

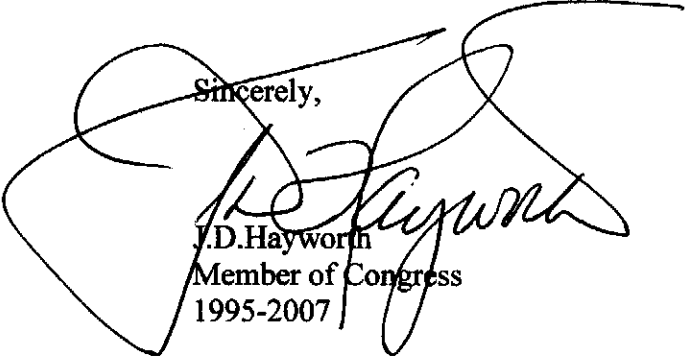
Charles E. Schumer
Chairman,
Subcommittee on Immigration, Refugees and Border Security
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Schumer:

I am delighted to testify before your committee on an issue that profoundly affects our future as a nation. I have prepared written opening remarks which you will find attached.

Additionally I have attached chapter IX of my book *Whatever It Takes: Illegal Immigration, Border Security, And The War On Terror*", which details the inherent flaws of guest worker programs as disguised amnesty programs, as well as my Curriculum Vitae for your consideration.

Sincerely,



J.D. Hayworth
Member of Congress
1995-2007

Chairman Schumer, Ranking Member Cornyn, Members of the Subcommittee:

Thank you for the opportunity to testify.

Mr. Chairman, I ask unanimous consent that my complete testimony be made part of the record.

Let me begin by highlighting two very popular words from the “Washington Political Lexicon.” The first is “bipartisan...” the second is “comprehensive.”

In my opinion, the Federal Government’s inability to secure our borders and enforce our immigration laws has been a bipartisan failure.

First the Bush Administration and now the Obama Administration have both expressed the desire for so-called “comprehensive immigration reform.” While the term “comprehensive” suggests “complete or all-encompassing” reform, the American People see it for what it is: Amnesty for those who have entered this country illegally.

When members of this body attempted to move such a piece of legislation in the summer of 2007, their constituents made it clear that they wanted no part of it. The Senate switchboard was overloaded, and the ill-advised legislation was abandoned.

Yet here we are again...almost two years later, with this same ill-advised policy objective as this committee’s apparent goal.

Why?

Here’s some genuine straight-talk: because some Republicans want “cheap labor,” and some Democrats want “cheap votes.”

Sadly, what has been short-changed in this deficient political calculation is the border security...indeed the national security...that our country so desperately needs.

It was my honor to serve in the United States Congress for twelve years; I was here on September 11, 2001. Who would have thought that nearly eight years after that fateful day, we as a Nation would still be dithering over something as elemental to our National Defense as truly securing our borders?

Certainly we have created new bureaucracies and enacted new laws. But if people are not obeying existing law because the government is not enforcing existing law, what makes us think that any new laws will make a difference?

What results is a type of “public policy schizophrenia,” all because Official Washington views this as a political problem to be managed, when in reality, it’s a national security problem that must be solved.

Two policy objectives indicate the gulf between the real and the ideal.

First, the “Secure Fence Act of 2006” was signed into law by President Bush; it requires the construction of at least 700 miles of double layered fencing along our southern border with Mexico. But only about 200 miles of such fencing has actually been completed, because the Department of Homeland Security has chosen to count old single layer fencing and vehicle barriers as part of the fence. Now, smugglers are using collapsible ramps to drive over the vehicle barriers.

Moreover, the Obama Administration recently reintroduced the notion of a “virtual fence,” despite its initial test failures in Arizona. Perhaps the new round of testing can take place not in Arizona...but at 1600 Pennsylvania Avenue. Do you think the Secret Service would be willing to eliminate the “real fence” that surrounds the White House?

The irony here is, that building a real border fence, with real protections, could create real jobs...and would be a “stimulus project” that would prove both popular and practical.

Speaking of popularity in the workplace, the “Los Angeles Times” reported last week that the “Federal Government’s E-Verify program, which seeks to reduce the hiring of illegal immigrants, is becoming increasingly popular, with 1,000 new businesses signing up each week...”

Despite this critics on the Left and Right find fault with the error rate of four percent...which means there is an accuracy rate of 96 percent, and Homeland Security Secretary Janet Napolitano said E-Verify is “a cornerstone of workplace enforcement across the country.”

Yet workplace enforcement is the second policy objective which prompts contradictory reactions.

The February 24th sweep of an engine parts manufacturer in Bellingham, Washington resulted in 28 arrests.

In response, Secretary Napolitano complained that Immigration and Customs Enforcement (ICE) failed to notify her of that raid in advance, and announced an investigation into the communications policies of ICE.

Those arrested were subsequently released, and Secretary Napolitano later “refined” her response, claiming that employers would now be the focus instead of illegal workers.

But with those actions, Secretary Napolitano in essence publicly berated her Department’s own agents for enforcing immigration law.

And that brings us back full circle: Americans want our immigration laws enforced!

