



# Policy Brief

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## **The Case against Amnesty**

### *Why Now?*

Why the big push for another mass amnesty for illegal aliens? Congress granted amnesty to nearly three million illegal aliens in 1986, and now they want to do it again.

President Barack Obama wants it, leading Democrats and Republicans in Congress want it, large corporate news media conglomerates generally support it, and so do powerful business, labor, religious, and ethnic interest groups.

The push for amnesty for the estimated 12 million or more illegal aliens living and working in the U.S. includes not just waiving the penalties for violating our immigration and labor laws. It also includes providing what supporters call "a path to citizenship" for the illegals after their penalties are waived.

It is hard for any reasonable observer to understand why a legislated amnesty should be so urgent now. After all, the economy has failed to fully recover from the downturn of 2008, which has left more than 20 million Americans unable to find full-time employment. It seems that a more sensible policy designed in the national interest would do the opposite: namely, encourage illegal immigrants to go home so that unemployed American workers wouldn't have to compete with them for scarce U.S. jobs.

It is simply not true that Americans refuse to do the work that illegal aliens do. With the exception of agriculture and very few other categories of labor, Americans are the majority of workers in all categories. As for agriculture, less than five percent of illegal aliens are farm laborers. Commonly, illegal immigrants compete with low-skilled and poverty-level Americans for jobs, while reducing the wage levels of those jobs.

### *Politics and Money*

So why the push for amnesty? The answer is politics and money.

So-called "progressive" Democrats see the transformation of illegal aliens into citizens as a new and powerful voting bloc for their party. Party strategists and activists openly admit it. Democratic political consultant Robert Creamer, a frequent visitor to the Obama White House, explicitly outlines the illegal alien strategy in his book, "Stand Up Straight: How Progressives Can Win." He says the Democrats in Congress should grant amnesty to illegal aliens because it will enhance the party's political clout by increasing its voter base. Knowing that Hispanics vote overwhelmingly for Democrat candidates, he writes, "the immigration battle is ... important because it will have an enormous impact on the battle for power between the progressive and conservative forces in American society." He notes that the number of amnestied aliens will be added to nearly 30 million other immigrants who are already legal residents who "could apply today for citizenship, or are citizens not yet registered to vote, or immigrant voters who never go to the polls, or immigrants who will turn 18 years old this year and could register to vote." He believes that if Democrats work for issues such as amnesty that are important to immigrants, that will "define immigrants' loyalties

for a generation. If we are successful, a gigantic block [sic] of progressive voters will enter the electorate over the next 15 years – a block [sic] that could be decisive in the battle for the future...”

The Republican side of the amnesty coalition has a different motive: cheap labor. Business interests represented by the U.S. Chamber of Commerce have for many years opposed any effective enforcement of immigration laws, and have long clamored for amnesty. The Wall Street Journal, mouthpiece of some of the wealthiest corporations in the world, has advocated abolishing U.S. national borders altogether. In an editorial, the editors called for a constitutional amendment that would read, “There shall be open borders”!

Since the last presidential election, some Republican politicians say their party should support amnesty to attract Hispanic votes. But careful political analysts do not believe that this transparent pandering will win them a significant number of votes from a demographic that tends to oppose Republicans for many reasons other than the party’s stance on immigration. As the National Journal noted, “on the question of big government ... Hispanics stand most solidly with Democrats. The 2011 Pew Hispanic Center survey asked Latinos whether they would ‘pay higher taxes to support a larger government or pay lower taxes and have a smaller government,’ Hispanics backed higher taxes and more government by 75 percent to 19 percent.”

Sen. John McCain, an outspoken amnesty supporter, won only 31 percent of the Hispanic vote in his 2008 presidential bid, the usual proportion won by other GOP candidates. A study by political science professor George Hawley of the University of Houston found that Hispanic voters were no more likely to support pro-immigration Republican House candidates than to support Republican candidates with records of restricting immigration.

#### *How Amnesty Hurts the U.S.*

While amnesty and a pathway to citizenship are no doubt a benefit to the Democrat Party and the cheap labor lobby, they are a disaster for the common good. The reasons are legion.

First and foremost, amnesty and the path-to-citizenship turn the rule of law on its head. Waiving the penalty for illegal entry followed by a path-to-citizenship is a reward for lawbreaking, no matter how many conditions are attached. Such reward undermines respect for law, which is a primary basis for our nation’s stability and success.

Amnesty further subverts law by broadcasting to potential future illegal immigrants that the U.S. is not serious about enforcing it, that lawbreaking is ignored as long as it is widespread enough. Amnesty makes legal immigrants who have played by the rules look foolish for having complied with those rules. Amnesty followed by a path-to-citizenship also undermines the worth and significance of citizenship by granting it to people whose first act in coming here was to show contempt for Americans by breaking their laws. Governments that reward foreign lawbreakers while requiring others to hew to the law risk losing the loyalty and respect of their own citizens.

