

**Hearing  
Before the  
United States  
Commission on Civil Rights**

**IMMIGRATION POLICY AND PROCEDURE**

**HEARING HELD IN  
WASHINGTON,  
D.C.**

**November 14-15, 1978**

**VOLUME II: Exhibits**

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## U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or the denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;
- Submit reports, findings, and recommendations to the President and the Congress.

## MEMBERS OF THE COMMISSION

Arthur S. Flemming, *Chairman*

Stephen Horn, *Vice Chairman*

Frankie M. Freeman

Manuel Ruiz, Jr.

Murray Saltzman

Louis Nuñez, Staff Director

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*Exhibit No. 1*

[6335-01-M]

**CIVIL RIGHTS COMMISSION****HEARING**

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on November 14, 1978, in Washington, D.C. More specific information on the location on the hearing will be published in the FEDERAL REGISTER on or about November 1, 1978, and may also be obtained by calling the Office of the General Counsel, 202-254-6671, after that date. An executive session, if appropriate, may be convened at any time before or during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning the administration and enforcement of the immigration and nationality laws of the United States; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex or national origin, or in the administration of justice, particularly concerning the administration and enforcement of the immigration and nationality laws of the United States; and to disseminate information with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning the administration and enforcement of the immigration and nationality laws of the United States.

Dated at Washington, D.C., October 11, 1978.

ARTHUR S. FLEMING,  
*Chairman.*

[FR Doc. 78-29207 Filed 10-12-78; 9:05 am]

*Exhibit No. 2*

**Mexican American  
Legal Defense  
and Educational Fund**

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**MALDEF**

TESTIMONY OF  
AL PEREZ  
ASSOCIATE COUNSEL  
PRESENTED TO  
U.S. COMMISSION ON CIVIL RIGHTS  
NOVEMBER 14, 1978  
WASHINGTON, D. C.

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MY NAME IS AL I. PEREZ AND I AM THE ASSOCIATE COUNSEL FOR THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND HERE IN WASHINGTON, D. C.

I WOULD LIKE TO ENTER FOR THE RECORD THIS TESTIMONY AND THE APPENDIX ATTACHED HERETO. I WOULD ALSO LIKE TO THANK THE U.S. COMMISSION ON CIVIL RIGHTS AND THIS DISTINGUISHED BODY OF COMMISSIONERS FOR THIS OPPORTUNITY TO PRESENT TESTIMONY.

#### OVERVIEW

IMMIGRATION IS BECOMING ONE OF THE MOST IMPORTANT ISSUES OF OUR TIMES. ITS INCREASING IMPORTANCE CAN BE RECORDED ALMOST DAILY AS THE CONGRESS, THE EXECUTIVE BRANCH, THE JUDICIARY, AND THE PRESS INTENSIFY THEIR INVOLVEMENT IN THIS AREA. UNLIKE OTHER ISSUES WHICH BECOME FASHIONABLE AND THEN DISSOLVE INTO OBSCURITY, IMMIGRATION IS WITH US NOW AND WILL BE WITH US FOR A LONG TIME TO COME.

THE UNITED STATES IS KNOWN AS A COUNTRY OF IMMIGRANTS. BETWEEN 1820 AND 1970 45 MILLION PERSONS IMMIGRATED HERE. JUST BETWEEN 1961-1970, 3.3 MILLION CAME HERE AS IMMIGRANTS. IT GOES WITHOUT SAYING THAT WITH VERY FEW EXCEPTIONS (IF ANY) MOST U.S. CITIZENS HAVE ROOTS IN OTHER PARTS OF THE WORLD. A LOOK AT YOUR NAMES - FLEMING, HORN, FREEMAN, RANKIN, RUIZ, SALTZMAN - INDICATES THE CULTURAL AND ETHNIC DIVERSITY IN THIS COUNTRY.

THUS, THE EMERGENCE OF IMMIGRATION AS AN ISSUE OF PARAMOUNT CONCERN IS AN ENIGMA. IT IS AN ENIGMA BECAUSE WHILE THIS COUNTRY HAS ABSORBED 45 MILLION IMMIGRANTS, IT IS NOW SAYING THAT WE DON'T WANT THESE



IMMIGRANTS; IT IS AN ENIGMA BECAUSE WHILE THIS COUNTRY HAS GIVEN REFUGE AND COMFORT TO THE DISINHERITED, IT IS NOW SAYING THAT SUCH SUCCOR IS NOT AVAILABLE TO THESE IMMIGRANTS; IT IS AN ENIGMA BECAUSE WHILE THE GOVERNMENT IS CONCERNED ABOUT THE HUMAN RIGHTS OF PERSONS IN FOREIGN LANDS, IT MOVES TO DENY SUCH RIGHTS TO THESE IMMIGRANTS HERE; FINALLY, IT IS AN ENIGMA BECAUSE WHILE ALL AVAILABLE DATA INDICATE THAT THESE IMMIGRANTS ARE NOT A DRAIN ON OUR LABOR AND ECONOMY, THE GOVERNMENT, THE PRESS, AND THE PUBLIC CHOOSE TO BELIEVE OTHERWISE. MALDEF DOES NOT DENY THE IMPORTANCE OF IMMIGRATION AS PART OF THE UNITED STATES-MEXICO DYNAMICS. AS THE DISTINGUISHED MEXICAN SCHOLAR, DR. JORGE BUSTAMANTE, SAID RECENTLY: "REALITY DOESN'T STOP AT THE BORDER." THERE ARE EXTREMELY IMPORTANT IDEOLOGICAL AND PHILOSOPHICAL QUESTIONS OF TRADE, ENERGY, LANGUAGE, AND IMMIGRATION THAT REQUIRE BILATERAL COMPREHENSIVE ANALYSIS AND BILATERAL COMPREHENSIVE SOLUTIONS. HOWEVER, NEITHER MALDEF NOR THE U.S. COMMISSION ON CIVIL RIGHTS IS EQUIPPED TO DEAL WITH THESE MAJOR TOPICS.

BOTH MALDEF AND THE COMMISSION ARE BEST EQUIPPED TO DEAL WITH THE HUMAN FACTORS THAT NECESSARILY EVOLVE FROM THE DEVELOPMENT OF PHILOSOPHICAL AND IDEOLOGICAL DOCTRINES. FROM MALDEF'S PERSPECTIVE, OUR CONCERNS CAN BE DIVIDED INTO TWO BROAD CATEGORIES: (1) THE CIVIL AND CONSTITUTIONAL RIGHTS OF IMMIGRANTS VIS A VIS FEDERAL AND STATE ENFORCEMENT POLICIES (2) THE CIVIL AND CONSTITUTIONAL RIGHTS OF UNITED STATES CITIZENS OF MEXICAN DESCENT VIS A VIS STATE AND FEDERAL ENFORCEMENT PRACTICES PURSUANT TO THE IMMIGRATION AND NATIONALITY ACT. THIS SECOND CONCERN IS EXTREMELY IMPORTANT FOR OUR PEOPLE BECAUSE AS THE GOVERNMENT AND AS PRIVATE INSTITUTIONS SEEK TO ROOT OUT THE UNDOCUMENTED IMMIGRANT, MEXICAN AMERICANS ARE INCREASINGLY HAVING THEIR LEGAL RIGHTS AND THEIR PHYSICAL

PERSON ASSAULTED. WHILE MALDEF HAS LABORED WITH MANY ASPECTS OF THE IMMIGRATION FIELD, I WILL ONLY FOCUS TODAY ON CERTAIN SPECIFIC ISSUES THAT MIGHT BE OF INTEREST TO YOU.

I. UNDOCUMENTED ALIEN LEGISLATION

MALDEF HAS BEEN VERY CONCERNED ABOUT THE CONGRESSIONAL AND ADMINISTRATIVE ATTEMPTS TO ENACT LEGISLATION DEALING WITH UNDOCUMENTED IMMIGRANTS. AFTER THE ADMINISTRATION PROPOSED A LEGISLATIVE PLAN IN AUGUST OF 1977, MALDEF DID A LENGTHY ANALYSIS (APPENDIX A) OF THE PLAN, OUR OBJECTIONS TO THE PLAN WERE :

- 1) EMPLOYER SANCTIONS WOULD NOT WORK AND WOULD RESULT IN INCREASED DISCRIMINATION AGAINST LATIN-LOOKING PEOPLE .
- 2) THE CREATION OF A "TEMPORARY RESIDENT STATUS GROUP" THAT WOULD NOT BE ELIGIBLE FOR ANY SOCIAL-WELFARE BENEFITS WAS ESSENTIALLY THE CREATION OF A WORKING CASTE IN THIS COUNTRY .
- 3) THE 1970 CUT-OFF DATE FOR QUALIFYING FOR ADJUSTMENT OF STATUS WAS FOR TOO LONG.
- 4) NO FACTUAL DATA HAD BEEN PRESENTED TO SUPPORT THE BELIEF THAT UNDOCUMENTED ALIENS WERE A DRAIN ON OUR LABOR AND ECONOMIC RESOURCES.

OUR MAJOR OBJECTIONS WERE NEVER ADEQUATELY ANSWERED BY THE ADMINISTRATION. FOR EXAMPLE, TO ADDRESS OUR CONCERNS OF POTENTIAL EMPLOYER DISCRIMINATION, PRESIDENT JIMMY CARTER TOLD THE FEDERAL AGENCIES RESPONSIBLE FOR ENFORCING EMPLOYMENT DISCRIMINATION LAWS TO INCREASE THEIR EFFORTS TO PREVENT EMPLOYMENT DISCRIMINATION AGAINST NATIONAL ORIGIN GROUPS. AS OF TODAY, I HAVE NOT SEEN ANY KIND OF EFFORT BY THESE AGENCIES TO INCREASE THEIR EFFORTS TO COMBAT EMPLOYMENT DISCRIMINATION AGAINST MEXICAN AMERICANS.

ALSO, THE ADMINISTRATION WAS NEVER ABLE TO EXPLAIN WHY THEY WERE SEEKING TO REMEDY THE LABOR AND ECONOMIC "PROBLEMS" THAT UNDOCUMENTED ALIENS ALLEGEDLY CAUSED WHEN ALL AVAILABLE DATA, INCLUDING GOVERNMENT REPORTS (SEE APPENDIX B), INDICATED THAT, IN FACT, NO SUCH PROBLEMS WERE BEING CREATED.

## II. LOCAL POLICE OFFICERS AND ENFORCEMENT OF IMMIGRATION LAWS

MALDEF HAS RECEIVED MANY COMPLAINTS FROM CHICANOS WHO CLAIM THAT LOCAL POLICE OFFICERS ARE ENFORCING IMMIGRATION LAWS AND, IN THE PROCESS, THESE OFFICERS ARE VIOLATING THESE PERSONS' CIVIL AND CONSTITUTIONAL RIGHTS. WE PROCEEDED TO ANALYZE THE WHOLE LEGAL QUESTION OF WHETHER LOCAL POLICE OFFICERS HAVE AUTHORITY TO ENFORCE THE IMMIGRATION LAWS. OUR CONCLUSIONS THAT LOCAL POLICE OFFICERS HAD NO SUCH AUTHORITY (SEE APPENDIX C) WERE FORWARDED TO THE U.S. ATTORNEY GENERAL ON APRIL 19, 1978. WE ASKED FOR A STRONG POLICY STATEMENT FROM THE ATTORNEY GENERAL STATING THAT LOCAL POLICE OFFICERS HAD NO AUTHORITY TO ENFORCE IMMIGRATION LAWS. THE ATTORNEY GENERAL RESPONDED WITH A PRESS STATEMENT URGING LOCAL POLICE OFFICERS NOT TO ENFORCE IMMIGRATION LAWS. THE EFFECT OF THIS STATEMENT IS STILL BEING ANALYZED. THERE IS A LOT OF CONFUSION. FOR EXAMPLE, AFTER A RECENT MALDEF INQUIRY TO INS CONCERNING A LOCAL POLICE IMMIGRATION RAID AT A FARM IN ONARGA, ILLINOIS, THE INS ASSISTANT COMMISSIONER FOR INVESTIGATIONS WROTE BACK STATING:

THE... CHICAGO DISTRICT OFFICE  
 DETAILED 50 OFFICERS TO CONDUCT AN INQUIRY  
 AT THE FARM. TWENTY-ONE STATE POLICE AND  
 4 COUNTY SHERIFFS PARTICIPATED IN THIS INQUIRY  
 SOLELY AS OBSERVERS AND WEPE NOT ACTIVE  
 PARTICIPANTS. (EMPHASIS ADDED)

IT STRETCHES THE IMAGINATION TO BELIEVE THAT 25 LOCAL POLICE OFFICERS WENT ON THE RAID SOLELY AS OBSERVERS. THE INS' ACTIONS IN THIS INSTANCE INDICATE EITHER A TOTAL DISREGARD FOR THE ATTORNEY GENERAL'S STATEMENT OR A TOTAL CONFUSION AS TO WHAT INS CAN DO OR NOT DO WITH LOCAL POLICE OFFICERS.

THIS PROBLEM PRESENTS MAJOR CIVIL AND CONSTITUTIONAL RIGHTS ISSUES. FRICTION BETWEEN THE MEXICAN AMERICAN COMMUNITY AND LOCAL POLICE IS INCREASING. IT IS IMPERATIVE THAT THE COMMISSION ON CIVIL RIGHTS ASSERT ITS PRESTIGE AND EXPERTISE TO ASSURE THAT THE PROBLEM IS QUICKLY RESOLVED.

#### RIGHTS OF ALIENS

MALDEF IS VERY CONCERNED ABOUT THE DEVELOPING LEGAL ISSUE OF THE RIGHTS OF ALIENS. OUR CONCERN REFLECTS TWO ELEMENTS: 1) HOW MUCH CAN LOCAL, STATE, AND FEDERAL GOVERNMENTS DISCRIMINATE AGAINST LEGAL OR ILLEGAL IMMIGRANTS? 2) HOW CAN WE PREVENT ANY SUCH DISCRIMINATION FROM SPILLING OVER TO U.S. CITIZENS OF MEXICAN DESCENT?

OUR POSITION IS THAT WITH VERY FEW EXCEPTIONS - E.G., THE RIGHT TO VOTE - DISCRIMINATION SHOULD NOT BE ALLOWED AGAINST IMMIGRANTS. THAT IS WHY MALDEF OPPOSED THE ADMINISTRATION'S CREATION OF A "TEMPORARY RESIDENT STATUS" IMMIGRANT CATEGORY; THE ADMINISTRATION ALSO PROPOSED TO DENY THIS GROUP ALL SOCIAL AND WELFARE BENEFITS. THE ADMINISTRATION WANTED A GROUP OF WORKERS WHO WOULD BE ABLE TO WORK HERE AND PAY TAXES HERE, BUT WOULD NOT BE ELIGIBLE FOR HEALTH BENEFITS, FOOD STAMPS, UNEMPLOYMENT INSURANCE, NOR FOR ANY OTHER KIND OF PUBLIC ASSISTANCE.

MALDEF HAS ALSO LITIGATED AGAINST STATE LEGISLATION THAT DISCRIMINATED AGAINST IMMIGRANTS. IN A RECENT DECISION (SEE DOE V. PLYLER AT APPENDIX D) A FEDERAL DISTRICT COURT IN TEXAS DECLARED UNCONSTITUTIONAL THE APPLICATION OF A TEXAS STATUTE BY THE TYLER ISD WHICH IMPOSED A SCHOOL TUITION FEE OF

\$1,000 ON UNDOCUMENTED IMMIGRANT CHILDREN. THIS CASE IS BEING APPEALED.

THERE APPEARS TO BE DEVELOPING AN EXTREMELY ANTI-ALIEN ENVIRONMENT IN THIS COUNTRY. WHILE THIS ENVIRONMENT IS, TO SOME EXTENT, CREATED BY THE MEDIA, IT IS ALSO BEING FUELED BY DECISIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF GOVERNMENT. FOR EXAMPLE, BEFORE LEAVING OFFICE PRESIDENT FORD SIGNED EXECUTIVE ORDER 11935 WHICH PROHIBITS RESIDENT ALIENS FROM WORKING IN THE FEDERAL COMPETITIVE SERVICE. MALDEF AND THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW FILED A PETITION (APPENDIX E) 9 MONTHS AGO WITH PRESIDENT JIMMY CARTER, ASKING FOR A RECISSION OF EXECUTIVE ORDER 11935. WE HAVE YET TO RECEIVE AN ANSWER FROM THE WHITE HOUSE ON OUR PETITION. ALSO, THE U.S. SUPREME COURT HAS DECIDED CERTAIN CASES THAT PERMIT DISCRIMINATION EVEN AGAINST LEGAL IMMIGRANTS.

MALDEF IS CONCERNED THAT SUCH ENVIRONMENT WILL INEVITABLY RESULT IN DISCRIMINATION AGAINST U.S. CITIZENS OF LATIN DESCENT. WE ARE CONVINCED THAT IF DISCRIMINATION IS ALLOWED AGAINST NON-CITIZENS THE DISCRIMINATION WILL SPILL OVER TO CITIZENS WHO PHYSICALLY RESEMBLE THE NON-CITIZENS.

#### OTHER ISSUES

MALDEF HAS BEEN ACTIVE IN DEALING WITH OTHER IMMIGRATION ISSUES. FOR EXAMPLE, WE EXPRESSED GREAT RESERVATIONS ABOUT THE ADMINISTRATION'S DECISION TO BUILD FENCES BETWEEN U.S. AND MEXICO (APPENDIX F). WE FELT THAT ERECTING FENCES WAS NOT A GOOD SOLUTION TO THE IMMIGRATION PROBLEM. THIS FENCE WAS PARTICULARLY OBJECTIONABLE BECAUSE IT WAS SUPPOSED TO MAIM AND INURE PEOPLE. WE UNDERSTAND THAT THE CONSTRUCTION OF THE FENCE WILL PROCEED ACCORDING TO PLAN.

FINALLY, MALDEF HAS OBJECTED TO THE PRESIDENT'S REORGANIZATION PROJECT'S PROPOSAL TO REORGANIZE THE BORDER MANAGEMENT AGENCIES BY TRANSFERRING THE BORDER PATROL FROM THE INS TO THE BUREAU OF CUSTOMS. OUR OBJECTIONS (APPENDIX G) WERE VARIOUS BUT ESSENTIALLY WE WERE CONCERNED THAT IF THE TRANSFER TOOK PLACE IT WOULD EXACERBATE THE PROBLEMS THE HISPANIC COMMUNITY HAS WITH THE BORDER PATROL.

COMMISSION'S WORK

THE CIVIL RIGHTS COMMISSION HAS BEEN IN THE VANGUARD OF MANY CIVIL RIGHTS BATTLES. THIS HEARING PLUS THE OTHER FIELD HEARINGS ALREADY HELD INDICATE THAT THE COMMISSION IS WILLING TO USE ITS PRESTIGE AND RESOURCES TO DEAL WITH THE MYRIAD OF CIVIL RIGHTS ISSUES ARISING OUT OF THE IMMIGRATION PROBLEM. THE COMMISSION CAN PERFORM AN INVALUABLE SERVICE TO THE GOVERNMENT AND TO THE PUBLIC BY EXAMINING AND ANALYZING THE IMPORTANT CIVIL AND CONSTITUTIONAL RIGHTS ISSUES WHICH ARE DEVELOPING ALMOST ON A DAILY BASIS.

I WISH TO THANK YOU AGAIN FOR YOUR INVITATION TO TESTIFY AND TO THANK YOU AND YOUR STAFF IN ADVANCE FOR THE FIRST-RATE WORK THAT I'M SURE THE COMMISSION WILL PRODUCE CONCERNING IMMIGRATION.

Appendices to Mr. Perez' statement are on file  
with the U.S. Commission on Civil Rights,  
1121 Vermont Avenue, N.W., Room 600, Washington,  
D.C. 20008.

TESTIMONY ON THE CIVIL RIGHTS IMPLICATIONS  
OF PROPOSED FEDERAL POLICIES CONCERNING  
UNDOCUMENTED WORKERS AND IMMIGRANTS

Before the  
UNITED STATES COMMISSION ON CIVIL RIGHTS  
Washington, D.C.

by

Michael Cortés  
Vice-President For Research,  
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THE NATIONAL COUNCIL OF LA RAZA  
1725 Eye Street, N.W. Suite 210  
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November 14, 1978





TESTIMONY ON THE CIVIL RIGHTS IMPLICATIONS  
OF PROPOSED FEDERAL POLICIES CONCERNING  
UNDOCUMENTED WORKERS AND IMMIGRANTS  
by Michael Cortés  
THE NATIONAL COUNCIL OF LA RAZA

Mr. Chairman, and Members of the Commission, I am pleased to answer your call for testimony on proposed immigration policies. I am appearing on behalf of the National Council of La Raza, in my capacity as Vice-President for Research, Advocacy and Legislation. I also serve as Coordinator of the Hispanic Ad Hoc Coalition on Immigration, which includes over thirty national and other organizations which have agreed on some fundamental issues regarding undocumented workers and related immigration policy proposals.

My testimony today centers around the following points.

- (1) Proposed federal sanctions against employers of undocumented workers would unavoidably exacerbate employment discrimination against Hispanics and certain other minorities, irrespective of their right to reside in the United States. The rights of citizens and legal permanent residents of the United States to equal employment opportunity would be unduly and unnecessarily compromised by proposed sanctions.
- (2) The population of undocumented immigrants has been unnecessarily augmented by the U.S. Immigration and Naturalization Service, through failure of that agency to provide prompt and efficient service to immigrants who are otherwise qualified for legal residency.
- (3) There is a pressing need to protect the civil rights and human rights of people subjected to the authority of the Border Patrol and other employees of the U.S. Immigration and Naturalization Service.

- (4) President Carter's proposals to adjust the status of certain undocumented workers and immigrants would benefit an unduly small proportion of the nation's current population of undocumented immigrants. The vast majority of our nation's undocumented immigrants would continue to remain subject to illegal exploitation, without benefit of protective and ameliorative public services.

My testimony is generally consistent with the views of the Hispanic Ad Hoc Coalition on Immigration. The official statement of the Coalition is marked "Exhibit A" and is appended to my written testimony. My actual testimony is presented solely on behalf of the National Council of La Raza. While my testimony is based in part on my experience with member organizations of the Coalition, my remarks today are not made on behalf of the Coalition.

The National Council of La Raza is a private, non-profit organization, founded in 1968, which exists for the improvement of the economic, social, educational and cultural well-being of the more than 16 million Chicanos and other Hispanic peoples of the United States. Our principal office is in Washington, D.C., and program offices are located in Albuquerque, Chicago and Phoenix. Among the Hispanic women and men comprising our Board of Directors are elected officials, labor union leaders, academicians, agency administrators, attorneys, and leaders of the community organizations from throughout the United States.

Half of our Board members have been selected from local affiliated organizations. One-hundred-eight local organizations, from twenty states, the District of Columbia and Puerto Rico, have affiliated with the National Council of La Raza. Among

those organizations are community development corporations, private social service organizations, local and regional federations, and other community organizations.

The National Council of La Raza works closely with other Hispanic organizations having formal national constituencies. For example, the National Council of La Raza was instrumental in founding the Forum of National Hispanic Organizations. The Forum is comprised of 63 autonomous national organizations of Chicanos, Puertorriquenos, Cubanos and other Hispanics of our nation. The National Council of La Raza serves as the Secretariat of the Forum.

National immigration policy has been a top-priority concern of the National Council of La Raza in recent years. Raul Yzaguirre, President of the National Council of La Raza, served as Chairman of the Hispanic Advisory Committee to the United States Commissioner of Immigration. Mr. Yzaguirre served in that capacity from the Committee's inception during the tenure of Commissioner Leonard Chapman, until the Committee was discharged by Commissioner Leonel Castillo late last year, shortly after President Carter's legislative initiative on undocumented workers and immigrants was introduced in the United States Congress. That Committee endorsed the attached statement of the Hispanic Ad Hoc Coalition shortly before the Committee was disbanded.