A man from Phoenix addressed the matter squarely in an e-mail to me. His observation, and I quote:

“Wouldn’t it make sense to first legislate and implement comprehensive border enforcement, as well as comprehensive employee verification before we take on comprehensive immigration reform?”

Yes, that makes great sense...but unfortunately, Official Washington shows few signs of following common-sense on this issue.

Mr. Chairman, I’ve included the full text of Chapter 9 of my book “Whatever It Takes” in my complete testimony, and again I would like to thank the subcommittee for the opportunity to testify, and will be glad to answer any questions you may have.

J.D. Hayworth served six terms in the United States House of Representatives representing the State of Arizona, and spent a decade as the first Arizonan to serve on the Committee on Ways and Means.

During his final term in Congress, Mr. Hayworth authored the book, *Whatever It Takes: Illegal Immigration, Border Security, and the War on Terror*, detailing the national security perils of uncontrolled borders and amnesty programs.

Citizens United named Congressman Hayworth its first “Ronald Reagan Fellow,” and he also serves as Chairman of “Citizens United for a Secure America.”

Mr. Hayworth returned to his chosen profession of broadcasting in 2007, and hosts the top-rated afternoon broadcast in Phoenix at KFYI-AM. He also serves as President of The Great 48th Group, LLC, a public policy and communication consulting firm.

Congressman Hayworth was graduated cum laude from North Carolina State University in 1980, with a double major in Speech-Communication and Political Science.

CHAPTER NINE

GUEST WORKER = AMNESTY = SURRENDER

"We asked for workers, and we got people."

— Author and playwright Max
Frisch on Germany's failed
guest-worker program

ON JANUARY 7, 2004, President George W. Bush gave an address on immigration policy in the East Room at the White House. In his speech, the president called for "an immigration system that serves the American economy, and reflects the American Dream." He went on to sum up his thinking on this issue with a formulation that has become a mantra: "I propose a new temporary worker program that will match willing foreign workers with willing American employers, when no Americans can be found to fill the jobs."

The president said his plan was based on four principles:

1. America must control its borders.
2. New immigration laws should serve the American economy.
3. We should not give unfair rewards to illegal immigrants in the citizenship process or disadvantage those who came here lawfully.
4. New laws should provide incentives for temporary, foreign workers to return permanently to their home countries after their period of work in the United States has expired.

He went on to propose a guest-worker program that would give illegal aliens the opportunity to live and work legally in the United States and eventually become citizens. Since the president's speech, several immigration reform bills have been introduced in Congress. The bill most closely resembling the president's initial outline was introduced in the House by Republicans Jim Kolbe and Jeff Flake of Arizona and Democrat Luis Guterrez of Illinois, and in the Senate by Republican John McCain of Arizona and Democrat Ted Kennedy of Massachusetts.

Most commonly referred to as McCain-Kennedy, the bill would let the millions of illegal aliens already in the country with an offer of employment apply for a new visa, called an H-5B, which would allow them to work in the United States as a "non-immigrant." Visa holders could work for up to six years and would be allowed to travel abroad. To qualify for the program, illegals would have to submit to fingerprinting and a background check and pay a \$1,000 fine, processing fees, and back taxes. Crimes related to immigration status or document fraud would not be held against them. Guest workers could also apply for citizenship but would not be given preferential treatment. To get a green card, workers would have to pay another \$1,000 fine, undergo more criminal checks and a medical exam, register for Selective Service, and become proficient in English.

Ironically, McCain-Kennedy would provide for a minimum of 400,000 additional guest workers every year (on top of the millions already here), which is roughly the same number of illegal alien absconders with deportation orders. While several of the sponsors of McCain-Kennedy strenuously oppose the CLEAR Act, which would allow local law enforcement to help track down these 400,000 fugitives, they think nothing of building a whole new bureaucracy to track the movements of 400,000 new guest workers every year. A strange set of priorities.

Several other guest-worker proposals have been introduced that are based on the same assumptions and promise the same benefits. Guest-worker proponents tell us the concept will stop human smuggling and the flood of illegals crossing our border, put an end to the

border deaths, increase government revenue by getting illegals to pay taxes, and lead to better wages and working conditions for guest workers *and* for Americans. They say it will enhance national security by letting us know who is in the country and where they are. And since guest workers will no longer fear deportation, they will be more likely to cooperate with police, which will help fight crime. Guest workers will be also more likely to have health insurance, benefiting our health care system. And, of course, they claim it will provide the workers America needs to do the jobs Americans won't.

In the interests of full disclosure I must tell you that at one time I supported a guest-worker scheme. However, after a thorough review of America's experience with similar programs, I have concluded that a guest-worker program would do nothing to solve our illegal immigration problem and would, in fact, make the problem worse by rewarding illegal behavior and encouraging even more illegal immigration.

"Matching willing workers with willing employers" is not a policy, it is a buzz phrase that really means, "We can't stop illegal immigration so we might as well legalize it." It is a way for the government to sweep its dereliction under the rug.

A guest-worker plan is wrong for our country. Here's why.

HAVE GUEST-WORKER PROGRAMS WORKED IN THE PAST?

