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THE WHITE HOUSE
WASHINGTON

December 9, 1994

MEMORANDUM FOR GEORGE STEPHANOPOULOS

FROM: RAHM EMANUEL 

SUBJECT: IMMIGRATION POLICY

Ron Klain has finally rested control of the development of immigration policy from INS, as you and I discussed last week.

By the middle of next week we should have the outline of our immigration legislation which will reflect our immigration policy. Until then Ron has put together an immigration agenda.

9am Imm.
ntg.

The White House
Washington

FAX COVER SHEET

OFFICE OF DOMESTIC POLICY

Old Executive Office Building
Washington, DC 20500

TO: George Stephanopoulos

FAX No.: 66703

FROM: Steve Warnath

DATE: _____

NUMBER OF PAGES (Including cover sheet) _____

COMMENTS:

EXI- Carol thought that this might
be helpful to you. It will
certainly be shortened + revised for
Friday, but it should give you a bit
more of an idea of where we are. Thanks,

DRAFT -- DO NOT DISTRIBUTE -- FOR INTERNAL DISCUSSION PURPOSES ONLY

ENFORCING EMPLOYER SANCTIONS TALKING POINTS

TWO GENERAL POINTS:

#1 -- WE HAVE NOT SEEN THE COMMISSION'S SPECIFIC RECOMMENDATIONS BEFORE TODAY. IT IS DIFFICULT AND IRRESPONSIBLE TO RESPOND IN DETAIL TO THESE RECOMMENDATIONS ABOUT COMPLEX ISSUES WITHOUT A FULL REVIEW. THEREFORE, NOW THAT THE COMMISSION'S RECOMMENDATIONS HAVE BEEN RELEASED, WE WANT TO STUDY THEM CLOSELY AND LOOK TO IMPLEMENT THOSE THAT ARE FEASIBLE AND CONSISTENT WITH THE ADMINISTRATION'S OVERALL COMPREHENSIVE STRATEGY FOR FIGHTING ILLEGAL IMMIGRATION.

#2 -- EMPLOYER SANCTIONS IS ONLY ONE PART OF THE ADMINISTRATION'S LARGER COMPREHENSIVE APPROACH TO FIGHTING ILLEGAL IMMIGRATION

SPECIFIC POINTS:

- Employee verification is a serious problem -- The Clinton Administration is responding. Jobs in the United States is a powerful lure for illegal immigration. Employee verification was intended to solve this, but it is clear that the present system of employee verification has not worked well. It has been compromised by vast fraud and always unacceptable discrimination. The time has arrived to seriously address these problems.

The Administration will address three major problems: first, many employers have ignored the law and continue to hire aliens who are not authorized to work in the U.S.; second, there is now a brisk market in fraudulent documents to prove work authorization; and third, there is no reliable means for employers to ascertain if documents are valid and the job applicant is authorized to work. The following is our strategy:

1) Tough enforcement of employer sanctions -- targeting employers who abuse employer sanctions laws: We will focus our investigative resources on those industries that historically employ illegal labor.

- The INS will launch new investigations of industries that traditionally have been the worst violators of the sanctions law.

- INS will add new staff dedicated to employer sanction enforcement and free senior investigators to pursue cases involving organized counterfeiting activities and other more serious criminal violations.

- The Department of Labor will undertake a series of new initiatives for enforcement of

existing labor law violations, especially focusing on industries of historically high immigration violations.

2) **Eliminating fraudulent documents:** We will develop a better, more fraud-resistant work authorization verification strategy. We will move to make documents as tamper-resistant, counterfeit-proof, and cost effective as they can be.

- The Administration has taken action to reduce the number of documents from 29 to 16 in the next fiscal year. We will propose legislation next year to reduce the number of acceptable documents to four or five and to make them as tamper-resistant, counterfeit-proof, and cost effective as possible.

- We will add investigators and lawyers to combat document counterfeiters.

- The Administration will convene a process with States and localities impacted by this problem to address how to make state and local documents such as birth certificates and drivers licenses more fraud-resistant and to increase cooperation with federal efforts to enforce employer sanctions.

3) **Developing reliable, fast, & accurate verification**

- We will improve the relevant databases, particularly at INS, to ensure that employers can ascertain the employment authorization of job applicants quickly and easily. These efforts are already underway and they will be accelerated.