It is especially appropriate for the Civil Rights Commission to take a critical look at current major policy proposals in the field of immigration. Both current federal practice and proposed federal policy changes in this field are laden with

threats to the civil, statutory and human rights of Hispanic minorities in the United States. Those threats directly concern the economic and social well-being of those minorities. The National Council of La Raza is especially concerned with the resultant adversity suffered by Hispanics who are citizens or legal permanent residents of the United States.

The apprehension among public officials, the press and the general public about continued immigration to the United States is frequently said to be rooted in economic self-interest. There is fear that undocumented immigrants are displacing a substantial number of U.S. citizens and legal permanent residents in the domestic labor force, thereby depressing wages and increasing domestic unemployment. Segments of the organized labor movement have expressed concern about the impact on wages. There has also been some concern that such displacement might have disproportionately harsh consequences for Blacks and other low-income groups already established in the United States who suffer high rates of unemployment.

In spite of those apprehensions, it has not been conclusively demonstrated that immigrants and foreign workers, documented or otherwise, are really threatening the economic interests of Blacks, organized labor, or the nation as a whole. There is considerable evidence that the opposite is true -- that immigrant workers have provided economic benefits. There is a growing body of research that concludes that certain jobs have traditionally been shunned by the domestic labor force. Those

jobs have traditionally have been filled by immigrants, and today's undocumented workers have to a large extent continued to play that role. There are reportedly a large number of labor-intensive industries leading a marginal existence which employ both immigrants and others, and which would close down operations in the United States if deprived of their existing pool of immigrant labor for certain classes of jobs. Loss of such industries would exacerbate unemployment among the domestic labor force, as well as affecting immigrants.

Little is known about the degree to which undocumented immigrants actually compete against the domestic labor force, as opposed to remaining segregated in traditionally undesirable jobs. It remains to be seen whether such competition, to the extent it occurs at all, actually depresses wages, and to what extent such wage reductions are offset by lower consumer prices or other benefits. The net economic benefits and distributional impact of participation by undocumented workers and immigrants in the nation's labor market remains the subject of both controversy and further research.

General public sentiment against undocumented workers and immigrants appears to be in large part a manifestation of racial and national prejudice. Such prejudice is suggested by the willingness of public officials and others to act against undocumented immigrants without first determining the actual extent of the problem and the actual merits of fears about adverse economic impact. No valid estimates are available of

the actual number of undocumented workers or immigrants present in the nation. No one knows the extent to which the number of undocumented workers and immigrants has increased. No one knows what proportion of that population consists of people who reside in the United States only temporarily. Some come to the United States just to earn money, and then return to their permanent home in their native country. Others immigrate with the intention of permanently residing in the United States. The willingness of public officials and others to blame undocumented immigrants for unemployment and other economic ills is striking in light of the general ignorance about the actual number and impact of undocumented workers and immigrants. It would appear that immigrants are being made the scapegoat for other economic problems troubling our nation.

Adverse economic impact in the private sector is not the only fear that has been raised in connection with undocumented workers and immigrants. It has also been alleged in the press that undocumented immigrants are illegally receiving welfare payments and otherwise burdening the public treasury. This is clearly a misapprehension. Undocumented workers are subject to withholding taxes and social security taxes in most employment settings. However, unlike citizens and permanent residents of the United States, undocumented workers typically do not receive publicly supported protection and services paid for by those taxes. Fear of deportation discourages undocumented workers and immigrants from revealing themselves to any public agency, even in those cases when they might be eligible

for services. The federal government has profited from the taxes paid by undocumented workers. Critics who allege otherwise appear to be founding their charges on racial and national prejudice.

Our nation is proudly proclaimed to be a nation of immigrants. Yet, racial and national prejudice has long been a major element in the history of immigration policy in the United States. From the inception of our nation, immigration policy has served to bring in additional workers when major economic interests desired them, and has used racial criteria to exclude immigrants whenever the growth of the work force was felt to be in need of control. The first pieces of immigration legislation passed by the United States Congress were the Alien Act of 1798, which excluded potential political agitators, and an act in 1807 that banned the importation of slaves. The following seventy years saw no further federal controls. During that time, laborers were imported to build the Erie Canal. Pick and shovel workers were imported to build railroads. Many of those workers were refugees from the potato famine in Ireland and other parts of Europe. Scandanavians and northern Europeans were encouraged to homestead the farmlands of the Midwest in areas where the federal government had granted huge tracts of land to the railroads to encourage westward expansion of transportation and commerce.

Chinese were imported, often against their will, as a form of extremely cheap labor for building railroads in the West. However, following the completion of the transcontinental

railroad in 1869, there was an increasing resentment of the presence of the Chinese. In 1876, the Supreme Court ruled that the federal government could pre-empt all state authority in the area of immigration. This cleared the way for the Chinese Exclusion Act, which was passed by Congress in 1882. The immigration of Chinese remained outlawed until 1943, when they were finally allowed a small annual quota of immigrants.

The middle and late 1800's witnessed the rapid industrialization of the United States. During that time, small, peaceful cities such as Chicago and New York grew to be industrial giants within just a few decades. Workers to run the factories were encouraged to migrate from Ireland and northern Europe. Later in the century, when that supply proved inadequate, migration was also encouraged from southern and eastern Europe. This was considered at the time to be a relaxation of racial standards, in order to increase the labor supply for economic reasons. As the need for a growing industrial workforce eventually tapered off, racist resentment of darker-skinned Italians and southern Europeans continued to fester, and in 1921, Congress passed the Quota Law which imposed the greatest restrictions against the smallest national minorities. The Immigration Act of 1924 gave the greater preference to northern Europeans.

Economic concerns and racism also combined to shape U.S. policy on immigration from México. But the closeness of Mexico to the United States has resulted in a couple of important differences: It has been possible to employ Mexican workers



without allowing them to reside permanently in the United States. And it has been relatively easy for Mexicans to enter the United States without obtaining documents.

Actual immigration from México gradually grew from the mid 1800's until passage of the Immigration Act of 1924. When unemployment in the United States skyrocketed during the Great Depression of the 1930's the federal government did more than just stop additional immigration from México. They took advantage of the fact that much of the Chicano workforce in the United States was undocumented, and they deported us by the thousands. Many of us were deported illegally, in the basis of race and language.

During World War II, when there again was a labor shortage in the United States, both legal and undocumented Mexican immigrants were again allowed to work here. The Bracero Program was also initiated, to provide low-cost agricultural labor. Immediately after the war in 1947, as soldiers threatened to flood the U.S. labor market, the federal government again started deporting Mexican workers by the hundreds of thousands from California and Texas. In 1954, the military effort called Operation Wetback extended the massive deportation project to a number of major cities, so that the total number of Mexicans expelled after World War II totaled nearly five million.

The desire for a flexible supply of inexpensive labor has helped lure racial and ethnic minorities away from their poverty-stricken homelands. Economic recession and unemployment within the domestic labor force has fostered increased public preoccupation with border enforcement, and increased

emphasis on racial and cultural differences as exclusionary criteria. During his recent tenure as United States Commissioner of Immigration and Naturalization, General Leonard Chapman played a major role in instigating fear among the general public of adverse economic impact undocumented workers and immigrants from México might have on workers already settled in the United States. The subsequent attention and even alarm exhibited in the media suggested the vehemence of the underlying racial and national prejudices which exacerbate that fear. That legacy of fear fueled by prejudice has been inherited by the Administration of President Jimmy Carter. The present Administration has responded by proposing supposed remedies that would do further violence to the cause of protecting the civil rights of Hispanics and other minorities of our nation.

The Carter Administration, like some members of Congress and other national leaders, has proposed that new legislation be passed to impose sanctions upon employers who employ undocumented workers. Proposed employer sanctions pose grave threats to the rights of Hispanics and other minorities who are already citizens or legal permanent residents of the United States.

Proposed sanctions against employers will increase discrimination by employers against all Hispanics, regardless of whether or not they are citizens, and whether or not they as immigrants have succeeded in obtaining a residence status from the U.S. Immigration and Naturalization Service that legally permits them to work. Employers are going to

respond to threats of prosecution by being increasingly reluctant to hire anyone who appears as though they might be undocumented foreigners.

Hispanics already suffer economically from illegal employment discrimination on the basis of race and national origin. Proposed employer sanctions will provide a new legal defense to such perpetrators. Racist employers would be able to claim that they avoided hiring Hispanics (or other language-minorities) because they didn't want to run the risk of federal prosecution under the new law, and they were unsure of the applicants' immigration status. Furthermore, the new law would confront other employers who are not racists with strong economic incentives to discriminate against Hispanics, again due to uncertainty about immigration status. Even conscientious employers would find that investigation of Hispanic applicants, to resolve such uncertainty, would result in higher average costs connected with employment of Hispanics, relative to other applicants. Sound business practice would dictate that employers avoid hiring Hispanics.

There is serious doubt as to whether there are any remedies under existing law for Hispanic citizens of the United States who are discriminated against by employers on the basis of doubts about job applicants' status under immigration law. Recent court decisions suggest there is no such remedy. In any case, proponents of employer sanctions have failed to present any practical strategy for protecting the rights of Hispanic citizens and legal residents of this country to equal employment opportunity.

The Carter Administration has proposed that employers be exempted from sanctions under the proposed law if they can demonstrate that they asked for and received some form of documentation of the job applicant's right to reside in the United States. Thus, it is argued, Hispanic citizens and legal residents could relieve prospective employers of the threat of prosecution, and thereby eliminate the incentives for employers to discriminate. However, contrary to the Administration's assurances, the problem of discrimination would not thereby be eliminated.

First of all, there is a possibility that Hispanic applicants, but not other applicants, might be required to document their residence status to prospective employers. Unless the new law (or its implementing regulations) were to require that employers require such documentation of all job applicants, regardless of race, language or suspected national origin, an unfair burden would be placed on Hispanics which was, in effect discriminatory. Secondly, even if documentation were required of all applicants, there might still be discriminatory impact: Employers might still have the option of requiring more extensive documentation from minorities than from other job applicants. To avoid that problem, the proposed law (or its implementing regulations) would have to specify exactly what form of documentation would be required of every applicant. Every applicant would have to be required to produce the same number and types of documents, or would have to be given the same opportunity to demonstrate their

right to work by providing a certain number of a group of carefully specified documents.

Thus, in order to prevent exacerbated employment discrimination against Hispanics, the proposed employer sanctions law would have to provide that every job applicant in the nation pass an identical test to establish their right to reside and work in the United States under federal law. There could be no reliance on the judgement of the employer as to the likelihood of the applicant's right to work.

It appears unlikely to us that such an identical test would ever be instituted if an employer sanctions law were passed. It is generally agreed that there is no one single type of document possessed exclusively by all citizens and legal permanent residents of the United States that clearly and reliably identifies the holder, and is not commonly subject to counterfeiting by others seeking false identification. Undocumented workers already commonly possess social security cards, drivers licenses, counterfeit birth certificates and other such documents. It is reasonable to expect that counterfeiters who already sell such documents to undocumented workers and immigrants would do their best to meet the increased demand if an employer sanctions law that depended on such documentation were ever adopted.

An alternative proposal has been to establish a new, counterfeit-proof national identity card system. Again, unless every job applicant in the United States were required to produce the card for inspection by prospective employers,

so that employers would be relieved of any liability under the new employer sanctions law, the impact of the national identification card system would be discriminatory. Furthermore, it is likely that the national identity card system would soon degenerate into a resource for oppressive practices by law enforcement officials. I doubt that the majority of citizens of our nation would tolerate being required to join in the national identity card program. Even if the national identity card program were instituted, it appears likely that Hispanics and other minorities would feel the brunt of abuse of the system by law enforcement personnel.

Hispanic communities are already plagued by instances of abusive treatment by law enforcement agencies, ranging from beatings to murders, which appears to have escalated in the last few years to epidemic proportions. A national identity card program would lend itself to use by law enforcement officials already bent on harrassing minorities. Furthermore, it would be increasingly tempting for local law enforcement officers to take it upon themselves to enforce federal immigration statutes. All they would need to do is require that Hispanics produce their identity card upon demand, or risk arrest for possible deportation by the U.S. Immigration and Naturalization Service. There have already been numerous instances of local law enforcement agencies taking it upon themselves to enforce immigration law, in spite of the fact that under federal law they are prohibited from doing so.

The result has been increased harrassment of Hispanic communities.

In our view, all proposed employer sanctions laws we have encountered are either unworkable or pose a substantial threat to the civil rights of Hispanics. My remarks on the subject thus far indicate some of the steps that, if taken, might mitigate some of the adverse impact on the civil rights of Hispanics. I would also like to point out that the Carter Administration has proposed a version of employer sanctions that appears less onerous than most others that have been considered by the United States Congress in recent years.

Most of the bills introduced in the Ninety-fourth and the Ninety-fifth Congresses would have instituted criminal penalties against all employers of undocumented workers. The Carter Administration's proposal, by contrast, proposed civil sanctions against just those employers found to engage in what the Administration called a "pattern or practice" of employing undocumented workers. Apparently, enforcement would thereby be restricted to major employers who were found during civil proceedings to frequently employ substantial numbers of undocumented workers. The United States Attorney General would seek injunctions and fines against such employers, and criminal penalties against employers who subsequently violated the injunctions. Apparently, the Administration's approach would tend to concentrate enforcement against willfull violators of the employer sanctions law,

instead of employers who occasionally and inadvertently hired an undocumented worker. This might help reduce the strong economic incentive to discriminate against Hispanics in general.

The Administration's proposal does not overcome all of the objections I have raised already to employer sanctions proposals in general. The vagueness of the term "pattern or practice", is worrisome. There might be potential for abuse of discretion by local U.S. Attorneys in determining which employers are suspected of engaging in a "pattern or practice", such that employers in general, regardless of their actual employment practices, might choose to protect themselves by tending to avoid hiring Hispanics. The Administration's proposal does not clearly demonstrate that the "pattern or practice" standard would entirely restrict enforcement to employers who were willfull violators.

The problem of employer sanctions proposals which would exacerbate employment discrimination against Hispanic citizens and legal residents of the United States is perhaps our most serious concern in the current national debate over immigration policy. Lack of respect for Hispanics' right to equal employment opportunity is already an important factor in the particularly severe unemployment and under-employment problems which continue to face us today. The unemployment rate among Hispanic citizens and legal permanent residents of the United States is disproportionately high. According to statistics



published by the United States Department of Labor, the unemployment rate of Hispanics in the domestic work force is estimated to be more than 1.6 times that of the national domestic work force as a whole. Authoritative observers have found that the actual rate among Hispanics is even higher than that suggested by those federal statistics. Roughly one quarter of the Hispanic citizens and legal permanent residents of our country continue to live below the federally-defined poverty level. Thus, when faced with an additional threat to our right to equal employment opportunity, as in the case of proposed employer sanctions, the National Council of La Raza considers the stakes in this policy debate to be very high.

We have long recommended that serious consideration be given by the Administration to more vigorous enforcement of existing laws, designed to protect workers against exploitation and mistreatment by employers, before pursuing new legislation to establish employer sanctions. More vigorous enforcement of minimum wage laws, the Occupational Safety and Health Act, the Toxic Substances Control Act, the Federal Insecticide, Fungicide and Rodenticide Act, and other provisions of the Fair Labor Standards Act, would substantially reduce many of the economic incentives that employers now have to hire foreign workers. Foreign workers and immigrants, undocumented and otherwise, have been found to work under conditions of employment shunned by the domestic workforce. Undocumented workers are particularly vulnerable to illegal

and exploitive labor practices, due to employers' ability to cause the apprehension and deportation of those employees who object. More effective enforcement of federal labor laws would make undocumented workers less subject to coercion and exploitation, and therefore less attractive to employers.

Improved protection of workers' right to organize, as proposed by the ill-fated Labor Law Reform Act during the Ninety-fifth Congress, would also reduce employers' reliance on exploitive labor practices. Targeted enforcement of state and local laws might also be a useful aspect of a national strategy of improved labor law enforcement. Such a strategy is immensely preferable to proposed employer sanctions, given that it would benefit the domestic workforce in general without jeopardizing Hispanics' right to equal employment opportunity.

The National Council of La Raza is particularly concerned about the plight of those immigrant families who have become permanent residents of the United States without benefit of permission from the U.S. Immigration and Naturalization Service.

These are typically people who have already invested their meager resources in possessions or property in this country, whose children are U.S. citizens, and who do not intend to return to their native countries to live. They live in fear of deportation. They pay taxes, but typically do not take advantage of publicly funded services for which they might be eligible, such as the Program of Supplemental Security Income for the Aged, Blind and Disabled, administered by the U.S. Social Security Administration. A substantial proportion of this

population is eligible for adjustment of status under existing law, such that they could be granted permanent resident status by the U.S. Immigration and Naturalization Service. Poverty, language barriers, ignorance of their rights under immigration law, lack of readily accessible and moderately priced legal assistance, fear of the risk of deportation, all combine to discourage such immigrants from taking advantage of this opportunity.

The United States Immigration and Naturalization Service (INS) itself is an additional and very formidable obstacle for immigrants, undocumented and otherwise, wishing to adjust their status or obtain citizenship. The lines of people waiting for service at local INS offices are unreasonably and outrageously long. Telephone inquiries are very often rendered impossible by inadequate and inefficient INS office facilities. Given the time and difficulty that people experience when they deal with local INS offices, immigrants' pursuit of their rights and privileges under law is rendered an unreasonably costly to the immigrants themselves. The inefficiency and inadequacy of the INS at meeting their legal obligations to temporary residents, permanent immigrants and prospective citizens, has been a national disgrace of major proportions. The remedial attempts by the present United States Commissioner of Immigration and Naturalization are commendable, and hopefully represent the beginning of a new trend at INS toward improved service.

We recognize that INS is constrained by limited resources, including fixed staff size and Congressional appropriations. However, the National Council of La Raza does not believe that INS has been making the best use of the resources already at its disposal. I have already alluded to the problem of inefficiency. In addition, INS also fails to formulate sensible and just priorities for the allocation of its present resources. We are particularly outraged that INS investigative personnel spend vast amounts of personhours in expensive and often futile pursuit of relatively small numbers of suspected undocumented workers and immigrants, while neglecting the more pressing need for investigations required for the massive backlog of petitions pending before INS. It appears that INS would rather have its investigators conduct hunts and raids, often at the expense of the rights and security of communities of Hispanic citizens of the United States, instead of doing the less thrilling but more important job of investigating people seeking to take their rightful place in our self-proclaimed nation of immigrants. It appears that INS is not very serious about reducing that backlog, even though doing so might substantially reduce the number of immigrants who are now undocumented.

INS has long had a miserable reputation among Chicano and other Hispanic communities in the United States. "La migra", as it is often called, has earned hatred from the Spanish speaking of our nation by its seeming contempt for the rights and sensibilities of the Hispanic citizens and

immigrants. The indignity of waiting in the long lines I mentioned earlier is too often compounded by the open disdain and total lack of helpfulness shown by INS employees toward people who happen to seem different by reason of color or language. That attitude is also exhibited by INS personnel at ports of entry on our southwestern border, at roadside checkpoints and in raids conducted by INS at places of employment and Hispanic community events.

Officers of the United States Border Patrol admittedly use color, language and even accented English as criteria for deciding on whom to subject to their discretionary authority to demand proof of legal residence or citizenship. Chicanos native to the United States have long known that the Border Patrol stops them far more frequently, and questions them far more intensively, than they do Anglos. I doubt that most of the people in this hearing room today, including the members of the Commission on Civil Rights itself, are normally prepared to present conclusive evidence of their citizenship when they are out walking along the street, attending a community festival, or going for a drive. Were you to be stopped by a suspicious INS officer, you would find yourself on the defensive; the burden of demonstrating your right to even be there would rest solely on you. Of course, this might never happen to you. But it frequently happens to Hispanics. Clearly, routine INS enforcement activities place a special burden on citizens of the United States who

happen to be Hispanic.

In this sense, the enforcement activities of INS are clearly discriminatory. There is debate about whether such discrimination is justified. There may be a problem of balancing the civil rights of Hispanics against efficient execution by the Border Patrol of its legal mandate. I would urge the Commission on Civil Rights to give the problem its serious consideration, with particular attention to the history of abuse of the rights of Hispanics in this nation.

The act of demanding proof of citizenship, or of demanding proof of one's right or permission to be in the United States, is an act which lends itself to abuse of authority. It is essential to the cause of protecting human and civil rights that steps be taken to counterbalance that tendency toward abuse. We strongly advocate that steps be taken immediately to put in place a system which can easily detect abuse of authority by INS employees charged with enforcement of immigration and nationality laws. The opportunity for abuse, and the exceedingly poor reputation INS has among Spanish speaking communities in this country, are sufficient justification for making provision for individuals to alert sympathetic authorities to incidents of abuse. I am not prepared at this time to present conclusive evidence that there is a high rate of unreported abuse of authority. The research required to gather such evidence is clearly beyond the present resources of my organizations. Furthermore,

it shouldn't have to be our job. The very suspicion and possibility of abuse is reason enough for INS to immediately institute well-publicized procedures for individuals, be they citizens, immigrants, foreign visitors or undocumented workers, to report abuses at no risk to themselves. Obviously, the complainant must be effectively protected against reprisals such as deportation, regardless of their official status with INS, if she or he is to come forward with reports of abuse.

For example, while working in my capacity as Co-ordinator of the Hispanic Ad Hoc Coalition on Immigration, reports came to me indirectly of instances of sexual coercion of females at ports of entry by male officers of the Border Patrol. At the request of the Mexican American Women's National Association (MANA), the Coalition protested such incidents in the body of its joint position statement (Exhibit A). Following publication of the statement, I received a letter from Commissioner Castillo which took strong exception to the statement, with particular reference to our charge of sexual coercion by the Border Patrol. I replied on behalf of the Coalition that we stood by our position statement. I pointed out that the Department of Justice itself had reported instances of sexual coercion revealed by "Operation Clean Sweep", which was a special investigation of corruption in INS prior to the term of the present Commissioner. There followed a meeting between Commissioner Castillo, Elisa Sanchez, who is President of MANA, and myself. It was agreed that

at that time that the Commissioner was willing to investigate any specific instances of abuse that we were able to bring to his attention. It was agreed that MANA would attempt to elicit more information from the rape counseling centers and other organizations in the border area which were believed to be the source of such reports. MANA is presumably pursuing that information at this time. However, I question that INS should rely solely upon such highly indirect sources of information for purposes of monitoring against abuse by its employees. A national women's voluntary organization with no staff and little financial resources, or an ad hoc coalition, are hardly adequate substitutes for a permanent internal program of continual vigilance by INS itself against transgressions by its own employees.

INS could do much to alleviate the pattern of suspicion, hatred and distrust it presently suffers among Hispanics. A major step in this direction would be a drastic improvement of INS hiring practices. Hispanics, and particularly Hispanic women, are extremely underrepresented among the ranks of INS enforcement personnel. I am sure that justification of the need for improved hiring practices, simply on the merits of the need for equal employment opportunities for all minorities throughout the federal government, are already apparent to the Commission on Civil Rights. In addition, hiring of more Hispanics would do much to improve



both the image and the effectiveness of INS. For example, an Hispanic behind the counter at an INS office is less likely to miscommunicate or exhibit bigotry toward Hispanic applicants waiting in line. And Chicano Border Patrol officers are far more able to detect immediately the subtle differences in dialect, mannerisms, appearance and demeanor, between Chicanos indigenous to the United States and recent immigrants from México, or Central of South America.

I realize that, given the Commission's interest in just the civil rights implications of current immigration policy questions, you might not be prepared to consider the question of adjustment of status, or so-called "amnesty", for undocumented workers and immigrants already present in the United States. I have already stated that the National Council of La Raza is very concerned about the plight of undocumented immigrants who have become permanent residents of the United States. I believe that it is important that the Commission explore the problem of the rights of this population.