One provision of McCain-Kennedy calls for a commission to evaluate the impact of the plan on the U.S. labor market. But we already have loads of empirical evidence on precisely these types of temporary-worker programs. As Dr. Vernon Briggs, a professor of industrial and labor relations at Cornell University, put it in testimony before the Senate Judiciary Committee: "Because [temporary-worker programs] have been undertaken in the past, they have a track record. They have been the subject of extensive research. There is no need to speculate about what might happen if any new such venture—such as that proposed by the Bush administration on January 7, 2004—were to be enacted. The outcome can be predicted."¹

And based on past experience, the predictions are all *bad*. Yet the lessons of history seem lost on the latest crop of guest-worker advocates. For them, there is no education in the second, third, or even fourth kick of a mule.

In the earliest example of this type of scheme, guest workers were used as part of a national emergency program during World War I to pick crops. Known as the bracero program, it allowed farmers in the Southwest to recruit and hire unskilled Mexican workers. It was later expanded to allow work in non-farm environments, such as factories. Although they were supposed to return home once their work was finished, some 45 percent of the Mexican workers never left.

The second bracero program, formally known as the Mexican Labor Program, was established in 1942 to help the U.S. cope with labor shortage during World War II. The program officially ended at the end of 1947, but continued unofficially for many years afterward, prompting a presidential commission to examine the issue of migratory workers. Dr. Briggs noted in his testimony, "In its thorough report on the bracero program in 1952, President Truman's Commission on Migratory Labor found that 'wages by states [to agricultural workers] were inversely related to the supply of alien labor.'"²

In other words, the higher the number of bracero workers, the lower the wages paid to American workers. The Truman Commission report would be the first of many to conclude that temporary-worker programs were bad for American workers and bad for the American economy.

Still, the bracero program idea was resurrected in 1951 because of a labor shortage during the Korean War. But by the early 1960s, President John F. Kennedy determined the program was "adversely affecting the wages, working conditions, and employment opportunities of our own agricultural workers" and began phasing it out.³ It was permanently ended at the end of 1964 by President Lyndon Johnson.

In the late 1970s, President Jimmy Carter asked the National Commission for Manpower Policy to study whether the H-2 temporary-worker program should be expanded as a way to give employers an

alternative to illegal aliens. In May 1979, the commission's chairman advised the president that he was "strongly against" any such expansion for the usual reasons:

1. Cheap foreign labor is addictive.
2. It would be another bracero program.
3. The government does not have the ability to manage a larger program.
4. It wouldn't slow illegal immigration.

Congress was also considering a guest-worker scheme around this time. In 1978, it established the Select Commission on Immigration and Refugee Policy to examine all aspects of our immigration policy and to make recommendations for change. Chairing the commission was the Reverend Theodore Hesburgh, the distinguished former president of Notre Dame University and a well-known political liberal who represents a church sympathetic to illegal immigrants.

Hesburgh called a guest-worker plan "seductive" and said that he was "entranced" by it, but after careful study was persuaded it would be a mistake.⁴ He concluded: "We do not think it wise to propose a program with potentially harmful consequences to the United States as a whole."⁵

In 1990 Congress passed an immigration law establishing yet another bipartisan commission to look into the issue. This one was chaired by Barbara Jordan, another liberal and the first African American woman to serve in Congress. The Jordan Commission said it would be a "grievous mistake" to assume that a guest-worker program would alleviate the problem of illegal immigration, and argued that such a program would depress wages for low-skilled American workers, exploit foreign workers, increase taxpayer costs for health care and other services, and actually encourage more illegal immigration.

Despite the mountain of evidence saying they don't work, the calls for a guest-worker scheme kept coming, prompting this response from President Bill Clinton:

I oppose efforts in Congress to institute a new guest-worker or "bracero" program that seeks to bring thousands of foreign workers into the United States to provide temporary farm labor.... A new guest-worker program is unwarranted for several reasons:

1. It would increase illegal immigration.
2. It would reduce work opportunities for U.S. citizens and other legal residents.
3. It would depress wages and work standards for American workers.

When these programs were tried in the past, many temporary guest workers stayed permanently—and illegally—in this country. Hundreds of thousands of immigrants now residing in the U.S. first came as temporary workers, and their presence became a magnet for other illegal immigrants.⁶

If liberals like Theodore Hesburgh, Barbara Jordan, and Bill Clinton could understand these facts, why do so many conservatives remain so obtuse? And why have so many liberals abandoned their commitment to looking out for American workers?

It has often been said that the clinical definition of insanity is doing the same thing over and over again and expecting a different result. By that definition the proposals to give a guest-worker program just one more shot are, not to put too fine a point on it, *INSANE!*

And yet the politicians never give up on them.

FACTS ON THE GROUND

Advocates claim that extending legal status to those currently working illegally in this country simply recognizes the "facts on the ground." There are already eleven to twenty million illegals here, the argument goes, and rounding them up and sending them home is unrealistic. They say opponents like me "mischaracterize" their plan as an "amnesty." Maybe they would prefer "surrender."

