

# Foreword

ATTORNEY GENERAL GRIFFIN B. BELL\*

In late December, 1976, President-elect Carter called together his Cabinet designees at Sea Island, Georgia, for our first meeting as a group.

High on the agenda was the issue of undocumented aliens, which, in the President's words, was "severe and getting worse." The President asked Secretary of Labor designee Ray Marshall and me to study the problem and make recommendations to him. It has been an enormous and educational project.

The problem of undocumented aliens involves millions of people who have come into and remain in our country outside the color of law. Although talk of numbers concerning this problem is often justifiably suspect, we do know that during the last year, some 875,000 undocumented aliens were apprehended. In July alone, 35,000 undocumented aliens were apprehended in San Diego County, a twenty-five per cent increase over the last year.

Immigration officials estimate that they turn back only one out of two or three coming into this country. The smuggling business, one of the most pernicious features of the undocumented alien problem, is so good that in San Diego the smugglers have increased the price from \$300 to \$400 for each individual they bring in.

Eight months after the Sea Island meeting, President Carter announced his comprehensive plan to deal with the controversial and complex issue of how to diminish the flow of undocumented aliens entering this country and, at the same time, treat compassionately

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millions of people who live in the uncertain world of illegal status. The plan would affect the everyday lives of millions of people in this country.

In brief, the President's program includes the following:

*Permanent resident status.* Aliens who entered the United States illegally before January 1, 1970, and who have been in continuous residence since then, could apply for permanent resident alien status. They would enjoy all the rights of citizens but would not be able to vote or serve on juries. They could apply for citizenship in five years and petition to bring in members of their families from other countries.

*Temporary resident status.* Undocumented aliens who came here after January 1, 1970, but before January 1, 1977, could apply within one year after the law takes effect to become temporary residents. They would be able to remain in the United States for five years, work here legally, and travel in and out of the country at will. They would not be eligible for most federal welfare programs and would not be able to bring in their families.

A final decision on the status of these individuals would be made before the five years pass and would be based on improved information regarding their numbers and their impact on the United States. Remaining undocumented aliens would continue to be deportable according to current policy and procedure.

*Increased enforcement.* An additional 2,000 immigration officers would be assigned to major ports of entry along the Mexican border. Furthermore, a major effort will be made to arrest and prosecute smugglers of aliens.

*Employer sanctions.* There would be strong civil penalties against employers who hire persons they know to be undocumented aliens. Employers who exhibit a pattern or practice of employing undocumented aliens could be targeted for prosecutions with fines up to \$1,000 for each person hired. Those who continued to employ illegal aliens would face jail sentences. The employer could be absolved of penalties if he or she has seen identification (to be designated by the Attorney General in regulations) from each undocumented alien hired. If the identification is false, the employer could not be held at fault.

The possibility that such sanctions might lead employers to discriminate against ethnic-Americans would be intolerable. To prevent any discriminatory hiring, the federal civil rights agencies would make greater efforts to ensure that existing anti-discrimination laws are fully enforced.

*International relations.* Mexico and other countries from which most undocumented aliens now come could receive assistance, at their request, to create jobs and improve their economies. Because the long-term solution to the worker migration issue remains with the availability of jobs in the source countries, this aid would be of major importance.

*Temporary migration.* The program that allows workers to come into this country to fill jobs for which United States workers are unavailable, especially at harvest time, would be streamlined to make it more responsive to legitimate employer needs for workers while protecting the job rights of United States citizens and permanent resident aliens.

*Quota changes.* The annual immigration quotas for Canada and Mexico would be increased from 20,000 for each to a combined total of 50,000. Because the Canadian quotas are rarely filled, this quota system would permit more Mexicans to enter the country legally.

*Immigration law.* I have been asked to form an interagency task force which, in cooperation with the Secretaries of Labor and State, will make a full review of immigration law and propose needed changes.

One proposal that was rejected was the issuance of a national identity card for all American citizens. No steps would be taken to make the Social Security card—or any other card—a national identification document.

The reaction of Congress and the public to the President's package has been for the most part good. We have worked toward this proposal in consultation with Congress, representatives of many national origin groups in the United States, and the labor movement. Mexican government officials were also briefed fully on the proposals.

We are now looking forward to prompt congressional hearings on this important issue. We think this proposal is a tremendous step forward.

The interagency study of immigration law that the President has ordered will be a prodigious task, but a necessary one. I believe that the scope of the Articles published in this Symposium on Immigration by the *San Diego Law Review* will aid that important undertaking.