The rights of such immigrants have often been attacked. For example, there are states that will not allow the children of undocumented immigrants to attend public school, unless those parents pay out-of-state tuition. This is a very severe imposition on such parents, not only due to the expense, but also because it requires a public admission of their undocumented status, thereby leaving them more vulnerable to arrest and

deportation by INS. This is, at the very least, a violation of the rights of the children, many of whom are not only permanent residents of their respective states, but are also United States citizens.

The National Council of La Raza supports the Carter Administration's goal of passing legislation that would adjust the status of undocumented immigrants to that of permanent resident. We disagree with the Administration's choice of January 1, 1970, as the cut-off date, such that only those residing here prior to that date would be eligible. We support instead a more recent date, such as January 1, 1978, as proposed by the Honorable Member of Congress, Edward Roybal. We also adamantly oppose the Administration's proposed temporary resident status program for undocumented workers residing temporarily in the United States. That program would not benefit most undocumented immigrants, in spite of the recent cut-off date of January 1, 1977, because it would not apply to non-working family members, who would be immediately subject to deportation if the undocumented worker were to apply for temporary resident status. Furthermore, it would eventually require that those who elected to apply for that status either leave the country voluntarily or be deported. Clearly, the temporary resident status program is not designed to benefit people who are already de facto immigrants. Unless such undocumented immigrants could prove that they had been in the country since 1970,

which would be difficult to show even in those cases where it were true, they would not benefit at all from the Carter Administration's proposal.

The Administration apparently contemplates a guest worker program, whereby a substantial number of undocumented workers could elect to join the workforce for up to five years more, provided they then returned to their native country. The National Council of La Raza is extremely cautious about the concept of guest workers. Previous programs, mainly the H-2 and the Bracero programs, have been infamous for permitting employers to exploit foreign workers. In order to even consider accepting a guest worker program, we would require assurance that workers would be effectively protected against exploitation and abuse, and that there would be no displacement or lowering of wages of Chicanos and other Hispanics already settled in the United States.

The National Council of La Raza advocates provision of financial support to local, non-profit organizations willing to provide immigration counseling services to undocumented immigrants. I would hope that the Commission on Civil Rights would work to help protect the rights of this population, given that many of them are already eligible to apply to INS for permanent resident status. Furthermore, the presence of a relatively defenseless and vulnerable subclass of the permanent population of our nation creates an unfavorable climate for the protection of the rights of all of us,

citizens and non-citizens alike. A nation which officially tolerates a permanent subclass within its borders is a nation less than fully committed to the protection of civil and human rights for all.

*Exhibit No. 4*

TESTIMONY OF DANIEL E. LEACH  
VICE CHAIRMAN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BEFORE THE CIVIL RIGHTS COMMISSION HEARING ON  
THE IMMIGRATION ISSUE  
November 14, 1978

I appreciate this opportunity to come before the Civil Rights Commission on this issue. As you know the EEOC enforces Title VII of the Civil Rights Act of 1964 which prohibits discrimination in employment based on race, color, sex, religion and national origin. The issue here addressed concerns the Commission to the extent that it relates to the question of national origin discrimination with regard to employment in our country.

Let me clarify what Title VII says about the connection between national origin discrimination and discrimination based on citizenship. In 1973, the Supreme Court handed down a key decision on this issue--Espinoza v. Farah Manufacturing Co. -- a case in which the plaintiff, a lawfully admitted resident alien, was refused a job as a seamstress with Farah because she was an alien. She alleged that this refusal to hire violated Title VII by discriminating against her on the basis of her national origin. The Supreme Court disagreed with the argument and went on to explain:

"Certainly it would be unlawful for an employer to discriminate against aliens because of race, color, sex, religion, and national origin - for example by hiring aliens of anglo-saxon background but refusing to hire those of Mexican or Spanish ancestry. Aliens are protected from illegal discrimination under the Act, but nothing in the Act makes it illegal to discriminate on the basis of citizenship or alienage."

The Court went on to say that discrimination on the basis of citizenship will violate Title VII only when such discrimination has the purpose or effect of discrimination on the basis of national origin. What concerns the Commission is that if legislation is enacted with employer sanction, provisions as proposed in S.2252 of the 95th Congress, employers might act in certain ways which would have the effect of job discrimination on the basis of national origin.

First of all - employers perhaps will want to make prehire inquiries to ensure that they are not hiring undocumented aliens. While Title VII does allow prehire inquiries in some instances, the likelihood is that employers will ask some applicants -- those of Hispanic national origin -- and not others, to show proof of citizenship. This disparate treatment of certain groups may be a violation of the law. Secondly, there is a question of whether Americans of Hispanic national origin would be hired at all where employers are unsure if the documentation of citizenship presented is a forgery and fear that they might be unknowingly violating the law. Many employers might decide to take no chances and refuse to hire applicants of Hispanic origin. Again, this would constitute national origin discrimination. The Agency is also of the opinion that this kind of discrimination would be hard to eradicate. The bill authorizes "Pattern and Practice" suits against employers who violate its provisions. Such suits would be difficult to bring as the employers who will be most affected by the bill are by and large small employers.

The Agency has therefore several real concerns about this issue and its impact on the job opportunities of Hispanic Americans. I say all this with the understanding that presently there is no firm administration position on the matter as evidenced by the fact that the President endorsed the law creating a Commission to study the matter further and make recommendations.

My remarks have not been reviewed by The Office of Management and Budget, and in no way could I say that this statement represents the views of the Administration.

The Immigration and Naturalization  
Service: An Employment Profile

Prepared by  
Ernest J. Gerlach  
Southwestern Regional Office  
U.S. Commission on Civil Rights  
November 1978



## A. Introduction

The purpose of this study is to examine the composition of the work force presently employed with the Immigration and Naturalization Service (INS) of the U.S. Department of Justice.

## B. Overview

The INS is currently organized into a Central Office and four regions, with a regional office serving each region. The various regional offices and their respective jurisdictions are as follows:

- Eastern Region - Burlington, Vermont
- Southern Region - Dallas, Texas
- Northern Region - Twin Cities, Minnesota
- Western Region - San Pedro, California

Figure 1 describes the present regional alignment of the INS.

From a geographical and organizational standpoint, each region is divided into districts, and each district, in turn, is further broken down into suboffices. In addition, each region has a number of border patrol sectors which are separate and distinct from the district structure both from an administrative and a geographical perspective.

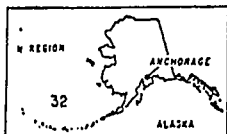
At the present time there are 35 district offices and 21 sector offices. In addition, there are three overseas district offices, with suboffices in 15 foreign countries. These offices report directly to the Central Office.

Broadly speaking, overall policy is developed in the Central Office of the INS. These policies are then adapted, supplemented and put into operation in the field through the four regional offices. The regional offices, in turn, are responsible for all field activities and casework within their respective jurisdictions. The basic operating unit in the region is the district office.

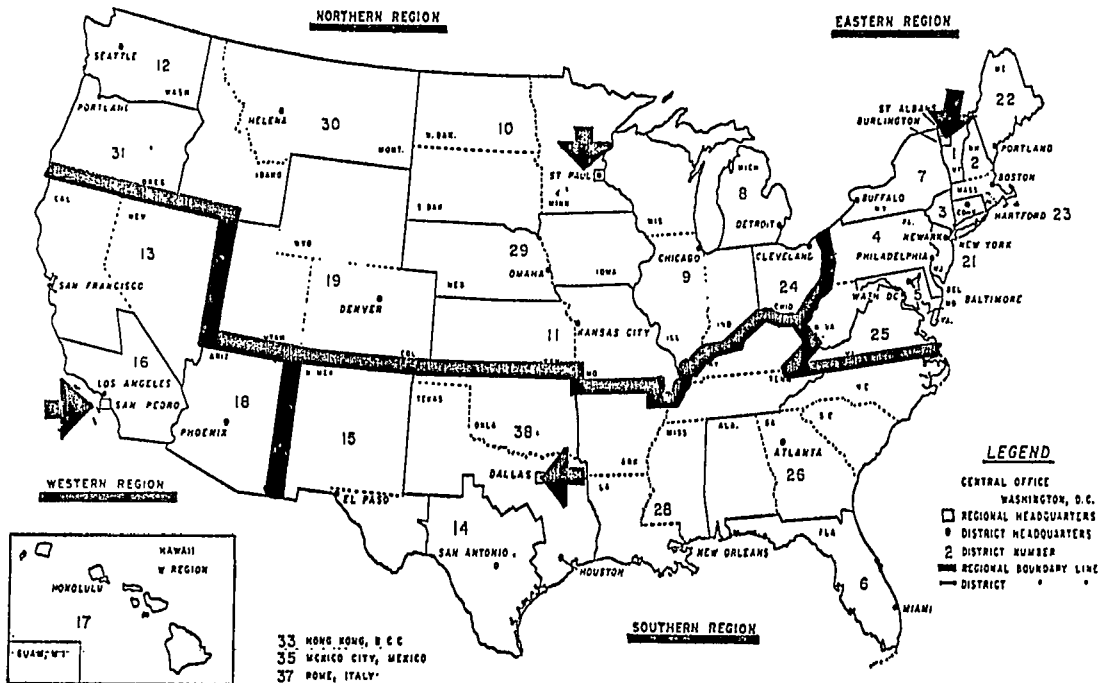
## C. Scope

This paper will examine the composition of the INS work force at three major levels. First, we will look at the overall composition of the INS work force agencywide. The next level of analysis will focus in on the agency's Central Office. The third level will concentrate on the work force composition in each of the four regions.

For each level of analysis we will examine the distribution of the work force by race, ethnicity, gender, salary and grade level distribution. We will also look at selected occupational categories to determine whether any disparities exist between groups.



IMMIGRATION AND NATURALIZATION SERVICE  
REGIONAL AND DISTRICT AREAS



The intent of this study is to analyze the overall employment picture of the INS using the latest data available to assess the current status of equal employment opportunity within this agency.

D. Methodology

As indicated above, we will examine the work force composition of the INS at three levels:

1. Agency wide
2. Central Office
3. Regional

At the regional office level, we will cover all four regions: Eastern, Southern, Northern and Western. The data used in this analysis was provided by the Equal Employment Opportunity Branch, Personnel Division, INS Central Office. These data reflect the latest employment figures available as of September, 1978.

For each level of analysis the work force will be carefully studied as to its overall composition and distribution. Basically, this analysis will include the following:

1. Work Force distribution by grade level, salary, race, ethnicity and gender. This analysis will examine the makeup of the work force for each level using two kinds of distribution - a vertical distribution and a horizontal distribution.

The vertical distribution shows how a particular group compares with itself. In other words, we are able to determine how many employees of a specific racial/ethnic/gender group are located at various grade and salary levels.

The horizontal distribution, on the other hand, describes the employment makeup at a specific grade or salary level across the board. That is, we can determine from this distribution just how many blacks, Hispanics, whites, females, etc., are located at a particular grade and make comparisons between them at this level. We can also determine their proportion of the total work force at that level.

2. A similar analysis will be also conducted for the female work force at each level. The intent here is to determine how female employees fare within the overall employment structure of the INS. This component of the work force will be analyzed as to its distribution by grade level, salary, race and ethnicity.
3. A third table will present a cumulative distribution of the work force by grade and salary level. Four groups will be compared: White/Anglo, Minority, Women, and Total Work Force. The minority group includes blacks, Hispanics, Asian Americans, and American

Indians. The purpose of this analysis is to determine just what proportion of a particular group is located at a specific grade/salary level. We do this by constructing a cumulative frequency profile for each group starting at the lowest grade level and working up to the highest grade level.

From this analysis we can get a percentage distribution for each group at specific grade levels. Using this distribution we can then determine the median, modal and mean grade levels for each of the target groups.

In general, the mean is the preferred statistic for representing central tendencies. Essentially, the mean or average grade level is that grade level which balances all the grade levels on either side of it. It is the central grade level for a particular group. We get the average by adding all of the units and dividing it by their number.

The median, on the other hand, is defined as that level in a distribution of grade levels above and below which one-half of the frequencies fall. In simple terms, the median is the mid-point of a distribution - the 50th percentile of a total distribution.

The third measure of central tendency - the mode - is simply the point at which the greatest number of units occur. When used together, these three measures of centrality can give us a good idea of just how the various groups compare with each other.

4. A fourth table used in each of the analyses will describe the distribution of the work force by race, ethnicity, and gender by grade group. Four grade groupings are used: GS 1-4, 5-8, 9-11, and 12-15+. The work force for each level is aggregated into these four groups. By compacting the work force into these broader categories we can make a number of generalizations about its distribution and characteristics.

The reason for selecting these grade groups is that they represent important sub-levels in the overall General Schedule (GS) pay system. With respect to federal employment, the GS pay system refers mainly to white collar or professional level type jobs. The other major pay system is the Wage Board system which usually refers to blue collar or skilled craft type occupations. The GS system is by far the largest in terms of the number of employees it covers. For this reason our analysis will concentrate on GS employees, exclusively.

Within the GS system we have 18 grade levels ranging from GS-1 through GS-18. Above the GS-18 level we get into executive-type positions. Within each grade there are also a series of steps.

This allows an individual to advance within a particular grade. Also, each step represents an incremental increase in salary.

Generally, entry level positions and clerical-type jobs are located in Grades 1 through 4. Starting at the GS-5 level and going through the GS-7 level, we have the journeyman or trainee-type positions. These levels represent stepping stones to the higher level type jobs represented in the GS-9 through 11 range. At the GS-12 level and above, we have the supervisory/management type jobs. At the very high grade levels (GS-14 and above) we get into the administrative, policy-making positions.

The basic or key points in the GS system are located at the GS-5, 9 and 11 levels. These points represent entry levels to the next highest level of responsibility.

5. A fifth table describes the composition of the work force in specific job categories for each level of analysis. Overall, 17 occupations were selected. These key occupations or job categories encompass over 10,000 INS employees or approximately 91 percent of the total work force in the agency. The intent of this analysis is to determine just where most of the agency's employees are concentrated. As in the previous tables, the employment is broken down by race, ethnicity and gender.

In addition to the various tables, each analysis will incorporate a number of graphs. The first graph will describe the overall distribution of the work force at a particular level or jurisdiction by grade level, race or ethnicity. The second graph will show the distribution of the work force by grade level and gender. The objective here is to describe the proportional relationships between the various groups of the employees.

The third graph used in each analysis describes the distribution of the work force by grade group and salary. Again, the intent is to show the relationship between the various racial/ethnic and gender groups.

#### E. Work Force Analyses

##### 1. Agencywide (Tables 1A-1J and Figures 1A-1C)\*

Table 1A describes the composition of the INS work force for the entire agency by pay system, race, ethnicity and gender as of September, 1978. The agency employs a total of 11,623 employees in all pay systems. Slightly over 11,100, or nearly 96 percent (95.7%) were employed in the General Schedule (GS) pay system.

\*All tables referred to in the narrative portion of the report are located in the Appendices.

Looking specifically at the GS pay system, the INS employed a total of 11,133 workers. Of this total, 3,123, or 28.1 percent were classified as minorities. As of September, 1978, the agency's minority work force was 11.8 percent black, 13.6 percent Hispanic, and 2.5 percent Asian American. American Indians make up less than 1 percent of the total work force. (See Tables 1B and 1D)

Table 1C describes the vertical distribution of the work force in the agency. Nearly one-third (31.9%) of the total minority work force, was located in the GS-1 through 4 grade range. In contrast, only about 13 percent of the white employees were employed in this range. At the other end of the GS pay system (GS-12 and above), only 3 percent of all the minority employees were at or above the GS-12 level. On the other hand, slightly over 15 percent of all the white employees were at or above this grade.

Over 1,300 minority employees, or approximately 42 percent of the total minority work force in the INS was employed in the GS-5 through 8 grade range. This compares with a figure of 33 percent for the white work force. Over half (53.6%) of all white employees in the agency were employed at or above the GS-9 level while only about one-fourth (26.0%) of all minority employees were at or above this level. (See Tables 1B and 1I)

The greatest concentration of minority employees occurs at the GS-5 level. As of September, 1978, nearly one-fourth (24.4%) of all minority workers were at this grade level. The next highest concentration of minority employees was at the GS-9 level. Nearly 17 percent of all minorities in the agency were at this level. In comparison, slightly over 22 percent of all white employees were at this level. (See Table 1C)

At the higher grade levels within the agency, white employees clearly dominate. For example, out of a total of 1,482 employees in the GS-11 grade, only 201, or 13.5 percent, were classified as minorities. This pattern holds true for all grades above the GS-11 level.

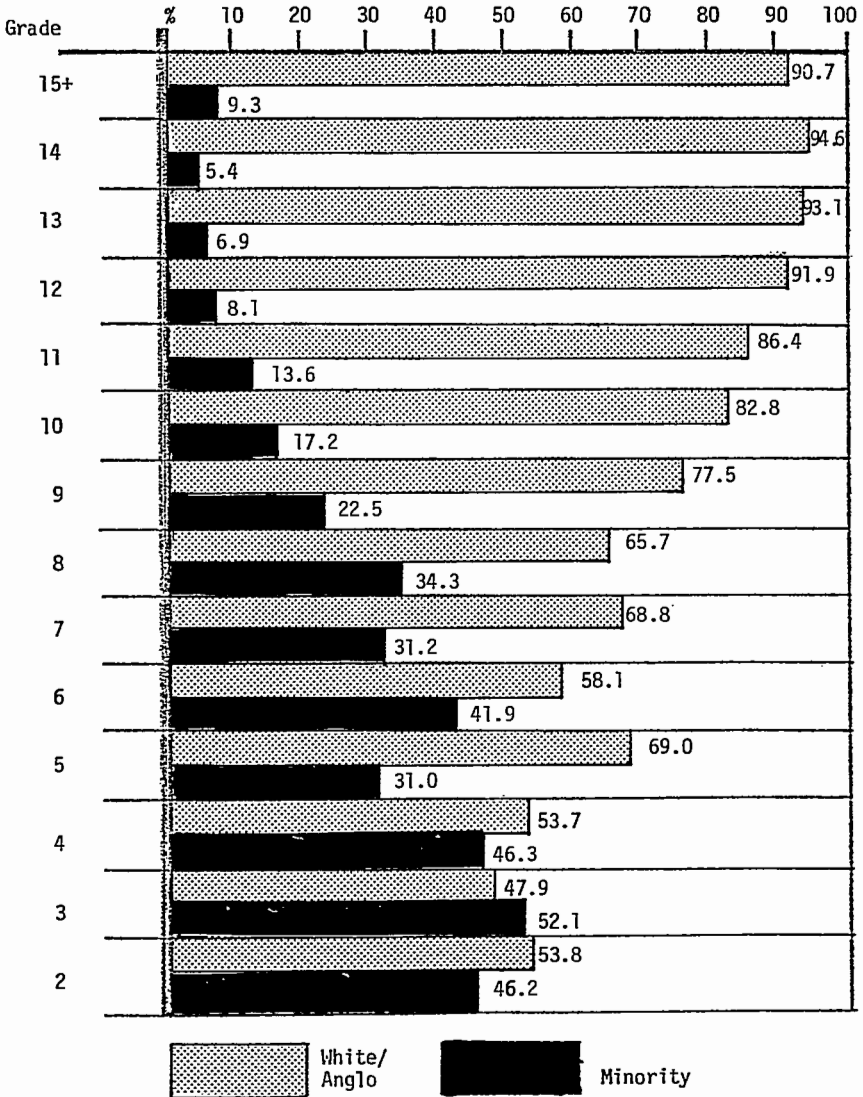
Table 1D describes the distribution of the work force within specific grade levels. At the lower grades, the number of minority and white employees is fairly even on a proportional basis. Starting at the GS-5 level, however, the proportion of white employees within each grade increases significantly. In any case, white employees comprise over half of all the employees within each grade, and over 90 percent in all grades above the GS-12 level.

Figure 1A describes the overall distribution of the INS work force by grade level and race/ethnicity. This figure clearly shows the preponderance of white employees at all levels except the GS-3 level.



FIGURE 1A  
Distribution of  
Work Force by Grade Level  
and Race/Ethnicity

Total GS Work Force



Females comprise only about 36 percent of the agency's employment. (See Table 1D) As of September, 1978, 3,956 women were employed by the INS. Of this total, 961, or 24.3 percent were blacks, 487 or 12.3 percent were Hispanics, and 141, or 3.6 percent were identified as Asian Americans. American Indians made up less than 1 percent of the total female work force within the agency. Overall, minorities comprised slightly over 40 percent of the female employment. (See Tables 1E and 1G)

Nearly 90 percent (88.3%) of all women employed by the INS were at or below the GS-8 level. Translated into numerical figures, 3,489 female employees out of a total of 3,956 were employed at or below this level. Only 89 female employees were at or above the GS-12 grade level. (See Tables 1E and 1J)

As indicated above, minority women comprised about 40 percent of the female employment. However, over 73 percent were employed at or below the GS-5 level. In comparison, about 68 percent of all the white female employees were at or below this level. Above the GS-12 level, white women tend to dominate in terms of numbers but proportionately, the figures for minority and white females are approximately the same. (See Tables 1B and 1F)

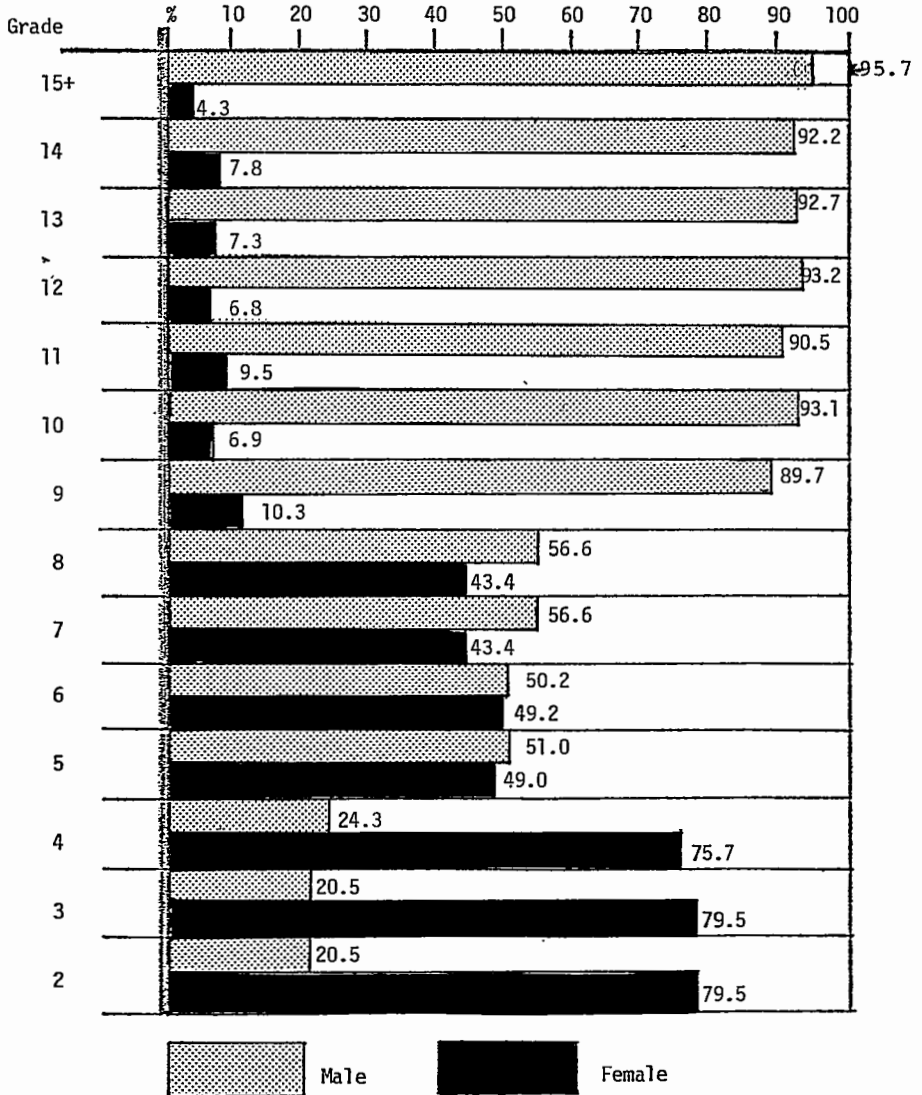
Within grade levels, however, white women clearly dominate. For example, if we take the 40/60 ratio as the base line for determining a balanced employment situation within grade, we see that white women tend to exceed their proportion at all levels with the exception of the very low grade levels (GS-2 through 4). The one major exception is at the GS-15 level where we have a 50/50 split between minority and white female employees. (See Table 1G)

Figure 2A clearly shows that males tend to dominate in all grade levels above the GS-9 level. Female employees, on the other hand, comprise most of the employees at the lowest three job levels.