But compare the guest-worker notion to a tax amnesty, which gives tax evaders one last chance to comply with the law before the IRS goes

after them. In 2002, Arizona had just such a tax amnesty. Tax evaders were given a final opportunity to pay up before facing almost certain detection using sophisticated new computers. It was a huge success, with the state collecting about three times what was predicted.

The guest-worker crowd would turn that approach on its head. Instead of giving illegals a chance to conform to the law, they would change the law to conform to the aliens' illegal behavior. Guest-worker proponents have admitted as much. Writing in the *Weekly Standard*, the Manhattan Institute's Tamar Jacoby was blunt: "Far simpler to bring the law back into line with market reality, then implement the new rules with modest, commonsense enforcement measures of the sort we rely on in every other realm of American life."⁷

Ken Mehlman, the chairman of the Republican National Committee, made a similar argument in an e-mail to a conservative supporter: "Conservatives have always understood that laws don't work when they ignore market realities. In this case, the market reality is that there are jobs Americans don't want but we need done."

But are we dealing with market reality... or marked absurdity?

Again, illegals aren't taking jobs Americans won't; they're taking wages Americans won't. The *Wall Street Journal* may call this a "flexible labor market,"⁸ but the rest of us know it really amounts to "open borders." After all, once you allow unfettered competition between American workers and illegal aliens, where does it end?

Furthermore, why should "market realities" drive labor markets but not the market for goods? For example, should we do away with anti-dumping laws that protect American producers from being undercut by foreign companies selling goods at below the cost of production? I'm a pretty staunch free-trader, but I'd never support repealing our anti-dumping laws. And illegal immigration is akin to poor countries "dumping" their cheap, excess labor into our economy, to the detriment of our workers.

Illegal immigration is not a market reality—it is a market *distortion*. You simply cannot allow unfettered competition for labor between an advanced economy like ours and the struggling,

inefficient, and often backward economies you find in places like Central America and Mexico.

Under any kind of guest-worker plan, an employer would be crazy to offer a job at anything above the minimum wage, knowing that if no American wants it at that price there will be plenty of desperate foreigners clamoring to take it. As Ruben Navarette so aptly puts it, "Guest workers are nothing but a glorified labor subsidy to farms, restaurants, construction firms, and other industries hooked on illegal immigration labor—one that often leaves workers abused and exploited."⁹

Talk about corporate welfare! The result will be a permanent and growing underclass of minimum-wage workers. For lower-income Americans, the competition with cheap imported labor makes the American Dream almost unattainable. And that is a tragedy.

FEE OR FINE?

Some call it "amnesty-lite." Others call it "amnesty on the installment plan." But there is no doubt that the guest-worker plan proposed by the president and reflected in McCain-Kennedy is amnesty. Period.

Proponents have the audacity to claim the plan is not amnesty because it doesn't, in the president's words, "place undocumented workers on the automatic path to citizenship." But what does citizenship have to do with it?

Illegals don't come here because they want to be American citizens. They don't come here having memorized the Constitution, studied American history, or become proficient in English. They come here because they want to work. If we allow them to do what they came here to do in the first place—i.e., work—that's *amnesty*.

Guest-worker proponents say it's not amnesty because, in the words of the *Arizona Republic* editorial board, "in order to achieve guest-worker status, these immigrants have to pay a stiff fine."¹⁰ The "stiff fine"? A paltry \$1,000 (\$2,000 if you go for citizenship too). Workers would even be allowed to pay in installments.

Tellingly, the president initially couldn't bring himself to call this a "fine," which would at least acknowledge some degree of wrongdoing. Instead, he called it a "fee." But it's neither fee nor fine—it's a *bargain*.

By itself, using a fake Social Security number is a felony punishable by a fine of up to \$250,000 and/or up to five years' imprisonment. The various guest-worker proposals pardon illegals for that offense as well as all other document-related fraud. Cha-ching.

But wait, there's more. (I'm starting to sound like one of those hucksters on late-night television.) Once legalized, guest workers will be able to have what they've earned using a phony Social Security number count toward Social Security benefits for themselves and their survivors. Break the law—or several—and get a check!

We are harangued ad nauseum that illegal aliens, in the words of Ted Kennedy, "risk great danger, and even death, to cross our borders."¹¹ But a \$1,000 fine is far less than what illegals are paying smugglers for the privilege of taking such risks. The *Arizona Republic* reported that "smugglers typically charge \$1,500 or more to guide migrants across the border." Jorge Castillo, a Guatemalan who has made the journey across the Arizona desert seven times in seven years, told the *New York Times*, "It should not cost more than \$2,000... to go from the Mexican side of the border to Phoenix." A Guatemalan illegal told the *Washington Post* he paid a coyote "\$2,400 to get him to California." Depending on how far south an immigrant starts, the going rate can jump to \$5,000 or more.

The idea that this \$1,000 "fee" is onerous is a joke. As *National Review* rightly put it, "The putative fine is little more than a retroactive smuggling fee paid to the U.S. government."¹² Let's call it Uncle Sam's piece of the action.

If you still don't believe that a puny \$1,000 fine amounts to a reward for illegals, what do you think would happen if we set up a booth at the border offering entry to the United States at that price? My guess is the line would stretch from Nogales to Buenos Aires.