- We plan to expand testing of the telephone verification system for employers. To determine how best to address the complex issues of employee verification, the relevant Executive Departments and Agencies will test ways to improve the employment verification system under the law. They will be instructed to accelerate efforts to expand existing pilot programs that have shown promise and add small-scale pilots that will help us learn how to make employer sanctions effective. This will be a priority project of our reinventing government program.

PROTECTING OUR CITIZENS BY BATTLING DISCRIMINATION

The Administration is absolutely committed to stopping illegal immigration. But this cannot be done at the price of the civil rights and liberties of those lawfully within our borders. This Administration is concerned that employer sanctions enforcement can result in discrimination against citizens and legal immigrants who are or appear to be foreign-born. Thus, our

initiative will also include vigilant action to protect against discrimination and exploitation of workers. This includes:

- The Office of Special Counsel for immigration-related unfair employment practices will expand its efforts to investigate and prosecute employers who discriminate against "foreign-sounding" and "foreign-looking" work-authorized individuals.

- Education to end discrimination: We will increase the number of personnel and other resources to educate employers about the anti-discrimination requirements of the employer sanctions laws.

BACKGROUND ON ADMINISTRATION ACTION RE: EMPLOYER SANCTIONS ISSUE

In 1986 Congress passed the Immigration Reform and Control Act (IRCA). IRCA required employers to hire only those persons who are legally authorized to work in the United States and instituted penalties for employers who employ illegal aliens. As a result of this law, employers are required to determine the immigration status of employees -- to verify that every applicant for employment is authorized to work in the United States.

This Administration already has instituted or expanded a number of programs designed to test, within the constraints of the system as currently funded, better ways to make the system fraud-resistant and protect all Americans from discrimination. For example:

- Phase I of a Telephone Verification System Pilot (TVS) has been successfully completed. This demonstration project enabled nine employers to verify the employment authorization of each newly hired alien employee by telephone. Employer response to Phase I of TVS was very positive, and a second phase is currently being developed involving more employers.

- Projects in five cities already offer employers a phone number that could be called to verify the validity of a Social Security number.

- New, more fraud-resistant "green" cards including the person's photograph, signature, fingerprint and other security measures are replacing older cards which lack these features.

- INS is working closely with the State of California to check immigration status for driver's license applicants.

- The Social Security Administration is testing and practicing new fraud-resistant practices including:
[insert]
- Federal prosecutors filed the first felony indictment issued under IRCA against an employer in Southern California for accepting fake Social Security, alien registration and temporary resident cards.

RE: NATIONAL I.D. CARD

The Administration and the Commission agree that we must reassess and significantly improve the present system for employment verification. There is also common ground in the Commission's recommendation for the development of a simpler, more fraud-resistant system for verifying aliens' authorization to work.

This Administration opposes a national identification card -- one that every individual within our border -- citizen or not -- would be required to carry at all times for multiple identification purposes and which would contain a photograph, fingerprints and other personal information. Current immigration law prohibits such a national identification card. We also oppose the establishment of a national citizens registry.

- Such a national identification card is not necessary to combat the problem of illegal immigration
- It is not fiscally responsible -- It would cost an enormous amount for all citizens
- A national citizen's database that would be queried for every work application, it would likely require the establishment of a large new bureaucracy
- There are privacy concerns involved with a national citizens registry.

9am Thurs.

September 28, 1994

(11)
Hold for
many ref.
(G3)

MEMORANDUM TO LEON PANETTA

From: Rahm Emanuel

Subject: Immigration

cc: Harold Ickes
George Stephanopoulos

Throughout the next ten days there will be an acceleration of immigration stories in the national media due to the following events: a) the release of Barbara Jordan's Bipartisan Commission Immigration Report, b) the testimony of Administration officials before Congress and c) the political issues raised in the California gubernatorial race with respect to immigration.

So far, we had the announcement of Operation Gate Keeper on Thursday in San Diego and D.C. It received a lot of coverage in the San Diego media market and we expect additional coverage to focus on the dramatic display of agents, lights, and telescopes on the border this weekend. (Also, when the first two days are complete, we plan to hold a conference call and release a report of the first 48-hours).

The advantage of this program is that it shows the Administration in a forceful stance on immigration: it presents an image of the I.N.S. forcefully dealing with the problem.

Upcoming events

There are three cumbersome interdependent events that require our attention:

- I. The release of Barbara Jordan's Bipartisan Commission Report on Immigration.
- II. The release of the President's annual status report on immigration.
- III. Coordinating Administration testimony before Congress on Monday or Tuesday.