There are also many practical reasons why amnesty is a bad policy.

#### *Amnesty Unjust for U.S. Workers*

To give amnesty to 12 million or more illegals means letting a huge number of them keep the jobs they have stolen from American workers. Federal law prohibits illegal aliens from working in the U.S. Amnesty means that they are not only forgiven for entering the country illegally, they are rewarded with keeping a job that rightfully belongs to an American worker. Right now, nearly 20 million

Americans are unable to find full time employment in a sluggish economy that has not recovered from the 2008-2009 recession. It is unjust to unemployed American citizens and taxpayers to let illegal aliens keep the jobs they've illegally taken, often with stolen Social Security numbers belonging to Americans.

Not only do aliens take jobs that rightfully belong to Americans, the unnecessary increase in the labor market drives down wages. Classic economic theory teaches that as the supply of a commodity -- in this case, labor -- increases, the price will fall. Increasing the labor supply simply serves to drive down wages, particularly for low-skilled jobs, which attract a large segment of the illegal alien population.

#### *Amnesty Exacerbates U.S. Fiscal Problems*

Amnesty will add to America's fiscal crisis by vastly increasing the number of people eligible for taxpayer-funded public benefits. Because the majority of illegal aliens are uneducated and low-skilled, they are more likely when legalized to apply for taxpayer-paid benefits of some kind. Robert Rector, senior research fellow at the Heritage Foundation, discovered that "granting amnesty or legal status to illegals will generate costs in Medicare and Social Security alone of \$2.5 trillion above any taxes paid in." He points out that a typical household headed by someone without a high school education pays far less in taxes than it eventually receives in benefits. He estimates it is a net cost, over time, of about \$20,000 per household.

Staffers on the Senate Budget Committee found that legalizing an estimated 12 million illegal aliens will increase the costs of federally-subsidized Obamacare health insurance anywhere from \$120 billion to \$200 billion in the first decade of its enactment. The Congressional Budget Office estimates that 7 million illegals are without insurance and that 85 percent of them have incomes low enough to qualify for Obamacare benefits.

Steven A. Camarota of the Center for Immigration Studies reported that 57 percent of households with children headed by a legal or illegal immigrant used at least one of eight major federal welfare programs, which include Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF), Women, Infants and Children food program (WIC), school lunch programs, food stamps, Medicaid, and public housing and rent subsidies.

#### *Amnesty Hurts U.S. Education*

Illegal immigrants have a major impact on the cost of public education at a time when many school districts across the country are already facing significant budgetary constraints. The Center for Immigration Studies reports that school age illegal aliens and the U.S.-born children of illegal aliens are 7.2 percent -- 3.9 million -- of the total school age population in the country. Because per-student tax expenditures in the U.S. are roughly \$10,000 per year, at least \$13 billion annually is required to educate illegal aliens. The U.S. Supreme Court has ruled that U.S. taxpayers must cover the costs of education for illegal alien children. If Congress grants amnesty, their parents will have no reason to take their families back to their home countries, which would relieve pressure on U.S. schools. Many schools already suffer from overcrowding, which many experts believe impairs the quality of schooling as teachers have less time to spend on each pupil. In addition, many districts flooded with illegals in states like Nevada, Arizona, Texas and California, are forced to raise taxes on citizens to pay for bilingual teachers.

## *Amnesty Fuels Overpopulation and Environmental Degradation*

Legal status achieved by amnesty means that the estimated 12 million or more illegal aliens will be able to bring into the country family members such as spouses and children, thus contributing exponentially to America's already high population growth that is fueling overcrowding and environmental degradation.

Immigration at the current rate alone will drive U.S. population from 310 million today to a shocking 436 million by 2050, according to the U.S. Census Bureau. Immigrants and their offspring already account for more than 66 percent of the country's annual population growth.

That growth means dramatically increased demand for roads, schools, hospitals, fresh water and housing, all of which will have negative impacts on America's environmental capacity. Researchers say that for every person added to the U.S. population, one acre of natural habitat is lost to developed use. The amount of land area currently devoted to roads and parking lots already covers an estimated 61,000 square miles, nearly the same size as the acreage used by all U.S. farmers to plant wheat. Each year, the U.S. already paves or converts to development an area of land equal to the size of Delaware.

Whether through air pollution from the cities, increasing sprawl of suburbs, farmland conversion to development or deforestation, rapidly increasing population is undermining the natural ecological systems that facilitate our freedom and lifestyles. Overcrowding through continued massive infusions of new populations threatens to force future rationing of those natural resources and restricted consumption levels of energy and water.

