the contrary.

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The House amendment required employers to verify all new hires by examining either 1) a U.S. passport, or 2) a U.S. birth certificate or Social Security card and a driver's license, state issued I.D. card, or an alien identification document, and Required each employer to attest, in writing, under penalty of perjury, that he/she has seen the documentation mentioned above. It also required the employee to attest in writing that he/she is authorized to work in the U.S. It also required the employer to retain the attestation forms for such periods as may be specified by the Attorney General. Failure to follow these verification/record keeping requirement would have subjected the offending party to a civil fine of between \$250 - \$1000.

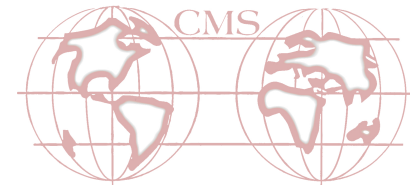
The House amendment also provided that nothing in this section of the legislation was to be construed as authorizing, directly or indirectly, the creation of a national identification card.

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The Conference substitute adopts the House provisions on coverage for, and the mandatory nature of, the verification/record keeping requirements. It adopts the Senate provisions on the documents to be used during the verification process and the time periods for retaining the attestation forms. It provides a minimum civil fine of \$100 for violations of these requirements in lieu of the

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\$250 minimum fine in the House amendment. The Conference substitute also provides that violations of the hiring prohibition in the bill shall be considered in assessing the level of the civil fine to be imposed. It also includes the House provision that "nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card."



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# The San Antonio (Texas) Express News

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12/30/84

## Hispanic leaders lose touch with rank, file

By Roger Conner

There remains a giant loophole in our immigration law.

Although it is unlawful for aliens to enter the United States illegally and take jobs, it is perfectly OK for employers to hire them.

Efforts to close the loophole and cut off the huge job magnet drawing aliens here was again thwarted in the last Congress by Hispanic lobbyists with organizations such as LULAC, the National Council of La Raza and MALDEF, all working out of their Washington D.C. offices.

As Paul Yzaguirre, president of La Raza, asserted in the Express News on Aug. 14, "virtually all the national Hispanic organizations and Hispanic elected officials of my acquaintance opposed the bill because . . . employer sanctions would have caused discrimination against Hispanics and other citizens . . . who looked foreign to employers."

### 'Pack politics'

In a clear case of "pack politics," certain segments of the Hispanic leadership — those with whom Yzaguirre is apparently acquainted — seem bent on ignoring the views of their own constituents and opposing a law making it unlawful for employers to hire illegal aliens.

Despite poll after poll showing support in the Hispanic community for such a law, the leadership continues to fight all efforts to pass employer sanctions. Could it be that the Hispanic leadership has fallen out of step with the rank and file on immigration policy?

The evidence is mounting. In March, 1978, Sen. Lloyd Jentson of Texas took a survey of Hispanic-Americans in Texas, and found that 73 percent favored "civil penalties for employers who knowingly hire undocumented alien workers."

In 1979, Guillermina Jasso re-

### Another view

We encourage our readers to express opinions on issues of their choice in "Another View." Send contributions to "Another View," Virginia Messac, Express-News, Box 2171, San Antonio 78297. Articles should be accompanied by a daytime telephone number and a brief occupational identification of the author. Articles are subject to editing for clarity and length.

leased a poll of Texas Hispanics, and asked their opinion about a "law to stop people from hiring undocumented aliens." Seventy percent of those in South Texas and 93 percent in the Panhandle supported such a law.

### Polls taken

In 1982, a poll by the California Opinion Index found that 71 percent of Hispanics in California favored "severe penalties" on "employers who hire illegal or undocumented immigrants."

In 1983, a Gallup Poll found 73 percent of Hispanics nationally believe it "should be against the law to employ a person who has come into the United States without proper papers." Again in November 1984, George Gallup, Jr., reports that 56 percent support a "law against hiring illegal aliens." (The shift may be due, in part, to the anti-immigration reform hysteria generated by the leadership in the past several months as well as differences in the working of the question.)

A July 1983 national poll commissioned by the Federation for American Immigration Reform (FAIR) and constructed jointly by the prestigious polling firms of Peter D. Hart Research Associates and V. Lance Tarrance & Associates, found that 68 percent of all Hispanics and 66 percent of Hispanic-Americans favored adopting employer sanctions.

Look at Texas. In May, 1984, the Spanish International Network did exit polling in Texas, and found that 69 percent of Hispanics favored "fines for employers who knowingly hire undocumented aliens." So did a poll conducted in 1983 by the Southwest Voter Registration Education Project.

Even the most jaded poll watcher would have to admit that something of a consensus has developed: Hispanic-Americans want employer sanctions.

Why this consensus exists is simple. Unlike the young lawyers here in Washington who run such organizations as LULAC, MALDEF and La Raza, many Hispanic-American workers directly feel job competition coming from massive illegal immigration.

The rank and file understands the implications of an unlimited flow of cheap labor on wages and working conditions. And they know that as long as employers are allowed to deliberately hire any illegal alien who will work for less than the going rate, illegal immigration will never be stopped.

### Disbelief

While "Rome burns" in the blue collar labor market of the Sun Belt, the leadership fiddles in Washington, shaking their respective heads in disbelief at the recent Reagan sweep — and despite their ebullience, the continuing Hispanic defection from the Democratic party.

Maybe it's time the leaders get back in touch with the American people who make a living with the sweat of their brow.

Maybe it's time for them to help design an employer sanctions law that will work without discrimination instead of using the same worn arguments to kill any hope of progress on immigration reform.

Roger Conner is Executive Director of the Federation for American Immigration Reform.

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