

(Address given by the Rev. Theodore M. Hesburgh, C.S.C., President, University of Notre Dame, at the Summer Commencement, University of Michigan, Ann Arbor, Michigan, August 23, 1981)

I am happy to join your class today as we receive degrees from this great University of Michigan. There are many themes that I might address, but it seemed best to present to you one of the great problems of our day and the way that it has been addressed in the past year or so. It is a good case study in government and civilians working together for a solution. It may be that some of you will be similarly engaged in the future.

About two years ago, I had a phone call from the then Vice President, Fritz Mondale, saying that he had a job for me to do. I confess to being less than enthusiastic, since I already had about twenty different tasks in the private sector, and had just completed two government assignments, U. S. Ambassador for the United Nations meeting in Vienna on Science and Technology for Development (mainly in the Third World) and a member of the Holocaust Commission. It had taken about two years and twice around the world to prepare for the Vienna meeting, so I was enjoying my first freedom from Washington for less than a week's time when Fritz called.

"Well, what is it this time?," I asked. "The President wants you to chair the U. S. Select Commission on Immigration and Refugee Policy," he said. "It's only a two year job which you can do in your spare time," he added.

"I don't know anything about immigration and refugees," I countered. His response was devastating. "Neither does anyone else. That's why the Congress established the Commission with sixteen high level members: The Secretary of State, the Attorney General, the Secretaries of Labor and HEW (later HHS), the Chairmen of the Senate and House Judiciary Committee, Senator Kennedy and Congressman Rodino, plus three other members from both parties in the Senate and House, and four public members. You have a couple of million dollars, a small staff in the White House Executive Office Building, and a very difficult report to write for the President and the Congress, due March 1, 1981. Just say 'yes' and the President will send you your commission."

Sometimes I think I should see a psychiatrist because I almost always say "yes" when I should run for cover, but then, as you will all find soon enough, our country is full of difficult problems that someone has to study and try to solve. Fifteen years on the Civil Rights Commission, the four last years as Chairman, had taught me that. But there is great satisfaction in finding some solutions to difficult social problems -- maybe more than playing golf or bridge, so I said "Yes." Now that the task is finished, I don't regret it, even though it meant many public meetings across the land, from Boston to San Francisco, from San Antonio to Phoenix, and more Commission meetings all over Washington and even another trip around the world to study immigration in our Pacific Territories and refugees in the Far East.

We did make the March 1 deadline this year with a 500 page report to the President and the Congress, and ten additional volumes of supportive studies, calling for a completely new immigration and refugee policy, a total revision of the Immigration and Nationality Act -- maybe the second worst law on our books after the Tax Law -- a strengthening and reorganization of our Immigration and Naturalization Service, and a small mountain of other analogous advice.

There had only been one other select commission on this subject, under President Theodore Roosevelt from 1907-1910. Its advice was predicated on the assumption that there were superior and inferior races. It wanted immigration mainly from Northern Europe and its advice was reflected in the first formal immigration laws, following World War I in 1921.

On the reception of our report, Congress held its first joint meeting of the Senate and House Subcommittees on Immigration and Refugees, chaired by Senator Alan Simpson of Wyoming and Congressman Romano Mazzoli of Kentucky, on last May 4. I made a two-hour presentation at the opening session on behalf of our Commission.

The new President, Ronald Reagan, established an inter-agency Task Force, chaired by the new Attorney General, Mr. Smith, to assess our report. When they reported to the President, he held at least three full Cabinet meetings before reporting a position quite different than ours. More of this later.

At the very first meeting of the whole Commission that I attended at the State Department, it became evident that we had four fundamental questions to answer:

1) How many immigrants and refugees should be admitted to the United States annually; 2) From where; 3) By what procedures; and 4) What should be the criteria governing the answers to the first three questions?

It seemed to me, even before we began our research, our consultations with experts, and our twelve public hearings, that as a nation whose whole population, the most variegated on earth, had originated somewhere else, our policy should be just, humane, and generous, should not be racist or prejudiced, should be faithful to our traditions as a nation of immigrants, and should be manageable and effective.