## *Amnesty Would Overwhelm Federal Immigration Workers*

The sheer size of the proposed amnesty calls into question the ability of government immigration agencies to handle the processing of so many applicants. The opportunities for fraud are rampant.

It's not as if we don't have experience with amnesty. The proposals and justifications to legalize 12 million or more illegal aliens today are precisely the same ones voiced thirty years ago when Congress considered amnesty legislation for the first time.

The congressionally approved amnesty of 1986 confirmed all of the predictions of its critics. The first was the prediction of massive fraud. Immigration authorities simply didn't have the manpower and resources to check adequately all of the 2.7 million illegal aliens who applied for the amnesty. As a result, amnesty and even citizenship were conferred on tens of thousands of illegal aliens with criminal records as overwhelmed immigration authorities were simply unable to perform the required background checks and fell victim to fraudulent document use by amnesty applicants.

The new amnesty would doubtless trigger a bureaucratic disaster, far worse than any preceding amnesty simply because of the huge numbers involved. The 1986 amnesty gave legal status to 2.7 million illegal aliens, and subsequent amnesties between 1994 and 2000 legalized about three million more. The official estimate of about 12 million illegal aliens in the U.S., is almost four times the previous mass amnesty. To appreciate the magnitude of the 12 million figure, consider that only seven of our states out of fifty have more people. Worse, a reputable study by Bear Stearns in 2005 estimated that the illegal alien population in the U.S. could be as much as 20 million!

In any case, the massive deluge of applications following quickly after passage of the proposed Obama amnesty would overwhelm the ability of immigration officials to screen out fraud and enforce requirements -- which is not likely to be a high priority for an Obama administration anxious to increase the Democrat Party voter

base.

If the government could not effectively screen out fraud with only 2.7 million applications in 1986, there is no reason to think that it could prevent significant fraud or enforce conditions with a flood of 12 million or more applications.

Even today, the Social Security Administration and the Internal Revenue Service have not cracked down on fraudulent tax forms or stolen Social Security numbers submitted by illegal aliens.

### *The Special Case Against the Obama Amnesty*

The sponsors of the new amnesty try hard to avoid use of the word "amnesty," in order not to associate their scheme with the failed 1986 amnesty. Supporters insist it is not an amnesty, but rather "earned legalization." They point to proposed requirements that applicants pay back taxes and learn English. Former Attorney General Edwin Meese points out the fallacy of this claim by noting that the first amnesty had imposed similar conditions on applicants.

This time around some amnesty advocates claim, as they did in 1986, that increased enforcement will be part of the bargain. But the record of the 1986 amnesty and its aftermath give powerful testimony that they simply can't be trusted. The old amnesty was never followed with adequate border enforcement and sanctions on employers for hiring illegals. Nearly 30 years later, the U.S. still doesn't have a mandatory electronic system to check the legal status of employees, and there is still no system -- promised long ago -- to check whether people here on legal visas actually go home. The latter is most significant because at least forty percent of illegal aliens are visa overstayers, not illegal border crossers.

Amnesty advocates have already violated their promises, as Rep. Lamar Smith, R-TX has pointed out. "In fact, a compromise was agreed to back in 1986. There was a solemn vow that we would bring up amnesty one time -- once, and only once -- and there would be no more amnesty," he said.

The Obama administration has already demonstrated it has no intention of increasing border enforcement, and has in fact weakened border security as a matter of policy. The union representing employees of the Immigration and Customs Enforcement bureau who are responsible for border security unanimously adopted a resolution voicing "no confidence" in the agency's leadership because of its policies ordering employees to free apprehended illegals and to avoid detaining illegals who have not been convicted of felonies.

Today, the Obama administration even tries to suggest that border security is really no longer a problem. Department of Homeland Security Secretary Janet Napolitano falsely claims that the border with Mexico is already secure and under control, despite a report by the General Accountability Office (GAO) that only 129 miles of the nearly 2,000 mile Mexican border are fully secure.

We can be sure from the experience of the past 27 years that the Obama amnesty would encourage new waves of illegal immigration, just as the previous amnesty was followed by increased illegal immigration in the 1990s. It should be no surprise: rewarding an activity encourages more of it. Amnesty, if passed, will be the final declaration that our immigration laws are all for show -- to be suspended on a regular basis whenever it becomes convenient for foreign law violators and selfish special interests that benefit from their presence.

Continuation of this charade is the path to anarchy, and the erosion of nationhood. Resounding defeat of the Obama amnesty is not an option for patriotic Americans; it's a necessity.