Table 1H describes the cumulative distribution of the work force for three major groups of employees - White/Anglo, Minority and Women. As this table shows, over 90 percent of the minority work force and 94 percent of all female employees were employed at or below the GS-9 level. In contrast, only about 69 percent of all white employees were at or below this level.

When we compare these groups with the total work force, we find that white employees hold a significant proportion of all the higher level positions within the agency. For example, whereas slightly over 25 percent of the total work force was employed at or above the GS-9 level, nearly one-third (31.5%) of all white employees were at or above this level. In contrast, only 9.6 percent of the minority work force and only 5.9 percent of the female work force were at or above the GS-9 level. (See Table 1H)

FIGURE 1B  
 Distribution of  
 Work Force by Grade Level  
 and Sex  
 Total GS Work Force



The overall median grade level for white employees in the agency as of September, 1978, was 8.5. For minorities and women, the median was 4.5. For the work force as a whole, the median was 6.5. The modal grade level for white employees was located at the GS-9 level. The agency modal level was at the GS-5 level. The average grade level for white employees was 8; whereas, for minorities the average grade level was at the GS-6 level, and for females the average was 5. The overall average for the agency was at the GS-7 level. (See Table 1H)

Table 1I describes the overall distribution of the agency's work force by grade group. Again, by aggregating the data and compacting it we see that minorities and women comprise most of the work force at the lower grade levels with the highest concentrations for both groups occurring in the GS-5 through 8 grade spread. White and male employees, on the other hand, comprise most of the work force at the higher grade levels.

Figure 1C graphically describes the above relationships by showing the overall proportion of white and minority employees in each grade range. Also described is the overall distribution for male and female employees. Nearly one-third of the minority work force (31.9%) earned less than \$12,208 a year. In contrast, only about 13 percent of the white employees earned less than this salary. For the agency as a whole, slightly over 18 percent of all employees were making less than this figure. At the other end of the pay scale, slightly over 15 percent of the white work force earned more than \$23,087 a year. In contrast, only about 3 percent of the minority work force and about 12 percent of the total work force made in excess of \$23,087 a year.

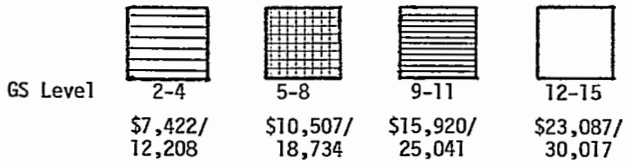
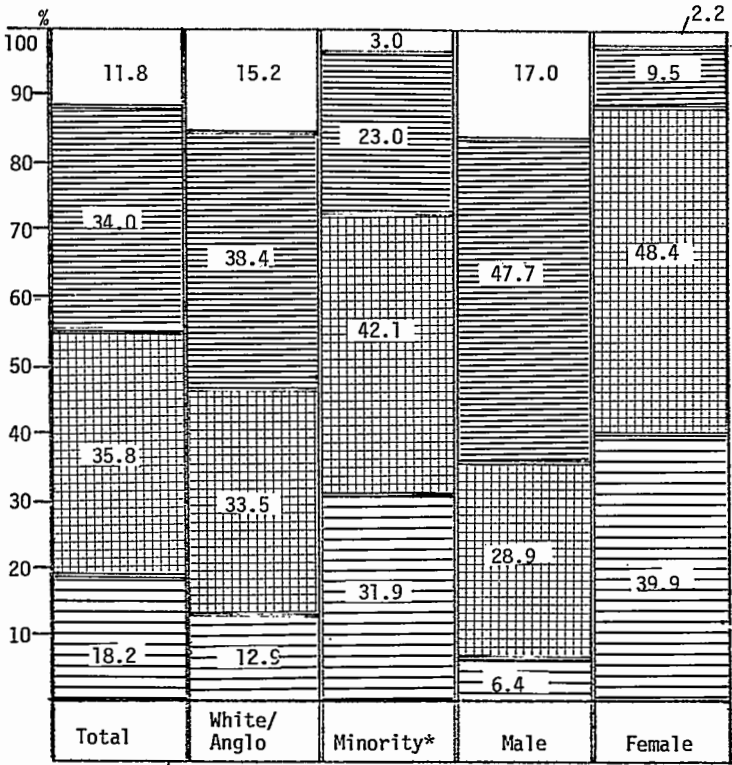
With respect to the overall distribution by gender, only about 6 percent of all male employees were making less than \$12,208. In contrast, nearly 40 percent of all female employees were in this salary range. At the other end of the pay scale, only about 2 percent of the total female work force was making in excess of \$23,087 a year. Over 17 percent of the male work force was in this category. (See Figure 1C)

Table 1J describes the employment within the INS in selected job categories by race, ethnicity, and gender. The total employment in these specific job categories constitutes about 90 percent of the overall employment in the agency. The four most important occupations in the INS with respect to numbers of employees are the General Clerical Series (301); Investigator Series (1811); Inspector (1816); and Patrol Officer (1896). Together, these four job categories encompass about 70 percent of the selected employment total of 10,094 and over 60 percent of the total agency employment.

Within the General Clerical job series, minorities comprised about 44 percent of the total work force. However, in the Investigator, Inspector, Patrol Officer job categories, minorities make up less than 20 percent

FIGURE 1C  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 by Grade Level, Race/Ethnicity, and Sex  
 1978

Total GS Work Force



\*Minority class includes Hispanics, blacks, Native Americans and Asian Americans.

of the total employees. Overall, minorities tend to be concentrated in the General Clerical Series (43.8%); Clerk Series (56.1%); Clerk Typist Series (48.3%) and Contact Representative Series (56.5%). Minorities make up about 28 percent of the total work force in these job categories. (See Table 1J)

Female employees, as might be expected, tend to be concentrated in the clerical field. Over 90 percent of all the stenographers, secretaries, and clerk-typists were females. In the four major job categories, females make up about 42 percent of the general clerical personnel, but only about 4 percent of all the investigators, 23 percent of the inspectors, and less than 1 percent of the patrol officers. However, they comprise nearly 85 percent of all the agency's contact representatives.

## 2. Central Office (Tables 2A-2J and Figures 2A-2C)

Table 2A describes the composition of the INS work force in the Central Office by pay system, race, ethnicity and gender as of September, 1978. The total number of employees in the Central Office was 977. Of this total, 906, or nearly 93 percent (92.7%) were employed in the GS pay system.

Of the 906 GS employees in the Central Office, 448, or nearly half (49.3%) were minorities. As of September, 1978, the minority work force in this component was 46.5 percent black, 2.5 percent Hispanic, and 0.3 percent Asian American. There were no American Indians employed in the Central Office of the INS. (See Tables 2B and 2D)

Table 2C describes the vertical distribution of the work force in the Central Office. Nearly two-thirds (62.7%) of the total minority work force was located in the GS-1 through 4 grade range. In comparison, only about 11 percent of the white employees were in this grade range. At the other end of the GS pay system, only 6 percent of the minority employees were at or above the GS-12 level. In contrast, nearly 60 percent (57.3%) of all the white employees were at or above this grade.

One hundred and seventeen minority employees, or about 26 percent of the total minority work force in the Central Office was employed in the GS-5 through 8 grade range. This compares with a figure of 22 percent for the white work force. Over two-thirds (67.0%) of all the white employees in the Central Office were employed at or above the GS-9 level, while only about 11 percent of all the minority employees were at or above this level. (See Tables 2B and 2I)

The greatest concentration of minority employees occurs at the GS-3 level. As of September, 1978, slightly over one-third (34.5%) of all minority workers were at this grade level. The next highest concentration of minority employees was at the GS-4 level. About 22 percent

of all minorities in the Central Office were at this level. In comparison, only about 6 percent of all white employees were at this level. (See Table 2C)

At the higher grade levels, white employees clearly dominate. For example, out of a total of 82 employees in the GS-13 grade level, only 8 or 9.8 percent, were classified as minorities. This pattern holds true for all grades above the GS-13 level.

Table 2D describes the distribution of the work force within specific grade levels. In almost every case, minority employees hold the majority of the jobs at the lower grade levels. At the higher grade levels above the GS-9 level, white employees are clearly in the majority. In fact, white employees comprise over 80 percent of all employees within each grade above the GS-12 level.

Figure 2A describes the overall distribution of the Central Office work force by grade level and race/ethnicity. This figure clearly shows the preponderance of white employees at the highest grade levels.

Females comprise slightly over 60 percent (60.7%) of the employment in the Central Office. (See Table 2D) As of September, 1978, 551 women were employed in this office. Of this total, 362, or 65.7 percent were blacks, 12, or 2.2 percent were Hispanics, and 2, or 0.4 percent were identified as Asian Americans. There were no American Indian females employed in the Central Office. Overall, minorities comprised over 68 percent of the female employment. (See Tables 2E and 2G)

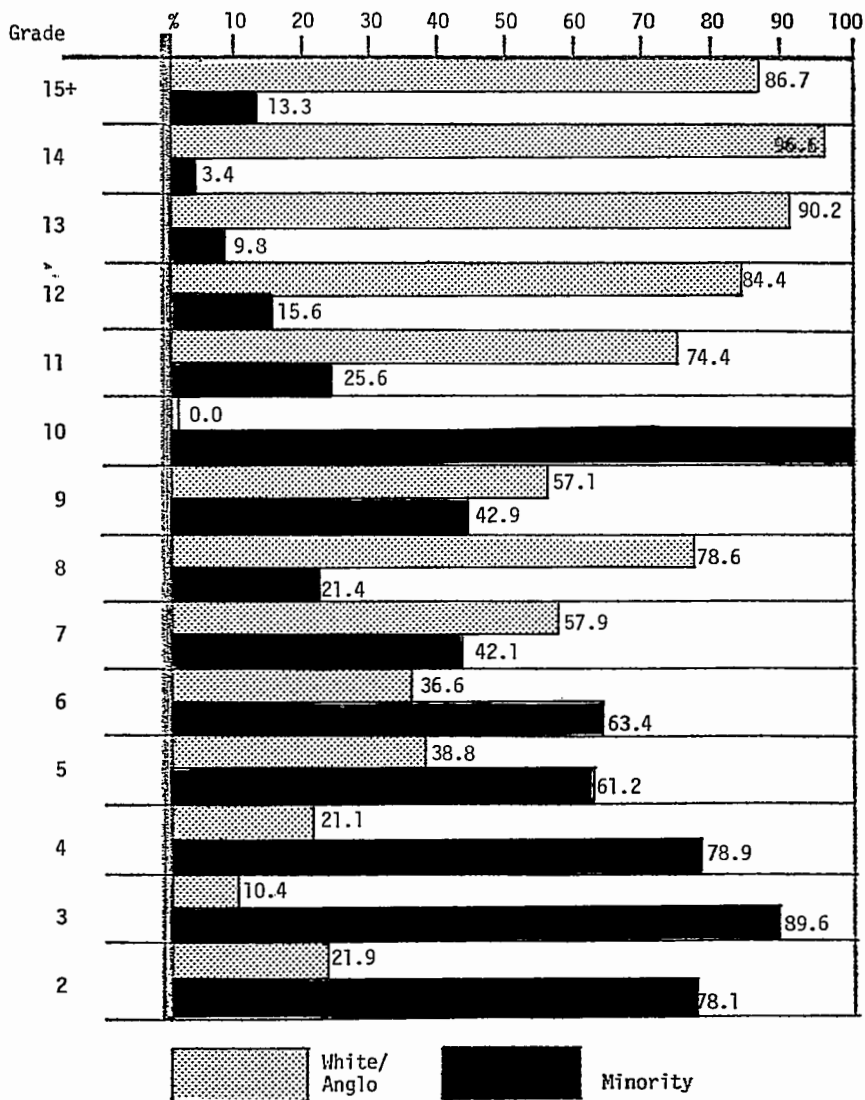
Over 86 percent of all women employed in the Central Office of the INS were at or below the GS-8 level. Translated into numerical terms 478 female employees out of a total of 551 were employed at or below this level. Only 42 female employees were at or above the GS-12 grade level. (See Tables 2E and 2I)

As noted previously, minority women made up about 68 percent of the female employment in the Central Office. However, nearly 80 percent (79.5%) were employed at or below the GS-5 level. In comparison, only 37 percent of all the white female employees were at or below this grade level. Above the GS-12 level, white women tend to dominate both proportionately and in total numbers. (See Tables 2E and 2F) The one exception is at the GS-15 level where minority women comprise the majority of the employees.

Within the grade levels, minority women clearly dominate the lower levels and white women the higher ones. If we take a 68/32 ratio as the base line for determining a balanced employment situation within grades, we see that white women tend to exceed their proportion at all levels above the GS-7 level. Below this level minority women exceed



FIGURE 2A  
Distribution of  
Work Force by Grade Level  
and Race/Ethnicity  
Central Office



their overall proportion. The one major exception, as pointed out above, is at the GS-15 level where we have a 67/33 split between minority and white female employees. (See Table 2G)

Figure 2B shows the overall distribution of the Central Office work force by grade level and gender. As this figure clearly shows, males tend to dominate all of the grade levels above the GS-10 level. Female employees, on the other hand, comprise most of the employees from the GS-2 through 9 levels.

Table 2H describes the cumulative distribution of the work force in the Central Office. As this table shows, over 90 percent of the minority work force and about 90 percent of the female employees were employed at or below the GS-9 level. In contrast, only about 36 percent of all the white employees were at or below this level.

When we compare these groups with the total work force, we find that white employees hold a significant portion of all the higher level positions within the Central Office. For example, whereas over 36 percent of the total work force was employed at or above the GS-9 level, nearly two-thirds (63.7%) of all white employees were at or above this grade level. In contrast, only 9.5 percent of the minority work force, and only 10.2 percent of the female work force were at or above the GS-9 level. (See Table 2H)

The overall median grade level for white employees in the Central Office as of September, 1978, was 11.5. For minorities and women, the median was only 3.5. For the work force as a whole, the median was located at the GS-6 grade level. The modal grade level for white employees was at the GS-14 level. The agency mode, on the other hand, was at the GS-3 level. The average grade level for white employees was located at the GS-10 level. For minorities and women it was located at the GS-5 level. The overall average grade for the Central Office was at the GS-8 level. (See Table 2H)

FIGURE 2B  
 Distribution of  
 Work Force by Grade Level  
 and Sex  
 Central Office

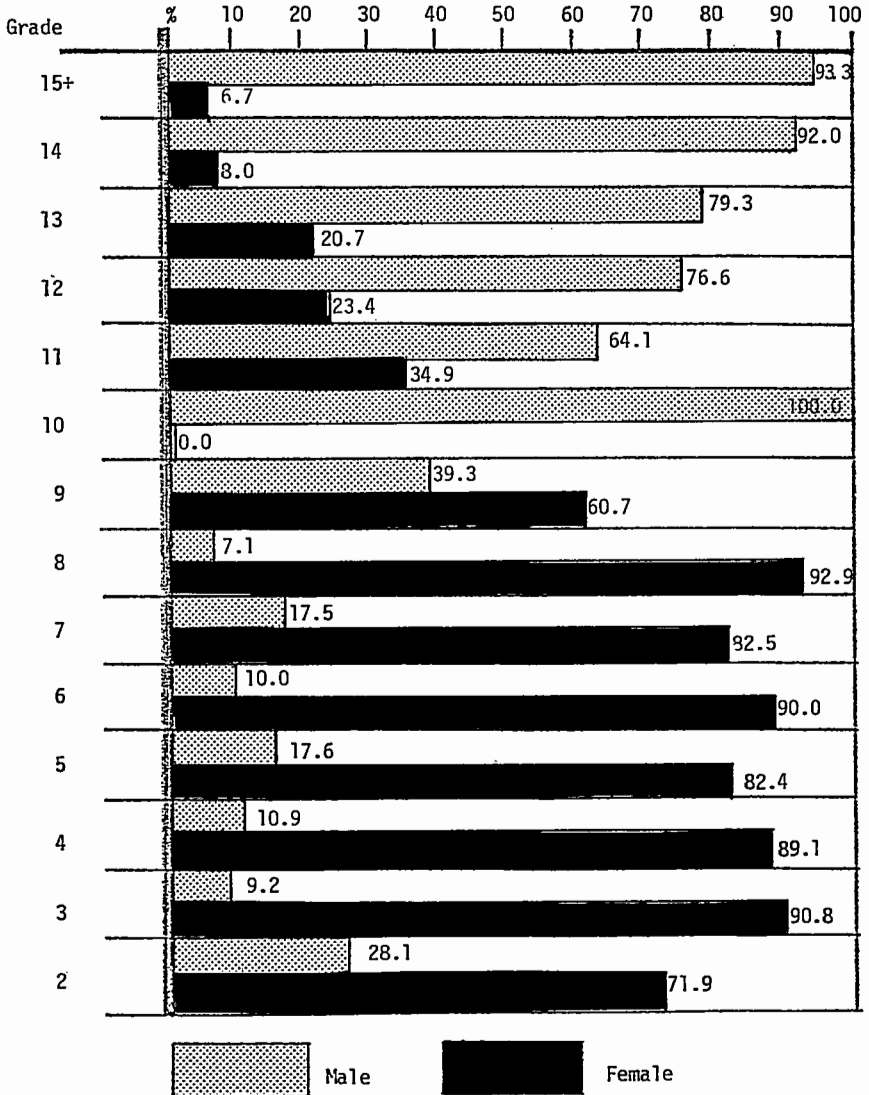
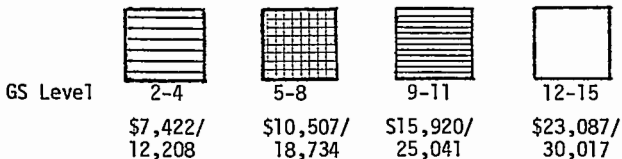
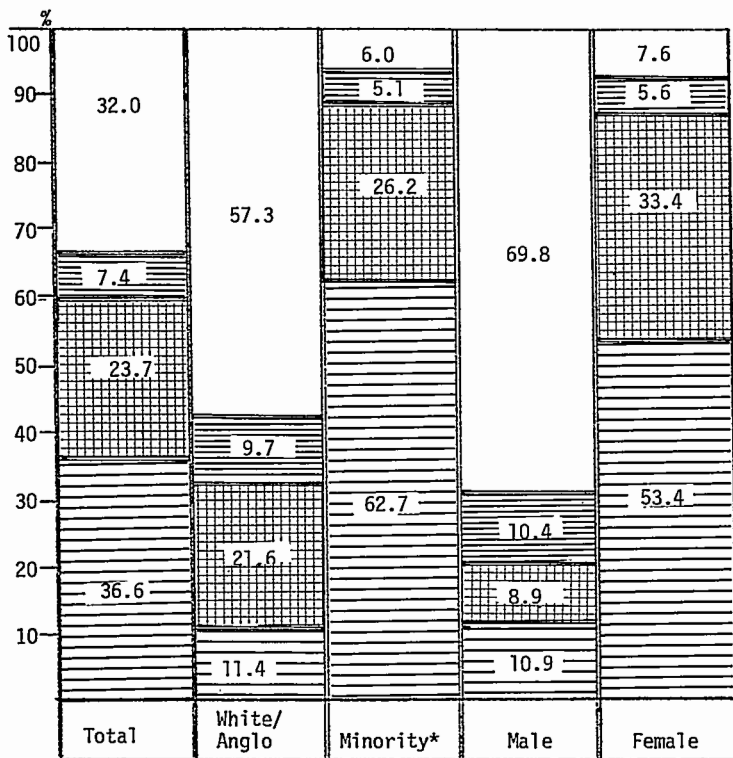


FIGURE 2C  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 by Grade Level, Race/Ethnicity, and Sex  
 1978  
 Central Office



\*Minority class includes Hispanics, blacks, Native Americans and Asian Americans.

Table 2I describes the overall distribution of the agency's work force by grade group. Again, by compacting the data we find that minorities and women make up most of the work force at the lower grade levels with the highest concentrations for both groups occurring in the GS-1 through 4 grade spread. White and male employees, on the other hand, comprise most of the work force at the higher grade levels.

Figure 2C graphically describes the above relationship by showing the overall proportion of white and minority employees found in each grade range. Also described is the overall distribution for male and female employees. Nearly two-thirds of the minority work force (62.7%) earned less than \$12,208 a year. In contrast, only 11 percent of all the white employees earned less than this salary. For the agency as a whole,

nearly 37 percent (36.6%) of all employees were making less than this figure. At the other end of the pay scale, slightly over 57 percent of all the white employees in the Central Office earned more than \$23,087 a year. In contrast, only about 6 percent of the minority work force and 32 percent of the total work force made in excess of \$23,087 a year.

With respect to the overall distribution by gender, only about 11 percent of all male employees were making less than \$12,208 annually. In contrast, over 53 percent of all female employees were in this salary range. At the other end of the pay scale, only about 2 percent of the total female work force was making in excess of \$23,087 a year. Nearly 70 percent (69.8%) of the male work force was in this category. (See Figure 2C)

Table 2J describes the employment within the Central Office in selected job categories by race, ethnicity, and gender. The total employment in these specific job categories constitutes about 74 percent of the overall employment in the Central Office. The three most important occupations in the Central Office with respect to numbers of employees are the General Clerical Series (301); Clerk Series (305); and Clerk Typist (322). Together these three job categories encompass about 68 percent of the selected employment total of 672, and over 50 percent of the total office employment.

Within the General Clerical job series, minorities comprised about 52 percent of the total work force. In the Clerk and Clerk-Typist job categories, minorities make up about 92 percent and 78 percent of the total employees. Overall, minorities tend to be concentrated in these job areas. Overall, minorities made up about 54 percent of the total work force in these job categories. (See Table 2J)

Female employees tend to be concentrated in the clerical field. Over 66 percent of the general clerical, 81 percent of the clerks, 98 percent of the stenographers, and 90 percent of the clerk-typists are females. However, females made up nearly 83 percent of all the attorneys located in the Central Office. In fact, almost all of the female attorneys in the INS are located in the Central Office.

### 3. Eastern Region (Tables 3A-3J and Figures 3A-3C)

Table 3A describes the composition of the INS work force in the Eastern Region by pay system, race, ethnicity and gender as of September, 1978. The total number of employees in the Eastern Region was 3,210. Of this total, 3,096, or over 96 percent (96.4%) were employed in the GS pay system.

Of the 3,096 GS employees in the Eastern Region, 743, or nearly one-fourth (24.0%) were minorities. As of September, 1978, the minority work force in this region was 15.8 percent black, 6.4 percent Hispanic, and 1.8 percent Asian American. There was only one American Indian employed in the Eastern Region of the INS. (See Tables 3B and 3D)

Table 3C describes the vertical distribution of the work force in the Eastern Region. Over one-third (37.9%) of the total minority work force was located in the GS-1 through 4 grade range. In comparison only about 14 percent of the white employees were in this grade range. At the other end of the GS pay system, only 3 percent of the minority employees were at or above the GS-12 level. In contrast, nearly 13 percent (12.9%) of all the white employees were at or above this grade.