I. JORDAN REPORT

There is significant agreement between our position and the recommendations of the Jordan Report. We agree with 95 percent of its general recommendations and our primary disagreement is with two specific suggestions: a) a registration database, and b) a national identification card.

Our response

There are three ways to deal with these items that need to be decided by Friday:

1. Disagree with them, but attempt to keep the focus on our record.
2. Agree with the registration database, but disagree with the identification card.
3. Blurring the difference - welcome the report and say that we will take all of its recommendations under consideration as we prepare our 1995 immigration legislation.

We are presently inclined to disagree with both recommendations (option 1). However, this will call attention to these two issues and narrow the debate on immigration to focus on the disagreements rather than the agreements and our record to date.

Timing

We must decide by Friday how we will respond to the Jordan Report for the following reasons:

- Although the report is officially released early next week, Barbara Jordan will be speaking to the National Press Club on Friday.
- Our posture on these points will be quickly subsumed into the California gubernatorial campaign.
- Members of the Administration will be testifying next week at the Mazzoli hearings.

Immediate action

Barbara Jordan has apparently requested a meeting with the President or the Chief of Staff. I recommend that the Chief of Staff meet with her by Friday thereby sending the message that we have talked with her about the report that we requested before she announces her recommendations to the public.

II. PRESIDENT'S ANNUAL REPORT

The eight chapters of the President's report contrast the inaction of this problem by previous administrations with our actions. The central theme is that we have taken aggressive action on immigration, it is a problem we inherited due to the neglect of our predecessors, but we are moving forward.

At issue is whether or not we want to include a ninth chapter that makes recommendations for the future. We could outline what other steps we will take, but it is not required and it goes beyond the intended scope of the report. The purpose of the report is to provide a status update of the Administration's immigration policy.

Unless our recommendations include significant steps, I recommend that we not have a ninth chapter.

(There is no legal requirement to discuss our future plans, however, given the existence of Jordan's report there is a communications requirement.)

III. TESTIMONY OF ADMINISTRATION OFFICIALS

It is crucial that we have an internal agreement on our strategy and policy by Friday so we can coordinate our message.

We are currently working on a broad outline, but the specifics need to be decided in order to complete it.

COMMUNICATIONS GOAL

The Communications goal for the week of October 3rd should be to highlight the following events:

- Operation Gate Keeper - highlight the success. Discuss it as a needed and dramatic response.
- Administration's immigration policy - state the aggressiveness of the Administration's program to date and the fact that we inherited the problem due to past neglect.
- Barbara Jordan's meeting with the Chief of Staff - that she is reporting to us, and that her recommendations are under consideration.
- Administration's position on the Jordan Report (once it is decided).

TUES. 7:30am

THE WHITE HOUSE
WASHINGTON

December 9, 1994

MEMORANDUM FOR GEORGE STEPHANOPOULOS

FROM: RAHM EMANUEL *RE*

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By the middle of next week we should have the outline of our immigration legislation which will reflect our immigration policy. Until then Ron has put together an immigration agenda.

(H)

Need to bring

to 7:30 AM

mtg.

~~Monday~~

Tuesday

(C)



Office of the Attorney General

Washington, D.C. 20530

December 6, 1995

MEMORANDUM FOR THE ATTORNEY GENERAL
THE DEPUTY ATTORNEY GENERAL

FROM: RON KLAIN *RL*

SUBJECT: SOUTHWEST BORDER INITIATIVE

In light of the Attorney General's meeting this morning with Sen. Feinstein, you asked for my views on our next steps on this issue.

I believe what we are most lacking is an overall message; in the absence of any other proposal, I would suggest that our overriding message would be that we have a plan to put 2000 border patrol agents in California by the end of the next fiscal year and to have 5000 border patrol agents nationally in this time frame. Specifically, here is my ten-point plan for implementing this agenda:

1. FY 95 Allocation of Border Resources. In lieu of INS proposed plan, I would suggest the following allocation:

- California 300 agents
- Arizona 100 agents
- El Paso 100 agents
(NM=50/TX=50)
- Del Rio 80 agents
- Laredo 60 agents
- McAllen 60 agents

Resources for Land Border Inspectors and other related efforts would be allocated similarly.

2. Announcement of FY95 Allocations. The AG would announce these allocations in each of the relevant jurisdiction, reinstating her trip to California that the INS had pressed to have cancelled. Thus, the AG's trip on 12/14-15-16 would include stops in Northern California, Southern California, Arizona, El Paso, and Brownsville, Texas.