What about the additional \$1,000 "fee" for a path to citizenship? Compared to what legal immigrants pay, it's downright cheap. According to a Phoenix immigration attorney who handles family-based immigration petitions, which make up the majority of immigration cases, a very conservative estimate for an immigration attorney to see a case through to permanent residency is \$2,500. The cost of an

employment-based application, which is usually picked up by the company, is even more.

Most likely, legal immigrants will pay much, much more. Participating in a town-hall meeting on how Hispanic parents can improve their children's education, columnist Ruben Navarette caused a stir when he said that if illegal aliens wanted the same educational benefits available to American citizens, they should try to become legal:

I told the crowd that I knew of one person who spent twelve years and more than \$12,000 to convert her status, and that of her son, from "illegal" to "legal." That brought gasps. Apparently, that sounded like a lot of money. It isn't, I told them. It's \$1,000 per year, or about \$80 a month. I know immigrants who spend that on their monthly cell phone bill, and this is much more important.¹³

A fine of \$1,000 to work in the United States for six years comes to less than \$14 a month; \$2,000 for work and permanent residence to less than \$28. This is "stiff"?

The fact is that a truly punitive fine would defeat one of the goals of the guest-worker plan—bringing illegal aliens out of the shadows. Kevin Rogers, president of the Arizona Farm Bureau, writes in the *Arizona Republic*, "Farm Bureau opposes amnesty, but we do support a pathway which will encourage perhaps ten million to fourteen million people to emerge from the shadows, allow for identification, and to provide for mechanisms for proper temporary status, which could lead to legal status. These mechanisms should not suggest reward, but if too punitive will drive people further underground."¹⁴

Guest-worker advocates should just be honest about what it is they want: a blanket amnesty with a minimum of bother for illegal aliens and the businesses that hire them.

THE SUPER BOWL OF ABSURDITY

The absurd fine—excuse me, "fee"—that guest-worker advocates tout would turn illegals that by law should be sent home into legal workers that can remain here for years, probably indefinitely. That's like saying

if some folks get caught sneaking into the Super Bowl, just hit them with a small fine... but let them stay to watch the game. If that's not amnesty, I don't know what is.

Yet you will not get a single guest-worker supporter ever to admit that their plan is de facto amnesty. It's understandable. They see the polls showing that Americans oppose amnesty by huge margins. In fact, after testing the term on focus groups, the pro-amnesty National Council of La Raza "recommended to Mexican president Vicente Fox that he not utter the 'A' word."¹⁵ It's advice Fox has followed assiduously.

As a result, amnesty proponents will do back flips to convince us that they aren't pushing amnesty. So they try to fool us with descriptions like "regularization," "legalization," and "earned status adjustments." In one of the 2004 presidential debates, John Kerry called for "earned legalization."

For his part, John McCain tackles the problem head-on with his trademark straight talk when he told the *Tucson Citizen*: "We think we have a workable proposal, Kennedy and I, that has bipartisan support—a lot of it—that says [illegals] have to pay a \$2,000 fine, they have to work for six years before they can even be eligible for a green card, then they have to wait another five years before they can be citizens. If that's amnesty, I'm a Martian."¹⁶

Ted Kennedy, meanwhile, tries a little verbal sleight-of-hand: "Despite our compromises and bipartisan solutions, there are many who oppose these reforms. They misleadingly categorize our efforts as 'immigrant amnesty.' They refuse to accept that these reforms simply create a legalization for U.S. workers who have already been residing and working in the U.S."¹⁷

This is a version of "You say potato, I say potato (given Kennedy's accent, I suppose it should be the other way around), let's call the whole thing off!"

Earth to Ted: trust me when I say that we *do* accept that your reforms create a legalization scheme—that's *why* we call it *an amnesty*!

This is a repeat of the debate on the 1986 immigration bill, when the words "legalization" and "amnesty" were used interchangeably,

such as when sponsor Alan Simpson said of his own bill, "Because it is called legalization, or amnesty, it seems to stick in the craw of Americans."¹⁸ Senator Jeremiah Denton said, "The second area which gives me reason for concern is the legalization or amnesty provision."¹⁹ On and on it goes.

Any fair-minded person understands that "legalization" is amnesty. But don't take my word for it. In 2001, La Raza president Raul Yzaguirre said of the distinction between amnesty and legalization: "The net effect is the same."²⁰ For once, we agree.

Y'ALL COME NOW, HEAR!

Let's take the Super Bowl analogy a little further. I am sure that every year there are a few crazies who try to sneak into the big game. Suppose a rumor began circulating that sneaking into the stadium was easy and that once inside, officials would let you stay to watch the game if you paid a small fine amounting to less than the price of a ticket. Do you think more or fewer people would try?

That is essentially what happened after the president announced his guest-worker plan. In Mexico, Central America, and elsewhere the proposal was seen as almost an open invitation to head north. Since that time our borders have been overrun.