Three hundred and thirty minority employees, or about 46 percent of the total minority work force in the Eastern Region were employed in the GS-5 through 8 grade range. This compares with a figure of 38 percent for the white work force. Nearly half (48.2%) of all the white employees in the Eastern Region were employed at or above the GS-9 level, while only about 18 percent of all the minority employees were at or above this level. (See Tables 3B and 3I)

The greatest concentration of minority employees occurs at the GS-5 level. As of September, 1978, slightly over 23 percent of all minority workers were at this grade level. The next highest concentration of minority employees was at the GS-3 level. About 19 percent of all minorities in the Eastern Region were at this level. In comparison, only about 6 percent of all white employees were at this level. (See Table 3C)

At the higher grade levels, white employees clearly dominate. For example, out of a total of 65 employees in the GS-13 grade level, only six, or 8.5 percent, were classified as minorities. This pattern holds true for all grades above the GS-11 level.

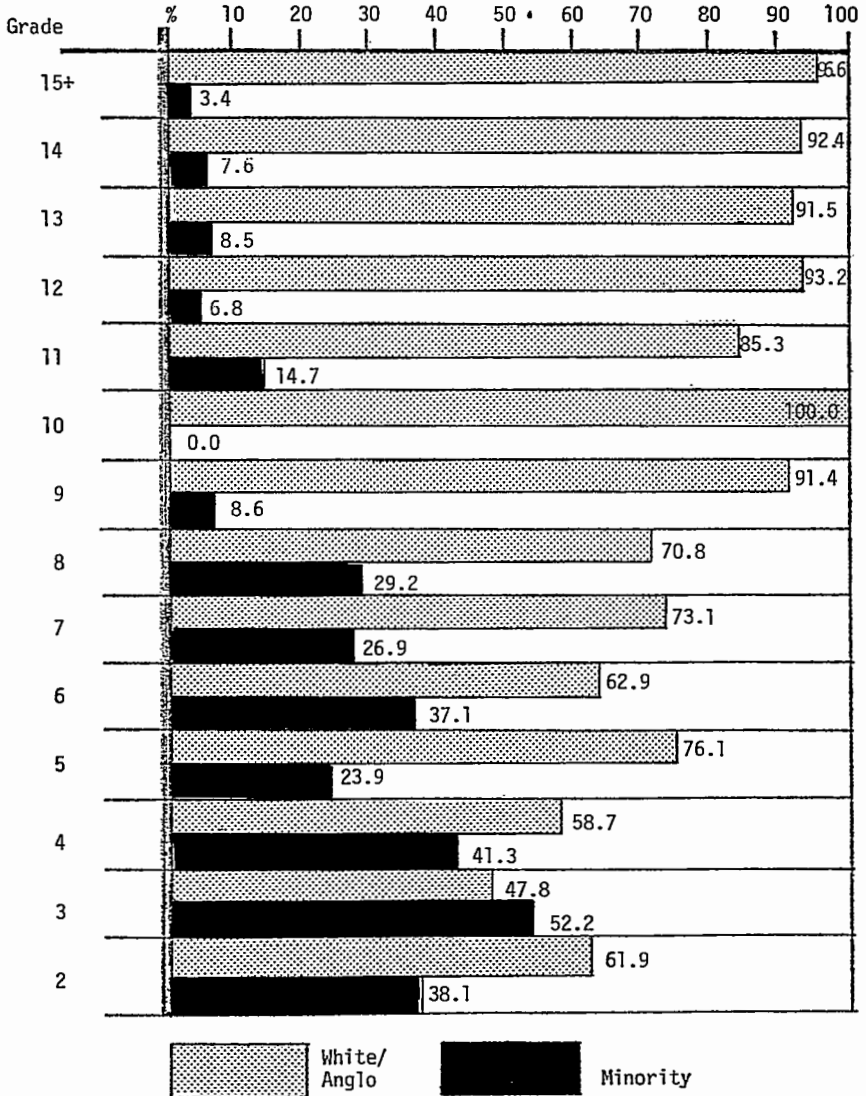
Table 3D describes the distribution of the work force within specific grade levels. In almost every case, minority employees hold the majority of the jobs at the lower grade levels. At the higher grade levels above the GS-9 level, white employees are clearly in the majority. In fact, white employees comprise over 80 percent of all employees within each grade above the GS-9 level.

Figure 3A describes the overall distribution of the Eastern Region work force by grade level and race/ethnicity. This figure clearly shows the preponderance of white employees at almost all grade levels.

Females comprise slightly over 40 percent (40.5%) of the employment in the Eastern Region. (See Table 3D) As of September, 1978, 1,253 women were employed in this office. Of this total, 388, or 27.0 percent, were blacks, 85, or 6.8 percent were Hispanics, and 23, or 1.8 percent were identified as Asian Americans. There were no American Indian females employed in the Eastern Region. Overall, minorities comprised over 36 percent of the female employment. (See Tables 3E and 3G)



FIGURE 3A  
Distribution of  
Work Force by Grade Level  
and Race/Ethnicity  
Eastern Region



Over 87 percent of all women employed in the Eastern Region of the INS were at or below the GS-8 level. Translated into numerical terms, 1,001 female employees out of a total of 1,253 were employed at or below this level. Only 20 female employees were at or above the GS-12 grade level. (See Tables 3E and 3I)

As noted previously, minority women made up about 36 percent of the female employment in the Eastern Region. However, nearly 71 percent (70.8%) were employed at or below the GS-5 level. In comparison, 66 percent of all the white female employees were at or below this grade level. Above the GS-12 level, white women tend to dominate both proportionately and in total numbers. (See Tables 3E and 3F) The one exception is at the GS-14 and 15 level where minority women achieve parity with white female employees.

Within all of the grade levels, white women clearly dominate. If we take a 36/64 ratio as the base line for determining a balanced employment situation within grades, we see that white women tend to exceed their proportion at almost all levels above the GS-5 level. Below this level minority women tend to exceed their overall proportion. The one major exception, as pointed out above, is at the GS-14 level where we have a 40/60 split between minority and white female employees. (See Table 3G) At the GS-15 level there is one black female.

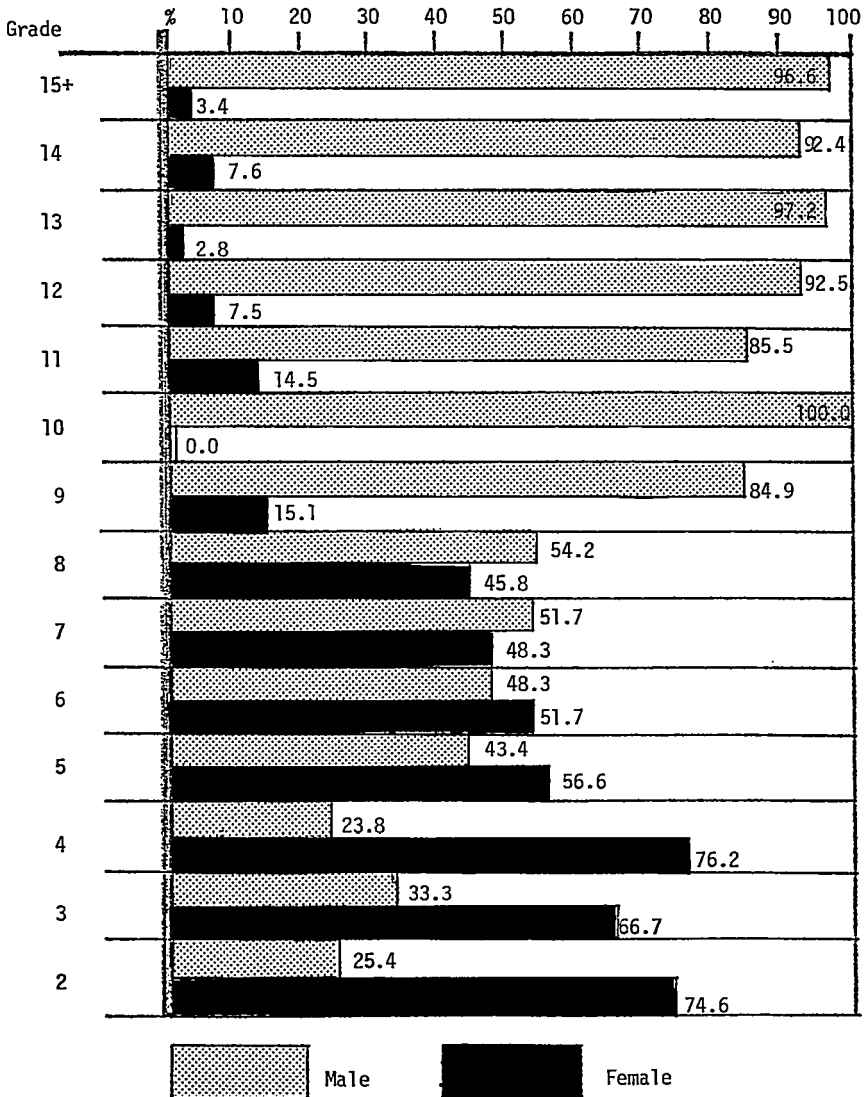
Figure 3B shows the overall distribution of the Eastern Region work force by grade level and gender. As this figure clearly shows, males tend to dominate all of the grade levels above the GS-7 level. Female employees, on the other hand, comprise most of the employees from the GS-2 through 6 levels.

Table 3H describes the cumulative distribution of the work force in the Eastern Region. As this table shows, nearly 90 percent of the minority work force and over 90 percent of the female employees were employed at or below the GS-9 level. In contrast, only about 70 percent of all the white employees were at or below this level.

When we compare these groups with the total work force we find that white employees hold a significant portion of all the higher level positions within the Eastern Region of the INS. For example, whereas over 25 percent of the total work force was employed at or above the GS-9 level, nearly 31 percent (30.8%) of all white employees were at or above this grade level. In contrast, only 12.2 percent of the minority work force, and only 6.9 percent of the female work force were at or above the GS-9 level. (See Table 3H)

The overall median grade level for white employees in the Eastern Region as of September, 1978, was 7.0. For minorities and women, the median was only 4.5. For the work force as a whole, the median was located at the GS-6 grade level. The modal grade level for white employees was at the GS-5 level. The regional mode, on the other hand,

FIGURE 3B  
 Distribution of  
 Work Force by Grade Level  
 and Sex  
 Eastern Region



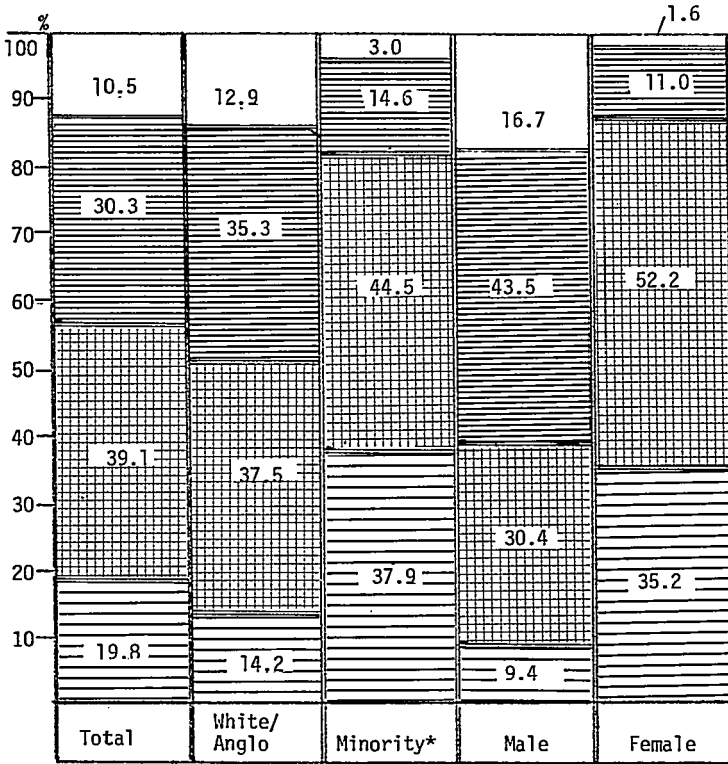
was also at the GS-5 level. The average grade level for white employees was located at the GS-8 level. For minorities and women it was located at the GS-5 level. The overall average grade for the Eastern Region was at the GS-7 level. (See Table 3H)





Table 3I describes the overall distribution of the agency's work force by grade group. Again, by compacting the data we find that minorities and women make up most of the work force at the lower grade levels with the highest concentrations for both groups occurring in the GS-5 through 8 grade spread. White and male employees, on the other hand, comprise most of the work force at the higher grade levels.

Figure 3C graphically describes the above relationship by showing the overall proportion of white and minority employees found in each grade range. Also described is the overall distribution of male and female employees. Over one-third of the minority work force (37.9%) earned less than \$12,208 a year. In contrast, only 14 percent of all the white employees earned less than this salary. For the agency as a whole, nearly 20 percent (19.8%) of all employees were making less than this figure. At the other end of the pay scale, over 13 percent of all the white employees in the Eastern Region earned more than \$23,087 a year. In contrast, only about 3 percent of the minority work force and 11 percent of the total work force made in excess of \$23,087 a year.

With respect to the overall distribution by gender, only about 10 percent of all male employees were making less than \$12,208 annually. In contrast, over 35 percent of all female employees were in this salary range. At the other end of the pay scale, only about 2 percent of the total female work force was making in excess of \$23,087 a year. Nearly 17 percent (16.7%) of the male work force was in this category. (See Figure 3C)

FIGURE 3C  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 by Grade Level, Race/Ethnicity, and Sex  
 1978  
 Eastern Region



GS Level				
	2-4	5-8	9-11	12-15
	\$7,422/ 12,208	\$10,507/ 18,734	\$15,920/ 25,041	\$23,087/ 30,017

\*Minority class includes Hispanics, blacks, Native Americans and Asian Americans.

Table 3J describes the employment within the Eastern Region of the INS in selected job categories by race, ethnicity, and gender. The total employment in these specific job categories constitutes about 95 percent of the overall employment in the Eastern Region. The four most important occupations in the Eastern Region with respect to numbers of employees are the General Clerical Series (301), Investigator (1811), Inspector (1816), and Patrol Officer (1896). Together these four job categories encompass about 65 percent of the selected employment total of 2,927, and 61 percent of the total INS employment in the Eastern Region.

Within the General Clerical job series, minorities comprised about 44 percent of the total work force. However, in the Investigator, Inspector and Patrol Officer job categories, minorities made up less than 12 percent of the overall employment. In the Patrol Officer category there was only one minority officer out of a total officer corps of 103. In general, minorities tended to be concentrated in the General Clerical Series (43.3%), Clerk Series (51.8%) and Clerk-Typist Series (51.8%). Also, nearly 56 percent of the contact representatives and approximately 30 percent of the interpreters in the region were minority employees. (See Table 3J)

Female employees were mainly concentrated in the administrative and clerical fields. Nearly 47 percent of the 450 general clerical workers were females. Over 90 percent of all the stenographers, secretaries, and clerk typists were females. However, only about 5 percent of the 440 INS investigators and approximately 24 percent of the inspectors in the region were females. (See Tables 3J)

#### 4. Southern Region (Tables 4A - 4J and Figures 4A - 4C)

Table 4A describes the composition of the INS work force in the Southern Region by pay system, race, ethnicity and gender as of September, 1978. The total number of employees in the Southern Region was 2,883. Of this total, 2,755, or nearly 96 percent (95.5%) were employed in the GS pay system.

Of the 2,755 GS employees in the Southern Region of the INS, 871, or approximately 32 percent (31.6%) were minorities. As of September, 1978, the minority work force in the region was 2.1 percent black, 28.9 percent Hispanic, and 0.5 percent Asian American. There was only one American Indian employed in the region. (See Tables 4B and 4B)

Table 4C describes the vertical distribution of the work force in the Southern Region. Approximately 19 percent of the minority work force was employed in the GS-1 through 4 grade range. In comparison nearly 13 percent of the white employees were in this grade range. At the other end of the GS grade system, only about 3 percent of the minority employees were at or above the GS-12 level. In contrast, slightly over 12 percent (12.6%) of all the white INS employees in the region were at or above this grade.

Over 350 minority employees or about 41 percent of the total minority work force in the Southern Region was employed in the GS-5 through 8 grade range. This compares with a figure of about 31 percent for the white work force. Slightly over 56 percent of all the white employees in the region were employed at or above the GS-9 level, while only about 39 percent of the minority employees were at or above this level. (See Tables 4B and 4I)

The greatest concentration of minority employees occurs at the GS-9 level. As of September, 1978, nearly 32 percent (31.5%) of all minority workers in the region were in this grade level. The next highest concentration of minority employees was at the GS-5 level. Nearly one-fourth (24.8%) of all minorities in the Southern Region were at this level. In comparison, about 22 percent of the white work force was at this level. (See Table 4C)

At the higher grade levels, white employees tend to dominate. For example, at the GS-11 level, slightly over 86 percent of all the employees in this grade were white. Only about 14 percent were classified as minority. This pattern holds true for all grade levels above the GS-7 level.



Table 4D describes the distribution of the work force within specific grade levels. In almost every instance, minority employees are, in fact, the minority at each grade level. The one exception is found at the GS-6 level. At the higher grade levels, especially above the GS-9 level, white employees hold most of the jobs. However, when we get to the GS-15 and above level, there appears to be a dramatic increase in the number of minorities from a proportional standpoint. For example, at the GS-15 level, minorities comprised about 22 percent of the employees at this level.

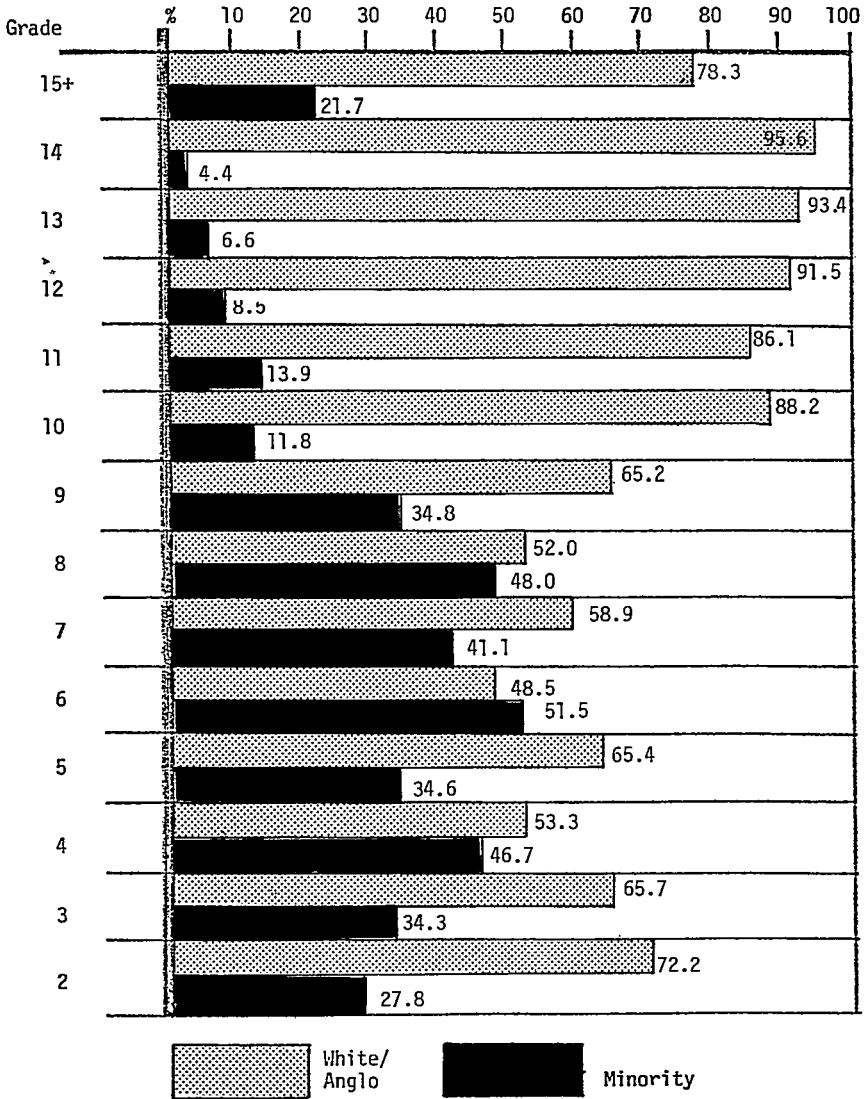
Figure 4A describes the overall distribution of the Southern Region work force by grade level and by race and ethnicity. The patterns depicted in Table 4D are clearly shown in this figure.

Females comprise about one-fourth (25.7%) of the INS work force in the region. (See Table 4D) As of September, 1978, 708 women were employed in this region. Of this total, 35, or 4.9 percent were blacks; 206, or 29.1 percent were Hispanics, and 8 or 1.1 percent were classified as Asian Americans. There were no American Indian females employed in the Southern Region. Overall, minorities comprised about 35 percent of the female employment. (See Tables 4E and 4G)

Ninety-two percent of all women employed in the Southern Region were at or below the GS-8 level. Translated into numerical terms, 651 female employees out of a total of 708 were employed at or below this level. Only eight female employees were at or above the GS-12 level. (See Tables 4E and 4I)

As pointed out earlier, minority women made up about 35 percent of the female employment in the region. However, about 79 percent were employed at or below the GS-5 level. In comparison, approximately 77 percent of all the white female employees were at or below this grade level. Above the GS-12 level, white women hold most of the jobs. Of the eight women employed at or above the GS-12 level, seven are white. (See Tables 4E and 4F)

Within the grade levels, white women tend to hold most of the positions. If we were to take a 65/35 ratio of white/minority women as a base line for determining the employment makeup at specific levels, we find that



white women exceed or nearly match their overall proportion in all grade levels except two (GS-4 and GS-7 levels). Minority women on the other hand, exceed or match their overall proportion only at the GS-4 and 7 levels. (See Table 4G)

Figure 4B describes the distribution of work force in the Southern Region by grade level and gender. As this figure clearly shows, males dominate all of the grade levels above the GS-5 level. Female employees, on the other hand, comprise over 70 percent of the work force at the lowest grade levels.

Table 4H describes the cumulative distribution of the work force in the Southern Region. Slightly over 90 percent of the minority work force and 97 percent of the female employees were employed at or below the GS-9 level. In contrast, only about 71 percent of the white employees were at or below this level.