3. Proposed FY96 Border Initiative. We would reconfigure the INS's proposed \$300 million FY96 initiative, and resubmit it to OMB. In broad stroke, the initiative would be:

- Border Control: A total of \$210 million, for:
 - 800 new border patrol agents (400 for California, 300 for Texas/NM, 100 for Arizona) with support (\$90 million);
 - Technology & facilities for above (\$20 million);
 - 550 land border inspectors and related technology and support (\$70 million);
 - Interior repatriation, intelligence, and anti-smuggling efforts (\$30 million).
- National Registry: An initial expense of \$40 million to get this moving.
- Employer Sanctions: We would hire 200 new agents to enforce these laws (with support) (\$25 million).
- Criminal Deportations: We would boost our program to deport criminal aliens (\$25 million).

4. Legislative Agenda for Next Year. We would move swiftly and boldly to propose new legislation, that would:

- Make it possible to have a border patrol force in California that doubles in size from FY92 to end of FY96 -- overall, a 50% increase in border patrol agents in that five year period (from 3500 to 5200);
- Adopt, in full, the recommendations of the Jordan Commission -- including a national registry;
- Cut off all public benefits to adult illegal aliens, other than emergency health care and prenatal care;
- Allow information taken from benefit applicants to be used by INS -- but insure that no information taken from children could be used for that purpose;
- Toughen laws against discrimination against U.S. citizens, including an expansion of public accommodation laws to cover retailers.
- Toughen penalties and controls for smuggling;
- Impose a border crossing fee of \$1, with all revenues going to border control;

Obviously, other proposals may also be included in this package as they are developed.

5. Benefits Policy/Intervention in Prop 187 Litigation. We would intervene in the lawsuit against 187, in an effort to help overturn this unconstitutional enactment. At the same time, we would announce those portions of our immigration legislative initiative that are relevant; i.e., proposals to cut off benefits to adult illegal aliens, while having a policy of intelligent compassion with respect to children.
6. Feinstein Relations. In addition, I would propose that we work most closely with Senator Feinstein to insure that we have a joint bill (Administration-Feinstein) for her introduction on January 4th. In general, virtually everything in the Feinstein package is something we have supported in the past.
7. Getting Tougher with Mexico. In the past month, all of our movement has been towards accomodation of Mexican concerns. This should be reversed. I think we should arrange for high-level meetings between the AG and Mexican officials to press our agenda on immigration control.
8. Public Announcement of FY96 Budget Proposal. Once OMB approves our FY96 initiative, we should plan another AG trip to California to announce it -- this would probably be in late January. (Also, on this trip, the AG would announce her new Southwest Border commander (see below)). The thrust of this announcement would be that we have a plan to take us from 990 border patrol agents in California in FY92 to having 2000 by the end of FY96 -- and from 3500 border patrol agents nationally in FY92 up to 5200 by the end of FY96.
9. Southwest Border Commander. The AG would name a new "Southwest Border Commander" -- an individual to coordinate our overall enforcement efforts on the border. This Commander's offices would be headquartered in California, with her splitting time between the border area itself and Washington.
10. Monthly California Trips. In addition to the two AG trips to California proposed for the next two months, we would commit that one of our other top two leaders in this area -- Jamie Gorelick or Doris Meissner -- would make a trip each month to California, each time with a strong enforcement message. (Each trip would include a Northern California and a Southern California stop.) Possible themes for these trips would be:

- December: Denial of benefits to asylum applicants;
- January: Gatekeeper's success in holiday period; enforcement of anti-discrimination laws;
- February: Legislative proposals for this Congress;
- March: Enhanced employer sanctions enforcement;
- April: Border force now up by 450 over FY92 level -- possible addition of 150 from interior checkpoints;
- May: New "Operation" to tighten efforts at ports-of-entry; more land border inspectors.
- June: Progress on deportations of criminal aliens;
- July: Passage of new Immigration Bill (hopefully);
- August: Progress with Mexico in border control;
- September: Employment verification system now at 100 employment sites in California -- progress towards a national registry;
- October: One-year Gatekeeper anniversary.

Obviously, these themes would be adjusted as events and developments merit changes. But the objective would be to have each month, a coherent, month-long focus by the Commissioner and other DOJ/INS personnel in our dealings with California.