Of course, the Bush administration denies that the president's proposal was the cause of the stampede, but that just flies in the face of the facts. One Arizona rancher along the border, George Morin, who deals with this problem every day, told *Time* magazine: "All these people say they are coming for the amnesty program. [They] have been told if they get ten miles off the border, they are home free."²¹

Luis Alberto Urrea, author of *The Devil's Highway*, the tragic story of a group of illegal aliens trying to cross into Arizona, wrote: "[W]alkers come north faster for many reasons. They believe President Bush is going to grant them amnesty and, if they rush, they can beat the imaginary deadline that seems to constantly be looming a month or two away."²²

Not long after Bush's speech, the *Wall Street Journal* reported:

Agents on the border argue that report of new work-visa regulations have morphed into wild rumors of amnesty, rumors that are triggering the northbound rush. "When the president made this announcement, every Border Patrol agent said this would happen," said Joseph Dassaro, president of Local 1613 of the Border Patrol agent's union. Added another border official, who didn't want to be identified by name, "Down there someone reads that George Bush and Vicente Fox made a deal and he thinks, 'Bush said I could have a job.'"²³

But maybe the best evidence that the president's proposal caused a flood of illegal immigration is from the Bush administration itself. After the president's guest-worker speech, the Border Patrol was ordered to interview apprehended illegals to find out whether the president's policy encouraged them to cross the border. Legal watchdog group Judicial Watch acquired the survey after filing a Freedom of Information Act request. Among the findings:

- 45 percent crossed illegally based on rumors of a Bush administration amnesty
- 63 percent received Mexican government or media information supporting the notion of a Bush administration amnesty
- 80 percent desired to apply for amnesty
- 66 percent decided to petition for family members to join them in the United States²⁴

I could have told the president as much without a survey. In fact, I did. Here's what I said during an appearance with Neil Cavuto on FOX News the day of the president's speech:

With all due respect to the president, he outlined and said this was no amnesty. He defined amnesty as taking folks, letting them jump in line and become citizens. I think you have to redefine amnesty. And it should be in this fashion: when you suddenly say to undocumented workers, to illegal workers, "You are legal," that is amnesty.

And it is wrong, because it does not enforce existing law. Essentially what the president has said today is two words: y'all come.

And come they did. President Bush may not have meant to start an illegal stampede, but there is no doubt he did. We can either do nothing and get trampled, or we can take corrective action now to get the situation under control.

FAMILY VALUES AND ILLEGAL ALIENS

At the Summit of the Americas in 2004, President Bush told reporters that most of the workers hired under his plan would have to return "permanently" to their home countries after their work period expired. The authors of the McCain-Kennedy immigration plan likewise insist that any guest workers will have to leave the country once their six-year work visa is up (unless they qualify for permanent residency). This is silly.

Illegal immigrants won't leave, they'll just shift back to the underground economy. Illegals are used to working outside the law, both in this country and in Mexico, where anywhere from 40 to 70 percent of the people work off the books. (Maybe Mexico needs a guest-worker plan for its own people.) Unless guest-worker proponents are willing to make life more difficult for those who refuse to leave—a dubious assumption, as we'll see—they won't go anywhere.

History has shown that there is a whole lot of truth to the old cliché "there is nothing more permanent than a temporary worker," a phenomenon that usually leads to serious long-term problems for the host country. In the midst of the riots outside Paris in fall 2005, France-based foreign correspondent Richard Z. Chesnoff wrote: "The problem originated in the 1950s and 1960s, when France began importing cheap labor from its former colonies in North Africa. *Les Arabes* were to do the dirty work and eventually go home. [Sound familiar?] Few did, and today North African immigrants and their families number almost six million, more than 10 percent of the French population."²⁵

What makes anyone believe it would be different here? Remember, some 45 percent of Mexican workers brought in under the first bracero program never left.

More recently, when the Pew Hispanic Center asked Mexican "migrants" how long they expected to remain in the U.S., "a majority of respondents picked either 'as long as I can' (42 percent) or 'for the rest of my life' (17 percent)."²⁶ And after a speech in Tucson by President Bush promoting his "temporary" worker plan, an illegal alien told the *Arizona Republic*, "I don't believe it's realistic. The workers want to stay. They have lives here."²⁷

Even workers who plan to return home eventually rarely do. The papers are full of stories of illegals who only intended to be in the United States for a few years—but never seem to leave. The *New York Times* ran a story comparing and contrasting the lives of an illegal Greek immigrant who came here in 1953 and an illegal Mexican immigrant who came here in 1990. It says of Mexican illegal aliens today: "Resentment and race subtly stand in their way, as does a lingering attachment to Mexico, which is so close that many immigrants do not put down deep roots here. They say they plan to stay only long enough to make some money and then go back home. Few ever do."²⁸

One of the principal arguments for a guest-worker program is that illegal aliens are an important part of the American workforce and our economy needs them. Are we supposed to believe that we won't need these same workers in six years, at which time they would be required to leave? And when it becomes clear that guest workers aren't leaving as planned, will all those now promoting this discredited idea be out there leading the calls to round them up...or grant them amnesty?

The idea that illegal aliens will return home at the end of their work period is even more blinkered when you consider another provision the guest-worker crowd wants: family reunions.