When we compare these groups with the total work force in the region we find that white employees hold a significant portion of all the higher level positions. For example, whereas about 23 percent of the total work force was employed at or above the GS-9 level, nearly 30 percent of all the white employees were at or above this grade. In contrast, only about 8 percent of the minority work force, and only 3 percent of the female work force were at or above the GS-9 level. (See Table 4H)

The overall median grade level for white employees in the Southern Region as of September, 1978, was 8.5. For minorities the median was located at the GS-6 level. For women, the median was 4.5. The regional median was 8. The modal grade level for white and minority employees was at the GS-9 level. For women, the mode was somewhat lower being at the GS-5 level. The mode for the region was at the GS-9 level. The average grade level, on the other hand, was eight for white employees, seven for minorities, five for women, and eight for the region as a whole. (See Table 4H)

FIGURE 4B  
Distribution of  
Work Force by Grade Level  
and Sex  
Southern Region

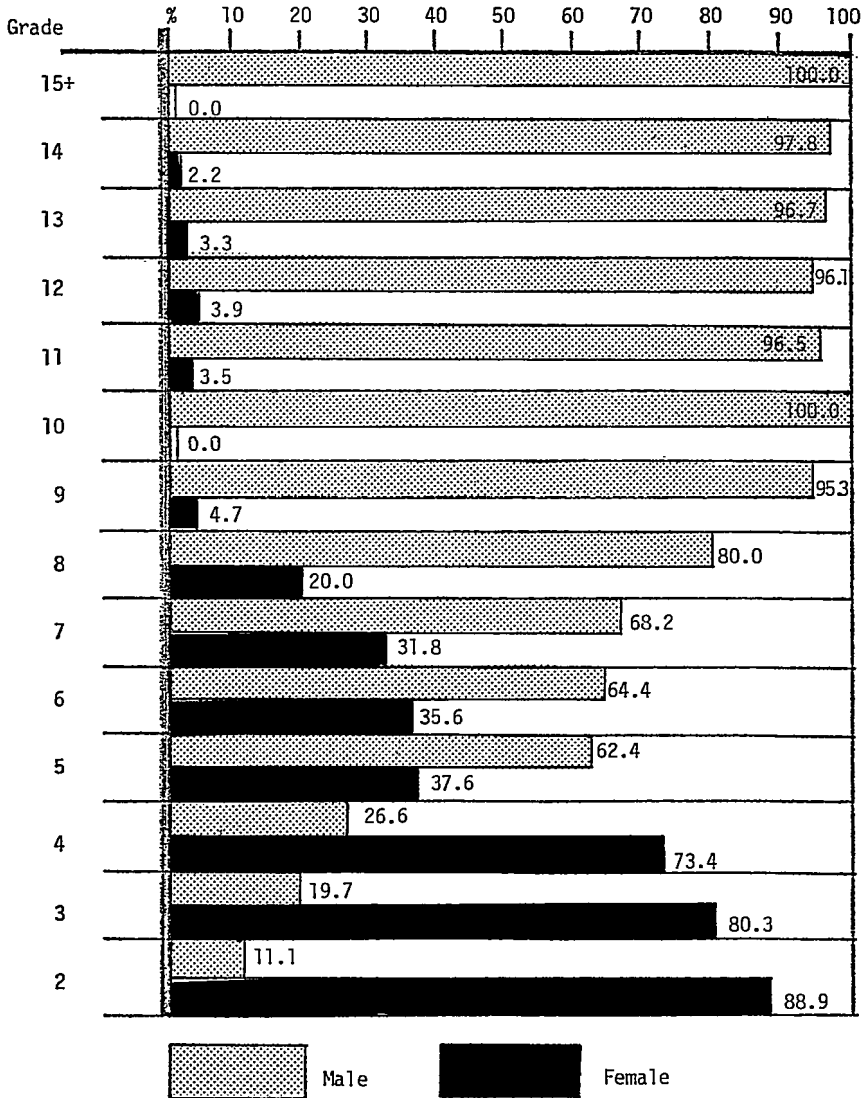


Table 4I describes the overall distribution of the region's work force by grade group. As this table shows, minorities and women constitute most of the work force at the lower grade levels with the highest concentrations occurring in the GS-5 through 8 grade range. White and male employees, on the other hand, make up most of the work force at the higher grade levels.

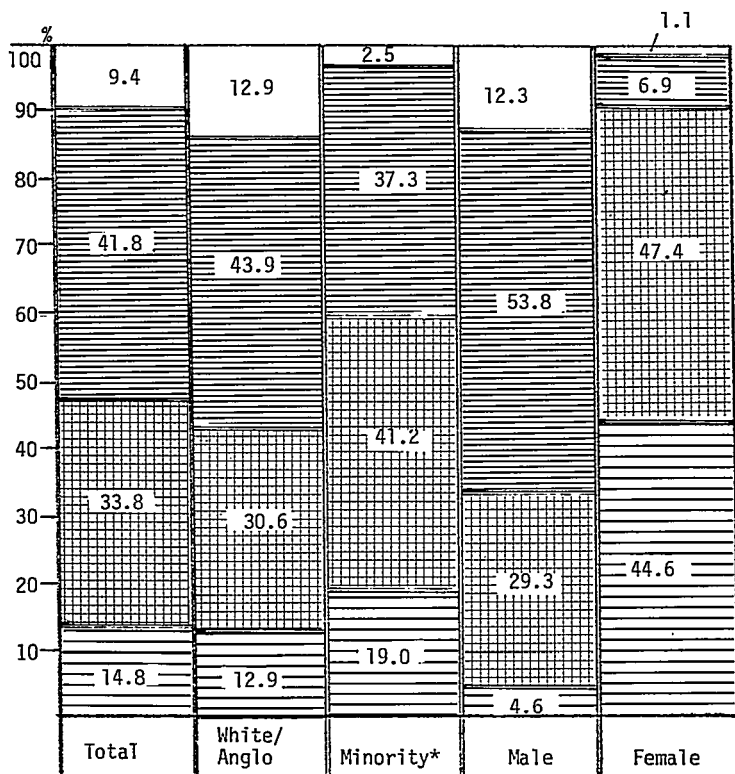
Figure 4C graphically describes the above relationship by showing the overall proportion of white and minority employees found in each grade range. Also shown is the distribution for male and female employees. Approximately 20 percent of the minority work force and nearly 45 percent of the female work force in the Southern Region earned less than \$12,208 a year. In contrast, only about 13 percent of the white employees and 5 percent of the male employees earned less than this salary. For the region as a whole, nearly 15 percent of all employees were making less than \$12,208 a year. At the other end of the pay scale, slightly over 21 percent of the male employees and about 13 percent of the white employees earned more than \$23,087 a year. Only 2.5 percent of all minority employees and only about 1 percent of all female INS employees in the region were earning more than this salary. Slightly over 9 percent of all employees in the Southern Region were at this level. (See Figure 4C)





Table 4J describes the employment in the Southern Region in selected job categories by race, ethnicity and gender. The total employment in these specific job categories constitutes about 90 percent of the overall employment in the region. The four most important job categories in the region with respect to numbers of employees are the General Clerical Series (301); Investigator Series (1811); Inspector Series (1816); and Patrol Officer (1896). Together, these four job categories take in about 77 percent of the selected employment total of 2,498, and nearly 72 percent of the total regional employment.

Within the General Clerical job series, minorities comprised about 48 percent of the total work force. In the Investigator, Inspector and Patrol Officer categories, minorities constitute about 21 percent, 34 percent, and 26 percent of the total work force, respectively.

Female employees are found mainly in the clerical field. For example, nearly 50 percent of all the employees employed as clerks are females. Nearly all of the employees working as stenographers, secretaries and clerk typists are women. However, out of 168 investigators in the region, only one was a female. Of the 1,001 patrol officers in the Southern Region, only four were women.

FIGURE 4C  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 by Grade Level, Race/Ethnicity, and Sex  
 1978  
 Southern Region



				
GS Level	2-4	5-8	9-11	12-15
	\$7,422/ 12,208	\$10,507/ 18,734	\$15,920/ 25,041	\$23,087/ 30,017

\*Minority class includes Hispanics, blacks, Native Americans and Asian Americans.

#### 5. Northern Region (Tables 5A-5J and Figures 5A-5C)

Table 5A describes the make up of the INS work force in the Northern Region. As of September, 1978, the total number of INS employees in the region was 1,664. Of this total, 1,634, or about 98 percent were GS employees.

Of the 1,634 GS employees in the region, 238, or about 15 percent, were minorities. As of September, 1978, the minority work force in the region was 9.2 percent black, 2.8 percent Hispanic, and 2.3 percent Asian American. American Indians comprised less than 1 percent of the total employment in the region. (See Tables 5B and 5D)

Table 5C describes the vertical distribution of the work force in the region. Over 85 percent of the minority work force was located in the GS-1 through 4 grade range. In comparison, only about 49 percent of the white employees were in this range. At the other end of the GS pay system, only about 4 percent of the minority employees were at or above the GS-12 level. In contrast, nearly 13 percent (12.6%) of all white employees were at or above this grade.

One hundred and twenty-seven minority employees, or about 54 percent of the total minority work force in the region, were employed in the GS-5 through 8 grade range. This compares with a figure of 34 percent for the white work force. Over half (50.9%) of all white employees in the Northern Region were employed at or above the GS-9 level, while only about 14 percent of all minority employees were at or above this level. (See Tables 5B and 5I)

The greatest concentration of minority employees occurs at the GS-5 level. As of September, 1978, approximately 40 percent of all minority workers in the region were at this grade level. The next highest concentration of minority employees was at the GS-4 level. About 16 percent of all minorities in the region were at this level. In comparison, only about 9 percent of all white employees were at this level. (See Table 5C)

At the higher grade levels, white employees clearly dominate. For example, out of a total of 45 employees in the GS-13 grade level, only one or 0.4 percent, was classified as a minority. This pattern holds true for all grades.

Table 5D describes the distribution of the work force within specific grade levels. Most of the minority employees are located at the lower grade levels. At the higher grade levels, especially above the GS-9 level, white employees are clearly in the majority. In fact, white employees comprise over 90 percent of all employees within each grade above the GS-9 level.

Figure 5A describes the overall distribution of the regional work force by grade level and by race and ethnicity. This figure clearly shows the preponderance of white employees at all grade levels.

Females comprise slightly over 38 percent (38.2%) of the employment in the region. (See Table 5D) As of September, 1978, 625 women were employed by the INS in this region. Of this total, 147 were classified as minorities. About 18 percent were blacks, 2.9 percent were identified as Hispanics, and 2.7 percent were classified as Asian American. There was one American Indian female employed in the region. Overall, minorities comprised over 24 percent of the female employment. (See Tables 5E and 5G)

Nearly 92 percent of all women employed by the INS in the region were at or below the GS-8 level. Translated into numerical terms, 571 female employees out of a total of 625 were employed at or below this level. Only eight were at or above the GS-12 level. (See Tables 5E and 5I)

As noted above, women comprise about 38 percent of the total employment and minority women approximately 24 percent of the total female employment. However, nearly 77 percent of these minority women were employed at or below the GS-5 level. In comparison, approximately the same percentage distribution exists for white women in the region. At the higher grade levels, however, white women tend to dominate. For example, out of 54 women employed at or above the GS-9 level in the region, only 11 were classified as minorities. (See Tables 5E and 5F)

Within the grade levels, white women tend to hold most of the positions. If we were to take the overall percentage ratio of minority women to white women as a base line for determining the ideal employment mix at specific levels, we find that white women presently exceed or nearly match their overall proportion within every grade except at the GS-2, 6, 8, 11 and 14 levels. Even in those grades where they don't match their overall proportion, white women comprise over 60 percent of the total female employment in the grades. (See Table 5G)



FIGURE 5A  
 Distribution of  
 Work Force by Grade Level  
 and Race/Ethnicity  
 Northern Region

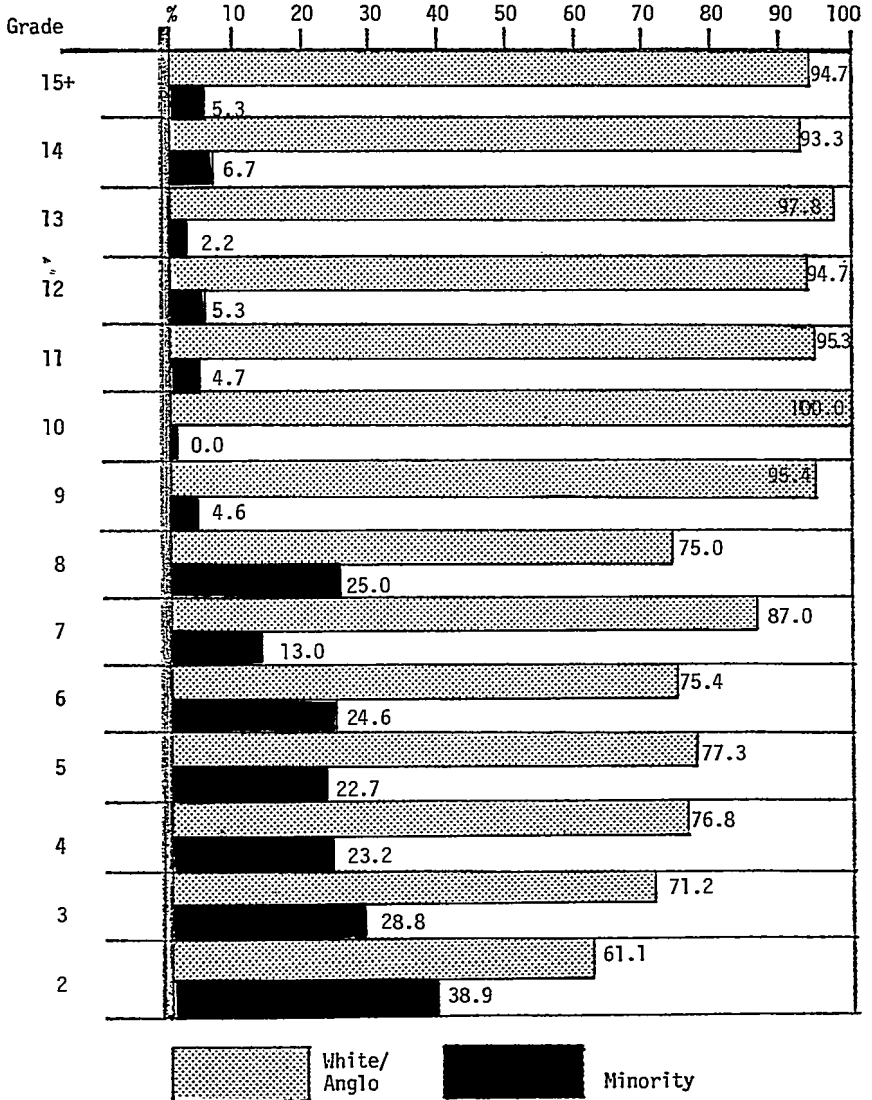


Figure 5B describes the distribution of the work force in the region by grade level and gender. As this figure shows, males dominate all of the grade levels above the GS-8 level. Female employees, on the other hand, make up about 80 percent of the work force at the lowest three grade levels.

Table 5H describes the cumulative distribution of the work force in the Northern Region. Slightly over 90 percent of the minority work force and nearly 96 percent of the female employees were employed at or below the GS-9 level. In contrast, only about 70 percent of the white employees were at or below this level.

When we compare these groups with the total work force in the region, we see that white employees hold a major portion of all the higher level positions. For example, whereas about 27 percent of the total work force was employed at or above the GS-9 level, nearly 30 percent of all white employees were at or above this grade. In contrast, only about 9 percent of the minority work force, and only 4 percent of the female work force, were at or above this grade level. (See Table 5H)

The overall median grade level for white employees in the region as of September, 1978, was 8. For minorities and women it was 4.5. For the region as a whole, the median was 6.5. The modal grade level on the other hand, was located at the GS-5 level for all groups. The average grade level was somewhat higher. For white employees, the average grade was 7.8; for minorities and women it was 5.5 and 5.1, respectively. For the region, the average grade was 7.5. (See Table 5H)

Table 5I describes the overall distribution of the region's work force by grade group. As this table shows, minorities and women comprise most of the work force at the lower grade levels with the highest concentrations occurring in the GS-5 through 8 grade range. White and male employees, on the other hand, makeup most of the work force at the higher grade levels. Their highest concentrations occur in the GS-9 through 11 grade range.

FIGURE 5B  
 Distribution of  
 Work Force by Grade Level  
 and Sex  
 Northern Region

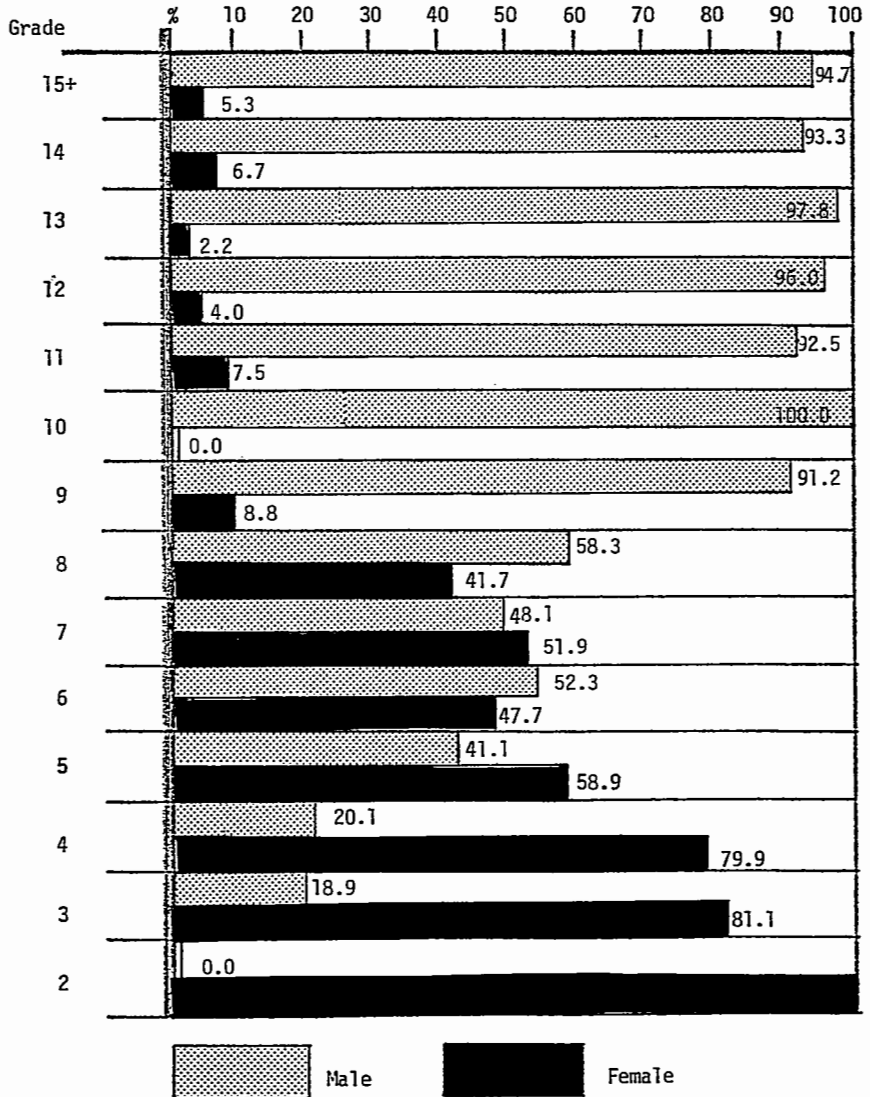


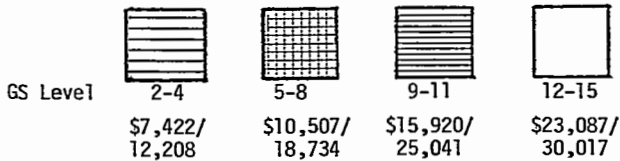
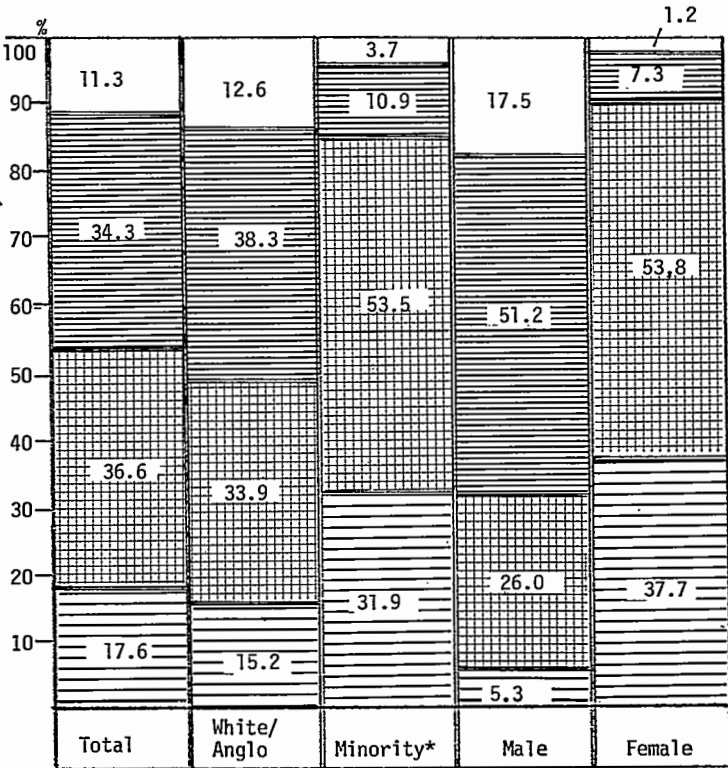
Figure 5C graphically describes the above relationship by depicting the overall proportion of white and minority employees found in each grade range. Also shown is the distribution for male and female employees. Approximately 32 percent of the minority work force and nearly 38 percent of the female work force in the Northern Region earned less than \$12,208 a year. In contrast, only about 15 percent of the white employees and about 5 percent of the male employees earned less than this salary. For the region as a whole, nearly 18 percent (17.6%) of all employees were making less than this salary. At the other end of the pay scale, about 18 percent of the male employees and approximately 13 percent of all the white employees earned more than \$23,087 a year. Only about 4 percent of the minority employees and 1 percent of all female INS employees in the region were at or above this salary level. In contrast, slightly over 11 percent of all INS employees in the Northern Region were at or above this level. (See Figure 5C)

Table 5J describes the employment in the Northern Region in selected job categories by race, ethnicity and gender. The total employment in these specific job categories comprises about 91 percent of the overall employment in the region. The four most important job categories in the region with respect to total employment are the General Clerical Series (301); Investigator Series (1811); Inspector Series (1816); and Patrol Officer (1896). Together these four job categories take in about 67 percent of the selected employment total of 1,495, and 61 percent of the total regional employment.

Within the general clerical job series minorities comprised only about 23 percent of the total work force. In the investigator, inspector and patrol officer job areas, minorities constituted less than 6 percent of the total employment in each category. As indicated previously, minorities comprise about 15 percent of the total work force in the region.

Female employees are found mainly in the clerical and interpreter job areas. Forty-percent of all the general clerical jobs and nearly 70 percent of the clerk jobs are occupied by females. All of the stenographer and secretarial positions are occupied by females and over 94 percent of all the typist jobs are held by females. However, only about 4 percent of the investigator and 16 percent of the inspector jobs in the region have female employees. In the patrol officer category, out of 112 positions, only one is held by a female.

FIGURE 5C  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 by Grade Level, Race/Ethnicity, and Sex  
 1978  
 Northern Region



\*Minority class includes Hispanics, blacks, Native Americans and Asian Americans.

6. Western Region (Tables 6A-6J and Figures 6A-6C)

Table 6A describes the composition of the INS work force in the Western Region. As of September, 1978, the total number of INS employees in the region was 2,896. Of this total, 2,740, or about 95 percent were GS employees.

Of the 2,740 GS employees in the region, 823 or about 30 percent, were classified as minorities. As of September, 1978, the minority work force in the region was 7.2 percent black, 16.3 percent Hispanic, and 6.2 percent Asian American. American Indians comprised less than 1 percent of the total INS employment in the region. (See Tables 6B and 6D)

Table 6C describes the vertical distribution of the work force in the region. Nearly 70 percent of the minority work force was located in the GS-1 through 4 grade range. In comparison, only about 44 percent of all the white employees were in this range. At the other end of the GS pay system, only about 2 percent of the minority employees were at or above the GS-12 level. In contrast, over 12 percent of all white employees were at or above this grade.