This last point was immediately important, because it soon became evident that our present policy and procedures are out of control. For example, the current law provides for 270,000 immigrants and up to 50,000 refugees to enter the U. S. legally each year. Against this total of 320,000, in the last two years, over 800,000 entered legally and probably over a million each year illegally. We do not even know how many undocumented or illegal aliens are presently in our country today, but the best estimate at any time is from 3½ to 6 million illegals, of whom about a half are Mexican, the rest from

the Caribbean, Central and South America, and the Orient. More than half of the legal entrants come from Mexico, the Philippines, Taiwan and China (mainly Hong Kong), Korea, and the Dominican Republic.

In every decade since 1820, five countries have provided over half the immigrants to America, but rarely the same five. Earlier the sending countries were almost always European, now in recent decades, Latin America and the Far East. More Koreans have come to America legally since the Korean War than there are native Americans on reservations here. Since the Vietnam War, more than a million Vietnamese, for the last year and a half, 14,000 boat people a month, 60% of the world total resettlement.

How do we propose to put some order into this chaos? I can only give you the headlines in the time remaining.

I have already mentioned that we have presented the President and the Congress with a 1,000 page volume outlining a complete revision of the Immigration and Nationality Law. There are presently about seven preferences for being accepted as a legal immigrant and 33 grounds for exclusion, many completely anachronistic. We propose limiting the preferences to three and reducing the exclusions to 16.

The main preference would be for the reunification of families, mainly spouses and children. The second preference would be an independent category, so-called seed immigrants, as

many of our forebears were, looking for economic opportunity, a new life, and a new hope. The third preference would be refugees. I will return to them later.

A key problem is to stem the present tide of illegal immigrants and to do something about those already here. Here we propose a tripod, with the understanding that if any leg of our solution is rejected, the other two will not stand. The tripartite solution is completely interdependent.

First, we proposed unanimously (one of the few important unanimous votes of our Commission) that the present illegals who have been here since January 1, 1980, and whose record of work and conduct meets the immigrant standard, be given the opportunity to legalize their status, first as permanent alien residents for five years, and then have the opportunity for naturalization as citizens. These illegal aliens now represent people in the shadows, with no legal rights or recourse to legal protection. They are often under paid, victimized by unscrupulous employers, often paying taxes with no benefits. Their lower condition creates a subculture that depresses labor standards and wages, an unhealthy situation for all our society, especially those caught in this trap.

The indispensable condition -- sine qua non -- as the lawyers say, to rectify this condition of runaway illegal immigration, is to demagnify the magnet that brings them here illegally. This can only be done by the other two legs of our tripod: employer sanctions and some means of identifying those legally qualified to work.

It is now illegal for aliens to come into the country illegally and work, but not illegal for employers to hire them. We advise an obvious change, making it illegal for employers to hire illegals. One cannot lay this burden on employers unless there is some simple means of certifying who is qualified to work and who is not. My own suggestion for this means is an upgraded and counterfeit-proof Social Security card. This card is presently held by everyone; it is used for driver's licensing, most official papers, and numerous other identification purposes. It applies to all equally. One need not carry it except where it is useful.

New laser and magnetic technology could make it practically counterfeit-proof and more care could be exercised in issuing the new cards. If an illegal alien cannot get one, and cannot work without one, I believe the tide will be stemmed. There may be a better and more effective solution, but I have yet to hear it. And without a solution, the problem gets worse each day.

The new system we are proposing is so structured that it will work effectively and humanely whether the annual quota of immigrants and refugees gets larger or smaller. We suggest enlarging the quota slightly for the next five years until the present backlog of about a million persons waiting legally for a visa to join their spouses or parents is eliminated.

In a word, we think the front door to America, the legal door, should be opened a bit wider and the back door, the illegal one, closed.

We are probably the only civilized country on earth which does not control its borders. Try to imagine last year's Cuban incursion happening anywhere in Europe or even Latin America. Mexico has just initiated an identity card because of the growing invasion from the South and their large current unemployment situation.

This then is our tripod: legalization, employer sanctions, and better, easier identification of those qualified to work here.

I have only time for a word or two about refugees. There are more of them, some 16 million, in the world today than there were at the end of World War II. Besides, today, practically nobody wants to settle them. The Japanese, for example, take practically none. The United States takes more than the whole world together, but even so, the problem remains with millions of helpless and hopeless people, with no home, no food, no medical care or clothing, no hope, languishing by the millions in Africa, in Pakistan, in the camps of Southeast Asia.