Because the president sincerely believes that family values don't stop at the border (almost nothing does these days), he and others

think we should allow the families of guest workers to come live in the United States as well. While this gesture illustrates President Bush's humanity, it is simply unworkable.

Any child born in the United States to guest-worker families would automatically be an American citizen. And once workers put down legal roots in this country, what incentive will they have to return home? Ever? Why should they?

Suppose you were a guest worker and during your stint you and your spouse had a child. Would you voluntarily leave the U.S.—with all its education and health benefits and almost unlimited opportunity—to return to Mexico? Or would you be more determined than ever to stay in the U.S. so that your child could have the opportunities you never did? *The Arizona Republic* tells us about one illegal couple, Cecelia and Jose, expecting their first child:

Even with so much time invested living and working in the United States, they still dream of returning to Mexico some day, despite the hardships. "We miss the culture and the customs," Cecelia says. But with a baby on the way, Cecelia and Jose seem unlikely to return to Mexico. The United States will be their daughter's country, not Mexico. And as a U.S. citizen, the baby will have far more opportunities here than in Mexico, they said.²⁹

They don't call them "anchor babies" for nothing.

If you want to know how heavy the anchor can be, consider the extreme case of Christian Higuera, who, as of this writing, is serving time in an Arizona jail for assault. Higuera fathered an illegitimate child born in Arizona, which makes the infant an American citizen. According to FOX News, Higuera "said he hopes he will be allowed to stay with his child ... once he gets out of jail."³⁰

Ponder that for a moment. An illegal alien and convicted felon actually harbors the hope that he will be allowed to stay in the United States once he gets out of jail simply because his illegitimate child is an American citizen! And who knows: if the past is any guide, he just might be able to pull it off.

But if a loser like Higuera doesn't think he'll have to head for home once he serves his sentence, what makes anyone believe some guest worker with an expired temporary work visa is just going to pack up and leave after experiencing what America has to offer for six years? It is preposterous.

BELGIAN PROSTITUTES AND SPANISH AMNESTY

Guest-worker proponents assure us that a properly administered program will curtail illegal immigration and allow the Border Patrol to concentrate on catching terrorists, drug smugglers, and other criminals.

But the government is simply not capable of managing a major guest-worker program that would require it to keep tabs on millions of people. A 2004 report issued by the U.S.-Mexico Binational Council says attempting a guest-worker program would be "a recipe for failure." It cited "serious shortcomings" in the way federal officials currently run the H-2A and H-2B temporary-worker programs, which are far smaller than any of the guest-worker plans now being contemplated.³¹ And yet many farmers who complain the H-2A program is too bureaucratic and cumbersome are ready to sign on to a guest-worker plan that would be exponentially worse—a textbook case of hope over experience!

An even greater obstacle to a successful guest-worker program is human nature. I came across a fascinating story in the *Wall Street Journal* on a Belgian experiment to legalize prostitution that demonstrates the point. The headline: "Belgian Experiment: Make Prostitution Legal to Fight Its Ills."³²

Does that concept sound familiar?

As you read the following excerpts, substitute "illegal aliens" for "prostitution," "illegal alien smugglers" for "human traffickers," and "coyotes" for "pimps." Let's see how "legalization" works in practice on this other form of criminal behavior.

Villa Tinto, House of Pleasure, is a pioneering example of a widening European drive to legalize prostitution, while combating the crime and violence it fosters—including the explosion in human trafficking

in recent years.... By forcing the business out into the open, the governments hope to make it harder for human traffickers to thrive.³³

Guest-worker proponents likewise claim their plan will force illegal aliens out into the open, putting smugglers and coyotes out of business. But how well does it work in practice?

But even here, human trafficking endures just outside the zone.

Police say illegal prostitutes still outnumber legal ones and about a quarter of the total are the victims of human trafficking or work for pimps.³⁴

And how do these illegal prostitutes manage to find work when legal ones are readily available?

Legal prostitutes typically charge more than the illegal ones—one reason the illegal ones remain in business.³⁵

The article shows that in the Belgians' fight against illegal prostitution and its attendant ills, they have everything the guest-worker crowd wants: biometric screening, better working conditions, higher wages, tough enforcement (including random searches, something we'd never tolerate), increased government revenue, and workers no longer living in the shadows. Oh, I almost forgot. They also have lots and lots of *illegal prostitution*.

The fact is, guest-worker advocates can change the law, but they cannot change human nature. As legalizing prostitution has led to more prostitutes across Europe, so legalizing immigrant workers will be seen for what it is—an open invitation for more illegal immigration.

Let's look at another recent European example: amnesty in Spain. While the rest of Europe has cracked down on illegal immigration, Spain recently instituted an amnesty for illegal workers who had a job offer and could prove they'd been in the country for six months.