Three hundred and eighty-one minority employees, or about 46 percent of the total minority work force in the region, were employed in the GS-5 through 8 grade range. Only about 34 percent of the white work force was in this grade range. Over half (55.8%) of all white employees in the Western Region were employed at or above the GS-9 level, while only about 31 percent (30.6%) of all minority employees were at or above this level. (See Tables 6B and 6I)

The largest concentration of minority employees occurs at the GS-5 level. As of September, 1978, approximately 28 percent of all minority workers in the region were at this grade level. The next highest concentration of minority employees was at the GS-9 level. Twenty-one percent of all minorities in the region were at this level. In comparison, nearly 27 percent of all white employees were at this level. (See Table 6C)

At the higher grade levels, white employees, for the most part, dominate. For example, out of 632 employees above grade 11, 555, or approximately 88 percent were white. (See Table 6B)

FIGURE 6A  
Distribution of  
Work Force by Grade Level  
and Race/Ethnicity

Western Region

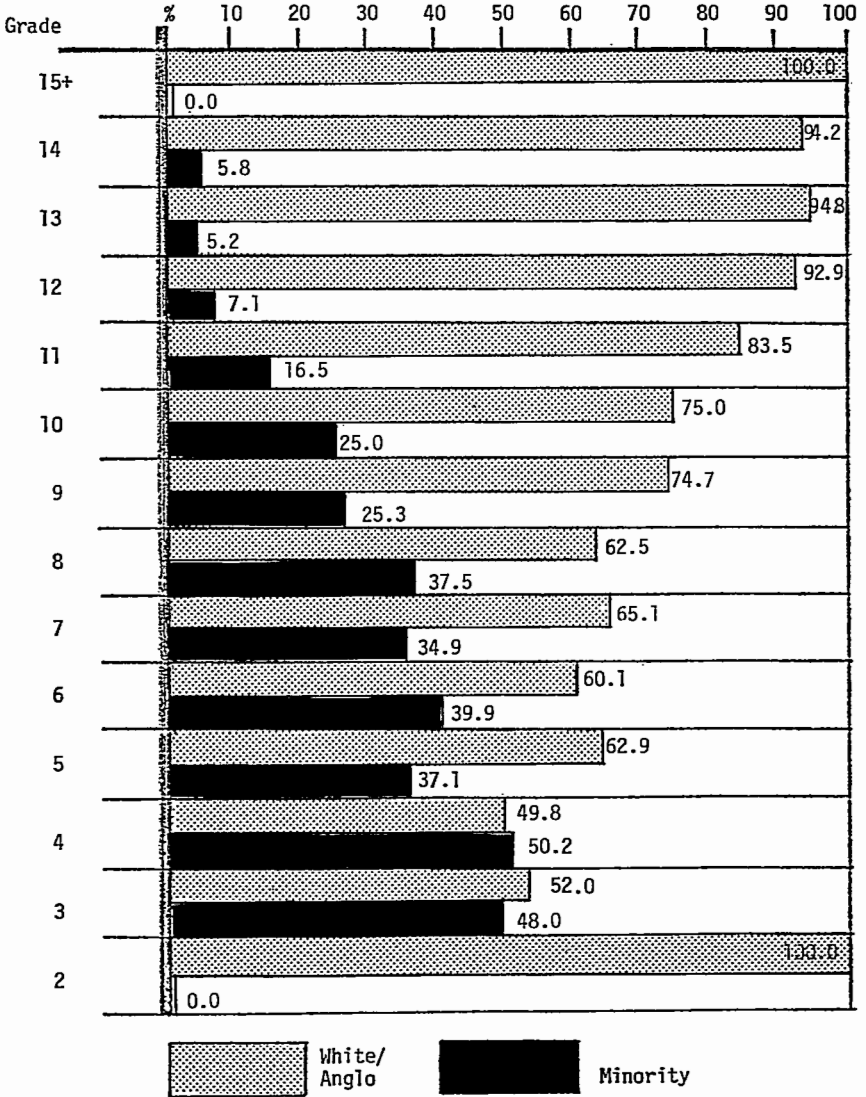


Table 6D describes the distribution of the work force within grade levels. Most of the minority employees are located at the lower grade levels. Within these levels - GS-2 through 9 - they tend to match their overall employment ratio of 30 percent. However, at the GS-4 level, they comprise over 30 percent of the work force. Above the GS-9 level, white employees generally exceed their overall ratio of 70 percent. Starting at the GS-12 level, white employees comprise over 80 percent of the total work force within grade.

Figure 6A describes the overall distribution of the regional work force by grade and by race and ethnicity. This figure definitely shows the preponderance of white employees at all grade levels.

Females constitute nearly 30 percent (29.9%) of the work force in the region. (See Table 6D) As of September, 1978, 819 women were employed by the INS in this region. Of this total, 377 were classified as minorities. About 14 percent were blacks, 20 percent were identified as Hispanics, and 11 percent were classified as Asian American. American Indian females made up less than 1 percent of the total female employment. Overall, minorities comprised 46 percent of the female employment. (See Tables 6E and 6G)

Eighty-five percent of all women employed by the INS in the Western Region were at or below the GS-8 level. Translated into numerical terms, 695 female employees out of a total of 819 were employed at or below this level. Only 11 women were at or above the GS-12 level. (See Tables 6E and 6I)

As indicated earlier, women comprise nearly 30 percent of the total work force and minority women about 46 percent of the female employment. However, slightly over 67 percent of all minority women and about 67 percent of all white women were employed at or below the GS-5 level. At the higher grade levels, however, white women tend to hold most of the jobs. For example, of the 40 positions held by women at the GS-11 grade and above, 29, or 73 percent, were occupied by white women. (See Tables 6E and 6F)

Within the grade levels, white women tend to hold most of the positions. If we were to take the overall percentage ratio of minority women to white women currently employed by the INS in the Western Region as a base line for determining the ideal mix or proportion at specific grade levels, we find that white women tend to nearly match or exceed their proportion in every grade level except at the GS-9 level. Minority women comprise nearly 65 percent of the employment in this grade. (See Table 6G)



Figure 6B describes the distribution of the work force in the region by grade level and gender. As this figure shows, males tend to dominate all of the grades above the GS-5 level. However, there is a significant number of female employees at the higher grade levels. For example, women comprise nearly 14 percent of the employees at the GS-14 level.

Table 6H describes the cumulative distribution of the total work force in the Western Region. As this table shows, slightly over 90 percent of the minority work force, and nearly 95 percent of all women employees were at or below the GS-9 level. In contrast, only about 71 percent of all the white employees in the region were at or below this level.

When we compare these groups with the total work force in the region, we see that white employees hold a substantial portion of all the higher level jobs. For example, whereas about 23 percent of the entire force was employed at or above the GS-9 level, nearly 30 percent of all white employees were at or above this grade. In contrast, only about 10 percent of the minority work force, and 5 percent of the female work force were at or above this grade level.  
(See Table 6H)

The overall median grade level for white employees in the region as of September, 1978, was 8.5. For minorities and women it was 5.0 and 4.5, respectively. For the region as a whole, the median was 7.0. The modal grade level, on the other hand, was at the GS-9 level for white employees. For minorities and women, the modal grade was 5.0. For the region it was at the 9.0 level. The average grade levels for white employees was around 8.1, for minorities and women the average was 6.4 and 5.4, respectively. The average grade for the entire region was 7.6. (See Table 6H)

FIGURE 6B  
 Distribution of  
 Work Force by Grade Level  
 and Sex  
 Western Region

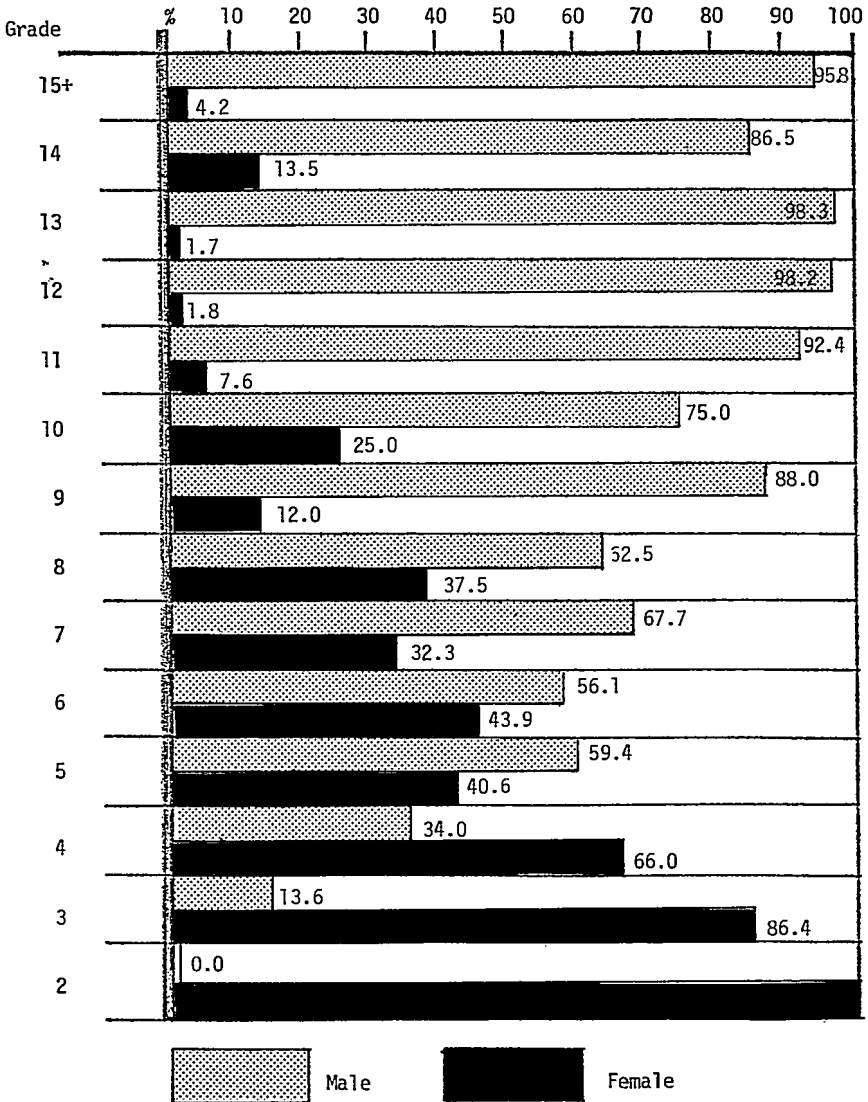


Table 6I describes the overall distribution of the region's work force by grade group. As this table shows, minorities and women comprise most of the work force at the lower grade levels with their highest concentrations occurring in the GS-5 through 8 grade spread. White and male employees, on the other hand, constitute most of the work force at the higher grade levels. In general, their highest concentrations are in the GS-9 through 11 grade range.

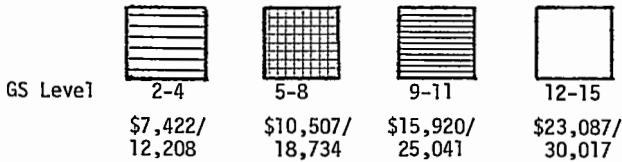
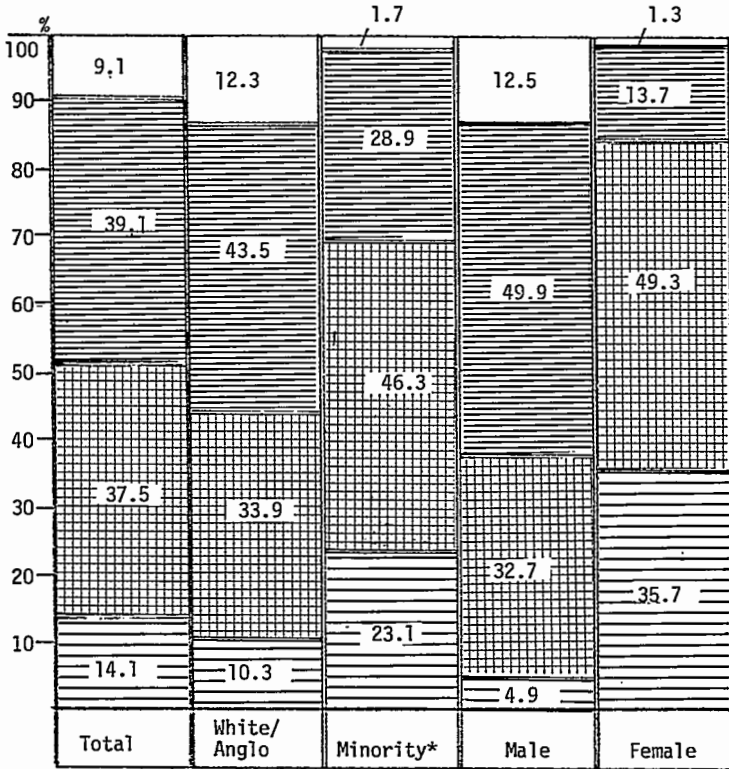
Figure 6C graphically describes the above relationship by depicting the overall proportion of white and minority employees found in each grade range. Also shown is the distribution for male and female employees. Approximately 23 percent of the minority work force and nearly 36 percent of the female work force in the Western Region earned less than \$12,208 a year. In contrast, only about 10 percent of the white employees and about 5 percent of the male employees earned less than this salary. For the region as a whole, slightly over 14 percent of all employees were making below \$12,208 a year. At the other end of the pay scale, about 13 percent of the male employees and slightly over 12 percent of all the white employees earned more than \$23,087 a year. Less than 2 percent of the minority and female employees were at or above this salary level. In contrast, 9 percent of all INS employees in the region were at or above this level. (See Figure 6C)

Table 6J describes the employment in the Western Region in selected job categories by race, ethnicity and gender. The total employment in these specific job categories comprises about 89 percent of the overall employment in the region. The four most important job categories in the region with respect to total employment are the General Clerical Series (301); Investigator Series (1811); Inspector Series (1816); and Patrol Officer Series (1896). Together these four job categories encompass nearly 77 percent of the selected employment total of 2,447, and about 69 percent of the total regional employment.

FIGURE 6C

Distribution of Work Force  
Immigration and Naturalization Service  
by Grade Level, Race/Ethnicity, and Sex  
1978

Western Region



\*Minority class includes Hispanics, blacks, Native Americans and Asian Americans.

Within the general clerical field, minorities comprised nearly half of the total work force. However, in the investigator job category, minorities made up only about 6 percent of the employment. With respect to the inspector job category, they did somewhat better taking in about 35 percent of all the jobs in that category. Minorities, however, occupied only about 16 percent of all the jobs in the patrol officer classification. As noted earlier, minorities make up about 30 percent of the total work force in the region.

Female employees are found mainly in the clerical and contact representative job areas. All of the stenographers and secretaries, as well as 90 percent of the clerk typists are women. They also hold about 84 percent of all the contact representative jobs and 47 percent of the interpreter positions. However, only 6 percent of the INS inspector jobs and less than 2 percent of all the patrol officer jobs are held by women. In the patrol officer category, out of 908 employees, only 16 were women. Women do better in the inspector category where they occupy about 29 percent of the jobs.

### Summary

After analyzing the work force composition of the INS on three major levels: agencywide, central office and regional, a number of broad generalizations with respect to its overall employment makeup can be made. It should be stressed, however, that these findings are largely descriptive and for the most part do not come to grips with the underlying disparities noted in the report. Moreover, this report deals with the employment situation within the INS at only one point in time. There was no attempt to measure how successful or unsuccessful the INS has been over the years in meeting its affirmative action and equal employment opportunity responsibilities. Finally, the analyses dealt only with the GS pay system. There are numerous pay systems within the Federal government and to deal with all of them would have made the report unmanageable. Despite these limitations, a number of basic and meaningful findings can be made and these are presented as follows:

Finding 1: As of September, 1978, the INS employed a total of 11,623 persons in all pay systems. Of this total, 11,133, or 95.7 percent were employed in the GS pay system. Slightly over 28 percent of the agency's total GS work force were members of minority groups. The agency's overall minority work force was 11.8 percent black, 13.6 percent Hispanic, 0.1 percent American Indian, and 2.5 percent Asian American.

Finding 2: Of the 11,133 GS employees in the INS, 3,956, or 35.5 percent of the total GS work force, were women. Of this number, 1,595, or 40.4 percent, were members of minority groups. The agency's female work force was 24.3 percent black, 12.3 percent Hispanic, 0.2 percent American Indian, 3.6 percent Asian American, and 59.6 percent white.

Finding 3: Although minorities constitute 28 percent of the INS work force, 74 percent were employed at or below the GS-8 level, and nearly 32 percent were at or below the GS-4 level. In contrast, only about 13 percent of all the white employees were at or below the GS-4 level and 46.4 percent were at or below the GS-8 grade level. At the other end of the GS pay system, over 15 percent of the white work force was employed at or above the GS-12 level. Only 3 percent of all minority employees were at or above this level.

Finding 4: Nearly 90 percent (88.3%) of the 3,956 women employed by the INS were at or below the GS-8 grade level. Only 89 female employees or about 2 percent of the total female work force in the INS was at or above the GS-12 grade level. In contrast, 17 percent of the total male work force in the agency was employed at or above this grade level.

Finding 5: With respect to median grade levels, minorities and women are four grade levels below the overall white median grade. For example, as of 1978, the median grade for white INS employees agency-wide was 8.5. For minorities and women it was only 4.5.

Finding 6: With regard to the overall impact of minorities and women on policy making and decision making within the agency, they appear to have little or no influence especially at the mid-management levels. For example, only 9.6 percent of the minority work force and 5.9 percent of all female employees were employed at or above the GS-9 level. In contrast, nearly 32 percent of all white employees were at or above this level.

Starting at the GS-12 level, we begin to get into the upper management and supervisory levels. However, only 1.6 percent of all minority and 1.2 percent of all female INS employees were at or above this grade level. In contrast, 9 percent of all the white employees working for the INS were at or above the GS-12 level.

Finding 7: In 1978, nearly 32 percent of the minority work force and about 40 percent of all the female employees earned less than \$12,208 a year. In contrast, only about 13 percent of the white employees, and 6 percent of all the male employees earned less than this salary. For the agency as a whole, slightly over 18 percent of all employees were making less than \$12,208 a year.

At the other end of the pay scale, over 15 percent of the white work force in the agency earned more than \$23,087 a year. In contrast, only about 3 percent of the minority work force made in excess of this salary.

With respect to gender, over 17 percent of the male work force made more than \$23,087 a year. Only 2 percent of the total female work force in the agency earned that amount.

Finding 8: The four most important occupations in the INS with respect to total numbers of employees are the General Clerical, Investigator, Inspector, and Patrol Officer job categories. Together these four job categories encompass over 60 percent of the total agency employment. Minorities comprise about 44 percent of all the general clerical jobs in the agency. However, they comprise only about 12 percent of the work force employed as investigators, 19 percent of the inspector jobs, and 19 percent of the patrol officer jobs. As indicated previously, minorities constitute about 28 percent of the agency's work force.

Finding 9: Female employees are concentrated mainly in the clerical job field. Over 90 percent of all the stenographers, secretaries, and clerk-typists are females. In the four major job categories, female employees make up about 42 percent of the general clerical personnel but only about 4 percent of all the investigator jobs, 23 percent of the inspector jobs, and less than 1 percent of all the patrol officer positions. Of the 2,151 border patrolmen in the agency, only 21 were female.

In conclusion, although minorities comprise a significant portion of the total INS work force, they tend to be concentrated in the lower grade and salary levels. With respect to female employment, the same condition holds. Although females constitute about 36 percent of the total INS work force, 88 percent are employed at or below the GS-8 level and nearly 40 percent earn less than \$12,000 a year. These statistics seem to indicate that severe disparities exist within the INS with respect to affirmative action and equal employment opportunity.



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SOURCE: U.S. Department of Justice, Immigration and Naturalization Service, INS Minorities by Minority Group Designator Within Series, Computer Printout, Personnel Systems, Washington, D.C., September, 1978.

IMMIGRATION AND NATURALIZATION SERVICE  
AGENCY-WIDE ANALYSES

Table 1A  
 INS WORK FORCE BY PAY  
 SYSTEM, RACE, ETHNICITY  
 AND GENDER  
 TOTAL - ALL PAY SYSTEMS

GRADE SYSTEM	BLACK	HISPANIC	NATIVE AMERICAN	ASIAN AMERICAN	TOTAL MINORITY	WHITE	TOTAL	MALE	FEMALE
GS	1,317	1,510	13	283	3,123	8,010	11,133	7,177	3,956
GW	77	20	0	5	102	38	140	16	124
OE	0	0	0	11	11	22	33	8	25
SR	1	0	0	0	1	3	4	4	0
WG	14	45	0	5	64	75	139	137	2
WL	2	2	0	0	4	3	7	7	0
WS	1	3	0	0	4	5	9	9	0
WW	0	1	0	1	2	1	3	3	0
Yv-Yw	32	79	0	3	114	41	155	37	118
Total	1,444	1,660	13	308	3,425	8,198	11,623	7,398	4,225

Table 1B  
Immigration and Naturalization Service  
Work Force by Grade Level, Race, Ethnicity and Sex

Total GS Work Force

Grade	Salary Range	Black	Hispanic	Native* American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	53	8	--	--	61	71	132	27	105
3	8,356 - 10,877	332	133	--	9	474	435	909	186	723
4	9,391 - 12,208	265	170	2	22	459	532	991	241	750
5	10,507 - 13,657	274	358	2	132	766	1,701	2,467	1,258	1,209
6	11,712 - 15,222	104	126	--	40	270	375	645	324	321
7	13,014 - 16,920	103	111	2	27	243	536	779	441	338
8	14,414 - 18,734	13	17	--	4	34	65	99	56	43
9	15,920 - 20,699	65	411	4	35	515	1,770	2,285	2,050	235
10	17,532 - 22,788	1	2	--	2	5	24	29	27	2
11	19,263 - 25,041	73	120	1	7	201	1,281	1,482	1,341	141
12	23,087 - 30,017	16	25	1	2	44	497	541	504	67
13	27,453 - 35,688	9	11	1	1	22	295	317	294	23
14	32,442 - 42,171	6	9	--	1	16	280	296	273	23
15	38,160 - 49,608	3	9	--	1	13	127	140	134	6
16	44,756 - 56,692	--	--	--	--	0	11	11	11	0
17	52,429 - 59,421	--	--	--	--	0	9	9	9	0
18	61,449 -	--	--	--	--	0	1	1	1	0
TOTALS		1,317	1,510	13	283	3,123	8,010	11,133*	7,177	3,956

\*includes Aleuts and Eskimoes

Table 1C  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native* American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	4.0%	0.5%	0.0%	0.0%	2.0%	0.9%	1.2%	0.4%	2.7%
3	8,356 - 10,877	25.2	8.8	0.0	3.2	15.2	5.4	8.2	2.6	18.2
4	9,391 - 12,208	20.2	11.3	15.4	7.8	14.7	6.6	8.8	3.4	19.0
5	10,507 - 13,657	20.8	23.7	15.4	46.5	24.4	21.2	22.2	17.5	30.5
6	11,712 - 15,222	7.9	8.3	0.0	14.1	8.6	4.7	5.8	4.5	8.1
7	13,014 - 16,920	7.8	7.4	15.4	9.5	7.9	6.7	7.0	6.1	8.5
8	14,414 - 18,734	1.0	1.1	0.0	1.4	1.1	0.8	0.8	0.8	1.1
9	15,920 - 20,699	4.9	27.3	30.8	12.4	16.5	22.1	20.5	28.5	5.9
10	17,532 - 22,788	0.1	0.1	0.0	0.7	0.2	0.3	0.3	0.4	0.1
11	19,263 - 25,041	5.5	7.9	7.7	2.5	6.4	16.0	13.2	18.6	3.6
12	23,087 - 30,017	1.2	1.7	7.7	0.7	1.4	6.2	4.9	7.0	0.9
13	27,453 - 35,688	0.7	0.7	7.7	0.4	0.7	3.7	2.8	4.1	0.6
14	32,442 - 42,171	0.5	0.6	--	0.4	0.5	3.5	2.7	3.8	0.6
15	38,160 - 49,608	0.2	0.6	--	0.4	0.4	1.6	1.3	1.9	0.2
16	44,756 - 56,692	--	--	--	--	--	0.1	0.1	0.2	--
17	52,429 - 59,421	--	--	--	--	--	0.1	0.1	0.1	--
18	61,449 -	--	--	--	--	--	0.1	0.1	0.1	--
TOTAL		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