Refugees are mainly the children of war, persecution, and drought. I have seen their empty sunken eyes, their bloated bellies, their matchstick arms and legs, their miserable huts and strips of plastic hung on tree branches against the weather, their young without schooling, all of them suffering hunger without food, sickness without medicine, nakedness without clothing.

This is not an American problem, but a world problem that needs desperately a global solution. The only long range solution



is economic and social development in that part of the world where 80% of the world's people have only 20% of the resources available for basic human needs. Another basic answer is to outlaw the constant wars that create refugees -- 2½ million last year in the Horn of Africa and Afghanistan, thanks to Russian and Cuban adventurism.

As long as there is the contradiction of abundance for the few and utter hopelessness for the many, the many are going to move to wherever there is abundance. You in your lifetime may yet see tens of millions of starving people marching to where there is food. The only basic answer is to help them now grow food where they are. Many boats are now being hand built on poor Caribbean Islands. They are not destined for fishing, but for a precarious trip to Florida.

In general, our Commission recommended following the provisions of the recently enacted Refugee Act of 1980 which has sufficient flexibility for the short term. The long term solution will require an international solution, as indicated already.

Against the background of this growing and festering problem, our Commission proposed an organic solution which we hoped would "set a standard to which the wise and honest can repair," in the words of George Washington.

What has happened since our Commission disbanded last May? The Inter-Agency Task Force, under the leadership of Attorney General Smith, reported to the President who held three Cabinet

meetings to discuss their report which by and large supported our findings. The Cabinet members, coming cold into a very complicated problem area, replete with myth, emotion, and prejudice too, rejected some of the most important elements of our report and the Task Force's report as well.

I can only give you a shorthand version of the differences between the White House proposals and our Commission's Report.

First, they effectively knocked two of the three legs off our tripod. They did favor legalization, but under new conditions that make it somewhat inhumane and, therefore, largely ineffective. They would require ten years (renewable every three years) of temporary residence before application for permanent residence, without which application for citizenship is impossible. This means ten years of paying taxes without the customary benefits, and separation from families as well. I doubt that many will apply for legalization under these conditions.

Secondly, while they do support employer sanctions, they do not require new and non-counterfeitable identification, without which employer sanctions will not be effective, as demonstrated by the ineffective programs of employer sanctions now in force in a dozen or so states.

They also call for an expanded temporary worker force. Our objections to this, as evidenced by the so-called "Gastarbeiter" or great-worker programs in Europe is that the French are quite

correct when they say, "Il n'y a rien qui dure comme le provisoire," nothing lasts so long as the temporary. The temporary workers do not go home and the present problem is recreated and enlarged.

There are other aspects of the White House program, such as the enlarged immigration quotas (40,000 total) for Mexico and Canada, with which we would agree, but many others, too numerous and complicated to review here, with which we would fundamentally disagree if one is to apply our fundamental criteria for a new policy: that it be humane, non-racist, fair, consistent with our national ideals and needs, and also effective, criteria which the current law and policy certainly do not fulfill.

Fortunately, in our form of government, this is not the last word or the final solution. The Congress will write the new law, and I have considerable confidence in the Chairmen of the Subcommittees involved: Senator Alan Simpson and Congressman Ron Mazzoli. Also, Governor Reuben Askew, Ben Civiletti, former Attorney General, Lane Kirkland, President of the AFL-CIO, Ambassador Elliot Richardson, Governor George Romney, Cyrus Vance, former Secretary of State, and I are chairing a National Citizens' Committee of over sixty distinguished Americans to work for immigration reform. So I close with a word of hope for a better ultimate program and policy.

Why have I told you all this somewhat dismal news on this your day of Commencement? Because you are among the very few

avored ones in this complicated and unfair world of ours. Noblesse oblige. Today you join the nobility of the learned, the educated, the capable. You may say, "Well, that's the way the ball bounces. Glad I'm here and not there." Or you can take to heart the words that Dr. Albert Schweitzer, the great humanitarian and Nobel Laureate, once addressed to a group of graduates like yourselves: "I do not know where you will go now, what each of you will do with your life, but I can assure you of this, unless you set aside some portion of your life and talent to help those less fortunate, your life will really be empty, the world will not be better for your passing through it, and, fundamentally, you will not be happy."

My hope and prayer for each of you today is very simple -- I wish all of you happy lives and a better world that you will help create.