Office of the Attorney General
Washington, D. C. 20530

Immigration

September 21, 1994

The Honorable Pete Wilson
State Capitol
Sacramento, California 95814

Dear Governor:

The President asked that I respond promptly to your letter requesting that he declare a state of immigration emergency in California and access the Immigration Emergency Fund.

Upon taking office over a year and a half ago, this Administration immediately responded to California's immigration crisis. It was apparent that decades of neglect had left our Border Patrol without the tools or the manpower to control the border. Additionally, when it was economically advantageous, many in California supported an open-door policy to immigration - to assure a plentiful supply of agricultural and industrial workers. What we discovered over a year ago was a flow of illegal immigrants into the State that had continued unabated for years. At the time, few in public office were even concerned about this problem.

For 18 months we have been hard at work. We launched a serious multi-year plan to strengthen border enforcement. We have installed fencing and lighting, have greatly augmented the equipment available to the Border Patrol, and by the end of next year, will have increased by 60% the number of Border Patrol agents on the line at the California border. While we have begun to make progress, we continue to regard the problem of illegal immigration into California as a matter of the greatest concern. We have committed -- and will continue to commit -- more resources to fighting illegal immigration than any previous Administration.

Last year, the President and I worked in cooperation with Congress to amass new resources for an unprecedented, further enforcement effort at the California-Mexico border. As I announced in Los Angeles last Saturday, we are now prepared to launch Operation Gatekeeper, a plan to dramatically stem the flow of illegal immigration at the California border.

CHIEF OF STAFF @003

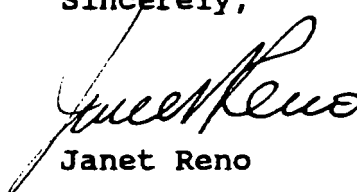
In addition to controlling illegal immigration on the border, we also anticipate sending an unparalleled sum to California within the next 100 days to reimburse the state for the cost of incarcerating criminal aliens. Thanks to the President's Crime Bill, \$130 million is available this year -- and the Crime Bill authorizes \$1.8 billion over six years -- to reimburse states for this purpose. I am especially grateful that many leaders in your state worked hard to get this bill passed, so that these funds -- which far exceed the entire balance of the Immigration Emergency Fund -- can be disbursed soon. This Administration also proposed and supported higher funding for reimbursement on Medicaid and education.

Let me now address your stated intent to request reimbursement from the Immigration Emergency Fund. As you know, the Fund was created by Congress in 1986; a 1990 amendment authorized the Attorney General to release up to \$20 million from the Fund to state and local governments under certain conditions for costs relating to aiding the Attorney General in the administration of the immigration laws. When I assumed office, I discovered that no prior Administration had ever promulgated regulations to implement access to the Fund. We did so. Last June we published final regulations and have received two applications to date.

Notably, neither the State of California nor any of its subdivisions has filed an application for reimbursement from the Immigration Emergency Fund. The State and/or any local jurisdiction may apply at any time. There is no need for a presidential or other declaration of a state of emergency in order to trigger eligibility for reimbursement.

Thank you for sharing your concerns regarding California's experience with immigration. We look forward to a continuing partnership to address the significant and historic problems we face controlling illegal immigration into your state.

Sincerely,



Janet Reno

DEMOCRATIC★NATIONAL★COMMITTEE

Donald L. Fowler
National Chair

Christopher J. Dodd
General Chair

MEMO TO: Mike McCurry
Harold Ickes
Sandy Berger
George Stephanopoulos ✓

FROM: Donald L. Fowler **DLF**

RE: Immigration Policy Affecting Cuban-Americans

DATE: May 23, 1995

Recently, I had a conference with a number of Cuban-Americans including Congressman Bob Menendez. In addition to a number of matters that were of interest to them, they raised two points that were particularly meaningful.

- In discussing the President's new policy on immigration from Cuba, the President and other Administration officials should point out that the President remains committed to the Cuban Democracy Act. According to Congressman Menendez, this is a matter of particular concern to Cuban-Americans and one that would softened the political impact of his new policy towards immigrants. Congressman Menendez also offered and seemed eager to consult with the President of matters of concern to Cuban-Americans. Menendez, unlike other Cuban-Americans members of Congress, is from New Jersey.
- They seemed to be terribly concerned that HIB visas for educated and talented immigrants have been deliberately cut by 50% or more. This seems to be a deliberate policy on the part of the Administration and one which Cuban-Americans look at with a great deal of disapproval.

If I can be of any help to you please let me know.