The plan was announced in August 2004 but was not put into effect until March 2005. Predictably, it triggered a surge of illegal

immigrants into Spain from France, Italy, and Germany. At the end of the amnesty period it was estimated that there were three times more illegals in Spain than there had been a year earlier. The Spanish newspaper *El Mundo* said in an editorial: "On the horizon one can detect new avalanches of migrants—encouraged by this process—who could bring with them problems of crime and integration."³⁶

The illegals will surely keep right on coming, reasonably seeing Spain as the best route to settling legally in the European Union. And why shouldn't they? There have been six amnesties in Spain since 1990. Spain's labor minister, Jesús Caldera, says there will be no more. If you were an illegal alien, would you believe him?

Not surprisingly, many illegals were reluctant to accept amnesty because they thought it might cost them their jobs. One Ecuadorian illegal told National Public Radio: "Employers don't want to pay Social Security for people who have papers, so we don't know what to do."³⁷ As with prostitution in Belgium, even if you offer amnesty or "legalization," large numbers will prefer to remain underground. Will Teddy Kennedy round them up?

Let me end with what one Belgian critic of legalizing prostitution said, although she could have been talking about legalizing illegal aliens:

Critics say any benefits from legalization don't justify state-sanctioned vice. "Places like Villa Tinto are little more than assembly lines for sex where women are treated like meat for sale," says Nathalie de T'Serclaes, a Belgian senator from Brussels. She wants Belgium to embrace the Swedish model, which criminalizes clients.³⁸

When it comes to illegal immigration, employers are the "clients," and going after employers is where our enforcement emphasis must be.

THE BULLWINKLE TRAP

Guest-worker supporters tell us that the linchpin to any guest-worker bill will be strict enforcement of the law. The president says, "There must be strong workplace enforcement with tough penalties for anyone, for any employer violating these laws" and that "Our goal is clear:

to return every single illegal entrant, with no exceptions." The *Arizona Republic* commends the president because he "correctly recognizes that the success of a guest-worker program also depends on enforcing laws against those who hire" illegals.³⁹

Congressman Jeff Flake, a sponsor of guest-worker legislation, says, "Severe employer sanctions would be leveled against employers who hire unregistered workers."⁴⁰ Tamar Jacoby confidently asserts, "The reform package taking shape in Washington is not just going to be market-friendly—it's also going to be tough as nails."⁴¹

As Yogi Berra said, "It's déjà vu all over again." Remember, when President Reagan signed the 1986 amnesty bill, he called tough employer sanctions the "keystone and major element" of the law.

Yet as we've already seen, the few times the federal government actually attempted to enforce the employer sanctions contained in that law, there were howls of protest, and in every case the government's efforts collapsed like a house of cards. As a result, in 2004 there wasn't a single fine levied for immigration-law violations. Zero. Zip. Zilch.

What makes anyone believe a new set of laws would be different? This skepticism is even more justified when you consider that most of those promoting a guest-worker program, including its congressional sponsors, have a history of *opposing* employer sanctions.

Take guest-worker sponsors John McCain and Jim Kolbe. When the 1986 amnesty bill was considered, both men voted against it; not because it would provide amnesty, but because the bill included employer sanctions!

The *Phoenix Gazette* reported in 1986: "I think it's going to pass because of the added problems of drug traffic and the need to control the Mexican border," Rep. John McCain, R-Ariz., said. "I'm against it because of the employer sanctions."⁴²

The *Greater Phoenix Business Journal* added: "Republican Rep. James Kolbe and Democrat Sen. Dennis DeConcini opposed the bill because of its employer sanctions and the possibility of discrimination against Hispanic citizens."⁴³

And, of course, we know that Ted Kennedy opposed the 1986 amnesty because he likewise opposed employer sanctions, believing (falsely) that they would lead to discrimination against Hispanics.

So here is the deal. The president has demonstrated no inclination to enforce employer sanctions. The congressional sponsors of major guest-worker legislation have a history of opposing employer sanctions. The business community has always opposed employer sanctions because they don't think businesses should be responsible for enforcing immigration law. The liberal interest groups don't like employer sanctions because they think it will lead to discrimination against Hispanics. And what is it all these folks tell us is the key to making their grand scheme work? Employer sanctions. Can you say "oceanfront property in Arizona"?

President Bush said, "People in this debate must recognize that we will not be able to effectively enforce our immigration laws until we create a temporary-worker program." Even if you accept the dubious assumption that the federal government is capable of administering a guest-worker program, shouldn't the government first have to prove that it has the will to strictly enforce our immigration laws?

The great promise that the government will finally get tough on employers who hire illegals reminds me of the weekly routine on the old Rocky-and-Bullwinkle cartoon:

Bullwinkle: "Hey Rocky, watch me pull a rabbit out of my hat."

Rocky: "Again? But that trick never works."

Bullwinkle: "This time for sure!"

Poor ol' Bullwinkle never did pull a rabbit out of his hat, and my guess is that our government won't have any more inclination to enforce employer sanctions under some harebrained guest-worker plan than it does now. Until the president—any president—is willing to stand up to the corporate special interests, the identity-group grievance-mongers, and their political allies on the Right and Left, we can count on more of the same.

Strong employer enforcement is the *sine qua non* of controlling our borders and protecting our people. It could begin today without any grand new guest-worker or other immigration reform plan. But if the people don't demand it, then we might as well take the *Wall Street Journal's* advice, open the borders, and be done with it.