\*Includes Aleuts and Eskimoes

Table 1D  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native* American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	40.1%	6.1%	0.0%	0.0%	46.2%	53.8%	100.0%	20.5%	79.5%
3	8,356 - 10,877	36.5	14.6	0.0	1.0	52.1	47.9	100.0	20.5	79.5
4	9,391 - 12,208	26.7	17.2	0.2	2.2	46.3	53.7	100.0	24.3	75.7
5	10,507 - 13,657	11.1	14.5	0.1	5.4	31.0	69.0	100.0	51.0	49.0
6	11,712 - 15,222	16.1	19.5	0.0	6.2	41.9	58.1	100.0	50.2	49.8
7	13,014 - 16,920	13.2	14.2	0.3	3.5	31.2	68.8	100.0	56.6	43.4
8	14,414 - 18,734	13.1	17.2	0.0	4.0	34.3	65.7	100.0	56.6	43.4
9	15,920 - 20,699	2.8	18.0	0.2	1.5	22.5	77.5	100.0	89.7	10.3
10	17,532 - 22,788	3.4	6.9	0.0	6.9	17.2	82.8	100.0	93.1	6.9
11	19,263 - 25,041	4.9	8.1	0.1	0.5	13.6	86.4	100.0	90.5	9.5
12	23,087 - 30,017	3.0	4.6	0.2	0.4	8.1	91.9	100.0	93.2	6.8
13	27,453 - 35,688	2.8	3.5	0.3	0.3	6.9	93.1	100.0	92.7	7.3
14	32,442 - 42,171	2.0	3.1	0.0	0.3	5.4	94.6	100.0	92.2	7.8
15	38,160 - 49,608	2.1	6.4	0.0	0.7	9.3	90.7	100.0	95.7	4.3
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
17	52,429 - 59,421	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
18	61,449 -	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
		11.8%	13.6%	0.1%	2.5%	28.1%	71.9%	100.0%	64.5%	35.5%

\*Includes Aleuts and Eskimoes

Table 1E  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Female

Grade	Salary Range	Black	Hispanic	Native* American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	46	6	--	--	52	53	105
3	8,356 - 10,877	266	98	--	7	371	352	723
4	9,391 - 12,208	213	105	1	16	335	415	750
5	10,507 - 13,657	205	154	2	59	420	789	1,209
6	11,712 - 15,222	63	28	--	17	108	213	321
7	13,014 - 16,920	76	43	1	13	133	205	338
8	14,414 - 18,734	8	--	--	3	11	32	43
9	15,920 - 20,699	33	35	1	22	91	144	235
10	17,532 - 22,788	--	--	--	1	1	1	2
11	19,263 - 25,041	41	9	1	2	53	88	141
12	23,087 - 30,017	5	3	--	1	9	28	37
13	27,453 - 35,688	2	2	--	--	4	19	23
14	32,442 - 42,171	2	2	--	--	4	19	23
15	38,160 - 49,608	1	2	--	--	3	3	6
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449							
TOTAL		961	487	6	141	1,595	2,361	3,956

\*Includes Aleuts and Eskimoes

Table 1F  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native* American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	4.8%	1.2%	0.0%	0.0%	3.3%	2.2%	2.7%
3	8,356 - 10,877	27.7	20.1	0.0	5.0	23.2	15.0	18.2
4	9,391 - 12,208	22.2	21.6	16.7	11.3	21.0	17.6	19.0
5	10,507 - 13,657	21.3	31.6	33.3	41.8	26.2	33.4	30.5
6	11,712 - 15,222	6.6	5.7	0.0	12.1	6.8	9.0	8.1
7	13,014 - 16,920	7.9	8.8	16.7	9.2	8.3	8.7	8.5
8	14,414 - 18,734	0.8	0.0	0.0	2.1	0.7	1.4	1.1
9	15,920 - 20,699	3.4	7.2	16.7	15.6	5.7	6.1	5.9
10	17,532 - 22,788	0.0	0.0	0.0	0.7	0.1	0.0	0.1
11	19,263 - 25,041	4.3	1.8	16.7	1.4	3.3	3.7	3.6
12	23,087 - 30,017	0.5	0.6	0.0	0.7	0.6	1.2	0.9
13	27,453 - 35,688	0.2	0.4	0.0	0.0	0.3	0.8	0.6
14	32,442 - 42,171	0.2	0.4	0.0	0.0	0.3	0.8	0.6
15	38,160 - 49,608	0.1	0.4	0.0	0.0	0.2	0.1	0.2
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 -							
TOTAL		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

\*Includes Aleuts and Eskimoes



Table 1G  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native * American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	43.8%	5.7%	0.0%	0.0%	49.5%	50.6%	100.0%
3	8,356 - 10,877	36.8	13.6	0.0	1.0	51.3	48.7	100.0
4	9,391 - 12,208	28.4	14.0	0.1	2.1	44.7	55.3	100.0
5	10,507 - 13,657	17.0	12.7	0.2	4.9	34.7	65.3	100.0
6	11,712 - 15,222	19.6	8.7	0.0	5.3	33.6	65.4	100.0
7	13,014 - 16,920	22.5	12.7	0.3	3.8	39.3	60.7	100.0
8	14,414 - 18,734	18.6	0.0	0.0	7.0	25.6	74.4	100.0
9	15,920 - 20,699	14.0	14.9	0.4	9.4	38.7	61.3	100.0
10	17,532 - 22,788	0.0	0.0	0.0	50.0	50.0	50.0	100.0
11	19,263 - 25,041	29.1	6.4	0.7	1.4	37.6	62.4	100.0
12	23,087 - 30,017	13.5	8.8	0.0	2.7	24.3	75.7	100.0
13	27,453 - 35,688	8.7	8.7	0.0	0.0	17.4	82.6	100.0
14	32,442 - 42,171	8.7	8.7	0.0	0.0	17.4	82.6	100.0
15	38,160 - 49,608	16.7	33.3	0.0	0.0	50.0	50.0	100.0
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 -							
TOTAL		24.3%	12.3%	0.2%	3.6%	40.3%	59.7%	100.0%

\*Includes Aleuts and Eskimoes

Table 1H  
 Cumulative Distribution  
 Immigration and Naturalization Service  
 Total GS Work Force

Grade	Salary Range	White/Anglo			Minority*			Women			Total		
		f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %
15+	\$38,160 - 49,608	148	8,010	100.0	13	3,123	100.0	6	3,956	100.0	161	11,133	100.0
14	32,442 - 42,171	280	7,862	98.2	16	3,110	99.6	23	3,950	99.8	296	10,972	98.6
13	27,453 - 35,688	295	7,582	94.7	22	3,094	99.1	23	3,927	99.3	317	10,676	95.9
12	23,087 - 30,017	497	7,287	91.0	44	3,072	98.4	37	3,904	98.8	541	10,359	93.0
11	19,263 - 25,041	1,281	6,790	84.8	201	3,028	97.0	141	3,867	97.8	1,482	9,818	88.2
10	17,532 - 22,788	24	5,509	68.8	5	2,827	90.5	2	3,726	94.2	29	8,336	74.9
9	15,920 - 20,699	1,770	5,485	68.5	515	2,822	90.4	235	3,724	94.1	2,285	8,307	74.6
8	14,414 - 18,734	65	3,715	46.4	34	2,370	75.9	43	3,489	88.2	99	6,022	54.1
7	13,014 - 16,920	536	3,650	45.6	243	2,273	72.8	338	3,446	87.1	779	5,923	53.2
6	11,712 - 15,222	375	3,114	38.9	270	2,030	65.0	321	3,108	78.6	645	5,144	46.2
5	10,507 - 13,657	1,701	2,739	34.2	766	1,760	56.4	1,209	2,787	70.4	2,467	4,499	40.4
4	9,391 - 12,208	532	1,038	13.0	459	994	31.8	750	1,578	39.9	991	2,032	18.3
3	8,356 - 10,877	435	506	6.3	474	535	17.1	723	828	20.9	909	1,041	9.4
2	7,422 - 9,645	71	71	0.9	61	61	2.0	105	105	2.7	132	132	6.2
Median		8.5			4.5			4.5			6.5		
Mode		9.0			5.0			5.0			5.0		
Mean		7.8			6.0			5.2			7.4		

\*Includes blacks, Hispanics, Asian Americans and American Indians.

Table 11  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 By Grade Level Group, Race, Ethnicity and Sex  
 Total GS Work Force

Grade Group	Black		Hispanics		Native American		Asian American		Total Minority		White/Anglo		Male		Female	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
GS 01-04	650	49.4	311	20.6	2	15.4	31	10.9	994	31.9	1,038	12.9	454	6.4	1,578	39.9
05-08	494	37.6	612	40.7	4	30.8	203	71.9	1,313	42.1	2,677	33.5	2,079	28.9	1,911	48.4
09-11	139	10.5	533	35.2	5	38.5	44	15.5	721	23.0	3,075	38.4	3,418	47.7	378	9.5
12-15+	34	2.5	54	3.5	2	15.3	5	1.7	95	3.0	1,220	15.2	1,226	17.0	89	2.2
Total	1,317	100.0%	1,510	100.0%	13	100.0%	283	100.0%	3,123	100.0%	8,010	100.0%	7,177	100.0%	3,956	100.0%

TABLE 1J  
 EMPLOYMENT IN SELECTED OCCUPATIONS  
 BY SERIES, RACE, ETHNICITY, AND GENDER  
 IMMIGRATION AND NATURALIZATION SERVICE  
 SEPTEMBER 1978

TOTAL AGENCY

OCCUPATION/SERIES	TOTAL	BLACK		HISPANIC		NATIVE AMERICAN		ASIAN AMERICAN		WHITE		TOTAL		% Minority		
		M	F	M	F	M	F	M	F	M	F	Min.	Fem.		Female	
Personnel MGT SP	201	25	0	1	1	0	0	0	0	18	5	2	6	8.0%	24.0%	
Personnel SPEC.	212	32	1	4	0	0	0	0	0	4	23	5	27	15.6	84.3	
General Clerical	301	1589	103	254	235	69	1	0	11	23	569	324	696	670	43.8	42.1
Clerk	305	536	82	162	33	10	0	1	5	8	100	135	301	316	56.1	58.9
Stenographer	312	320	1	47	0	45	0	0	0	2	2	223	95	317	29.6	99.0
Secretary	318	250	1	34	0	23	0	1	0	4	0	187	63	249	25.2	99.6
Clerk Typist	322	624	16	201	8	71	0	0	0	6	27	295	302	573	48.3	91.8
Admin. Officer	341	15	1	0	1	2	0	0	1	0	6	4	4	6	26.6	40.0
Program Analyst	345	32	0	1	1	0	0	0	0	0	26	4	2	5	6.2	15.6
Accountant	525	35	0	3	0	1	0	0	0	2	7	22	6	28	17.1	80.0
Voucher Exam.	540	20	0	0	0	1	0	0	0	0	4	15	1	16	5.0	80.0
Attorney	905	251	4	3	6	4	0	0	3	0	211	20	20	27	7.9	10.7
Contact Rep.	962	267	7	74	11	48	0	1	3	7	20	96	151	226	56.5	84.6
Interpreter	1047	605	3	8	20	51	0	0	82	53	160	228	217	340	35.8	56.1
Investigator	1811	1083	38	5	79	1	1	0	3	1	917	38	128	45	11.8	4.1
Inspector	1816	2259	48	73	207	58	3	1	21	29	1464	355	440	516	19.4	22.8
Patrol Officer	1896	2151	16	1	390	7	2	0	5	0	1717	13	421	21	19.5	0.9
Subtotals	10,094	321	871	992	391	7	4	134	135	5252	1987	2854	3388	28.2%	33.5%	
Totals			1192	1383		11		269		7239						
Percent of Total			11.8%	13.7%		0.1%		2.6%		71.7%						

SOURCE: U.S. Department of Justice, Immigration and Naturalization Service, INS Minorities by Minority Group Designator Within Series, Computer Printout, Personnel Systems, Washington, D.C., September, 1978

IMMIGRATION AND NATURALIZATION SERVICE  
CENTRAL OFFICE ANALYSES

Table 2A  
 INS - WORK FORCE BY GRADE  
 LEVEL, RACE, ETHNICITY AND  
 GENDER  
 TOTAL - ALL PAY SYSTEMS  
 CENTRAL OFFICE

GRADE SYSTEM	BLACK	HISPANIC	NATIVE AMERICAN	ASIAN AMERICAN	TOTAL MINORITY	WHITE	TOTAL	MALE	FEMALE
GS	422	23	0	3	448	460	906	357	551
OE	0	0	0	11	11	22	33	8	25
WG	3	0	0	0	3	3	6	6	0
SR	1	0	0	0	1	3	4	4	0
YV	12	0	0	0	12	0	12	5	7
YW	0	3	0	0	3	4	7	0	7
EC	1	1	0	0	2	4	6	3	3
EX	0	1	0	0	1	0	1	1	0
Total	439	28	0	14	481	496	977	384	593

Table 2B  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total - GS/Work Force  
 Central Office

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	25	--	--	--	25	7	32	9	23
3	8,356 - 10,877	155	--	--	--	155	18	173	16	157
4	9,391 - 12,208	99	2	--	--	101	27	128	14	114
5	10,507 - 13,657	50	2	--	--	52	33	85	15	70
6	11,712 - 15,222	37	1	--	--	38	22	60	6	54
7	13,014 - 16,920	23	1	--	--	24	33	57	10	47
8	14,414 - 18,734	3	--	--	--	3	11	14	1	13
9	15,920 - 20,699	10	2	--	--	12	16	28	11	17
10	17,532 - 22,788	1	--	--	--	1	0	1	1	0
11	19,263 - 25,041	6	3	--	1	10	29	39	25	14
12	23,087 - 30,017	6	3	--	1	10	54	64	49	15
13	27,453 - 35,688	4	3	--	1	8	74	82	65	17
14	32,442 - 42,171	2	1	--	--	3	85	88	81	7
15	38,160 - 49,608	1	5	--	--	6	39	45	42	3
16	44,756 - 56,692	--	--	--	--	0	5	5	5	0
17	52,429 - 59,421	--	--	--	--	0	6	6	6	0
18	61,449 -	--	--	--	--	0	1	1	1	0
TOTAL		422	23	0	3	448	460	908	357	551

Table 2C  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Central Office - Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	5.9%	0.0%	--	--	5.9%	1.5%	3.5%	2.5%	4.2%
3	8,356 - 10,877	36.8	0.0	--	--	34.5	3.9	19.0	4.5	28.5
4	9,391 - 12,208	23.6	8.7	--	--	22.4	5.8	14.1	3.9	20.7
5	10,507 - 13,657	11.9	8.7	--	--	11.5	7.2	9.4	4.2	12.7
6	11,712 - 15,222	8.8	4.3	--	--	8.5	4.8	6.6	1.7	9.8
7	13,014 - 16,920	5.6	4.3	--	--	5.4	7.2	6.3	2.8	8.5
8	14,414 - 18,734	0.7	0.0	--	--	0.7	2.4	1.5	0.3	2.4
9	15,920 - 20,699	2.1	8.7	--	--	2.7	3.5	3.1	3.1	3.1
10	17,532 - 22,788	0.2	0.0	--	--	0.2	0.0	0.1	0.3	0.0
11	19,263 - 25,041	1.4	13.1	--	33.3	2.2	6.3	4.3	7.0	2.5
12	23,087 - 30,017	1.4	13.1	--	33.3	2.2	11.7	7.0	13.7	2.7
13	27,453 - 35,688	9.0	13.1	--	33.3	1.8	16.1	9.0	18.2	3.1
14	32,442 - 42,171	0.5	4.3	--	--	0.7	18.5	9.7	22.6	1.3
15	38,160 - 49,608	0.2	21.7	--	--	1.3	8.5	5.0	11.8	0.5
16	44,756 - 56,692	--	--	--	--	--	1.1	0.6	1.4	0.0
17	52,429 - 59,421	--	--	--	--	--	1.3	0.7	1.7	0.0
18	61,449 -	--	--	--	--	--	0.2	0.1	0.3	0.0
Total		100.0%	100.0%	0.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%



Table 2D  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Central Office - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	78.1%	0.0%	0.0%	0.0%	78.1%	21.9%	100.0%	28.1%	71.9%
3	8,356 - 10,877	89.6	0.0	0.0	0.0	89.6	10.4	100.0	9.2	90.8
4	9,391 - 12,208	77.3	1.6	0.0	0.0	78.9	21.1	100.0	10.9	89.1
5	10,507 - 13,657	58.8	2.4	0.0	0.0	61.2	38.8	100.0	17.6	82.4
6	11,712 - 15,222	61.7	1.7	0.0	0.0	63.4	36.6	100.0	10.0	90.0
7	13,014 - 16,920	40.1	1.8	0.0	0.0	42.1	57.9	100.0	17.5	82.5
8	14,414 - 18,734	21.4	0.0	0.0	0.0	21.4	78.6	100.0	7.1	92.9
9	15,920 - 20,699	35.7	7.1	0.0	0.0	42.9	57.1	100.0	39.3	60.7
10	17,532 - 22,788	100.0	0.0	0.0	0.0	100.0	0.0	100.0	100.0	0.0
11	19,263 - 25,041	15.4	7.7	0.0	2.6	25.6	74.4	100.0	64.1	35.9
12	23,087 - 30,017	9.4	4.7	0.0	1.6	15.6	84.4	100.0	76.6	23.4
13	27,453 - 35,688	4.9	3.7	0.0	1.2	9.8	90.2	100.0	79.3	20.7
14	32,442 - 42,171	2.3	1.1	0.0	0.0	3.4	96.6	100.0	92.0	8.0
15	38,160 - 49,608	2.2	11.1	0.0	0.0	13.3	86.7	100.0	93.3	6.7
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
17	52,429 - 59,421	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
18	61,449 -	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
Total		46.5%	2.5%	0.0%	0.3%	49.3%	50.7%	100.0%	39.3%	60.7%

Table 2E  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex

Total - GS/Work Force  
 Female - Central Office

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	18	--	--	--	18	5	23
3	8,356 - 10,877	143	--	--	--	143	14	157
4	9,391 - 12,208	90	2	--	--	92	22	114
5	10,507 - 13,657	44	2	--	--	46	24	70
6	11,712 - 15,222	32	1	--	--	33	21	54
7	13,014 - 16,920	18	1	--	--	19	28	47
8	14,414 - 18,734	3	--	--	--	3	10	13
9	15,920 - 20,699	5	--	--	--	5	12	17
10	17,532 - 22,788	--	--	--	--	0	0	0
11	19,263 - 25,041	4	2	--	1	7	7	14
12	23,087 - 30,017	3	--	--	1	4	11	15
13	27,453 - 35,688	2	2	--	--	4	13	17
14	32,442 - 42,171	--	--	--	--	0	7	7
15	38,160 - 49,608	--	2	--	--	2	1	3
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 -							
TOTAL		362	12	0	2	376	175	551

Table 2F  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	5.0%	0.0%	--	--	4.8%	2.9%	4.2%
3	8,356 - 10,877	39.5	0.0	--	--	38.0	8.0	28.5
4	9,391 - 12,208	24.8	16.7	--	--	24.4	12.5	20.7
5	10,507 - 13,657	12.2	16.7	--	--	12.2	13.7	12.7
6	11,712 - 15,222	8.8	8.3	--	--	8.8	12.0	9.8
7	13,014 - 16,920	5.0	8.3	--	--	5.1	16.0	8.5
8	14,414 - 18,734	0.8	0.0	--	--	0.8	5.7	2.4
9	15,920 - 20,699	1.4	0.0	--	--	1.3	6.9	3.1
10	17,532 - 22,788	0.0	0.0	--	--	0.0	0.0	0.0
11	19,263 - 25,041	1.1	16.7	--	50.0	1.9	4.0	2.5
12	23,087 - 30,017	0.8	0.0	--	50.0	1.1	6.3	2.7
13	27,453 - 35,688	0.6	16.7	--	--	1.1	7.4	3.1
14	32,442 - 42,171	--	0.0	--	--	0.0	4.0	1.3
15	38,160 - 49,608	--	16.7	--	--	0.5	0.6	0.5
16	44,756 - 56,692	--	--	--	--	--	--	0.0
17	52,429 - 59,421	--						0.0
18	61,449 - "	--						0.0
Total		100.0%	100.0%	0.0%	100.0%	100.0%	100.0%	100.0%

Table 2G

Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	78.3%	0.0%	0.0%	0.0%	78.3%	21.7%	100.0%
3	8,356 - 10,877	91.1	0.0	0.0	0.0	91.1	8.9	100.0
4	9,391 - 12,208	78.9	1.8	0.0	0.0	80.7	19.3	100.0
5	10,507 - 13,657	62.9	2.9	0.0	0.0	65.7	34.3	100.0
6	11,712 - 15,222	59.3	1.9	0.0	0.0	61.1	38.9	100.0
7	13,014 - 16,920	38.3	2.1	0.0	0.0	40.4	59.6	100.0
8	14,414 - 18,734	23.1	0.0	0.0	0.0	23.1	76.9	100.0
9	15,920 - 20,699	29.4	0.0	0.0	0.0	29.4	70.6	100.0
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.0	100.0
11	19,263 - 25,041	28.6	14.3	0.0	7.1	50.0	50.0	100.0
12	23,087 - 30,017	20.0	0.0	0.0	6.7	26.7	73.3	100.0
13	27,453 - 35,688	11.8	11.8	0.0	0.0	23.5	76.5	100.0
14	32,442 - 42,171	0.0	0.0	0.0	0.0	0.0	100.0	100.0
15	38,160 - 49,608	0.0	66.7	0.0	0.0	66.7	33.3	100.0
16	44,756 - 56,692							--
17	52,429 - 59,421							--
18	61,449 - "							--
Total		65.7%	2.2%	0.0%	0.4%	68.2%	31.8%	100.0%

Table 2H  
 Cumulative Distribution  
 Immigration and Naturalization Service  
 Total GS Work Force  
 Central Office

Grade	Salary Range	White/Anglo			Minority *			Women			Total		
		f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %
15+	\$38,160 - 49,608	51	460	100.0	6	448	100.0	3	551	100.0	57	908	100.0
14	32,442 - 42,171	85	409	88.9	3	442	98.7	7	548	99.5	88	851	93.7
13	27,453 - 35,688	74	324	70.4	8	439	98.0	17	541	98.2	82	763	84.0
12	23,087 - 30,017	54	250	54.3	10	431	96.2	15	524	95.1	64	681	75.0
11	19,263 - 25,041	29	196	42.6	10	421	94.0	14	509	92.4	39	617	68.0
10	17,532 - 22,788	0	167	36.3	1	411	91.7	0	495	89.8	1	578	63.7
9	15,920 - 20,699	16	167	36.3	12	410	91.5	17	495	89.8	28	577	63.5
8	14,414 - 18,734	11	151	32.8	3	398	88.9	13	478	86.8	14	549	60.5
7	13,014 - 16,920	33	140	30.4	24	395	88.2	47	465	84.4	57	535	58.9
6	11,712 - 15,222	22	107	23.3	38	371	82.8	54	418	75.9	60	478	52.6
5	10,507 - 13,657	33	85	18.5	52	333	74.3	70	364	66.1	85	418	46.0
4	9,391 - 12,208	27	52	11.3	101	281	62.7	114	294	53.4	128	333	36.7
3	8,356 - 10,877	18	25	5.4	155	180	40.2	157	180	32.7	173	205	22.6
2	7,422 - 9,645	7	7	1.5	25	25	5.6	23	23	4.2	32	32	3.5
Median			11.5			3.5			3.5			6.0	
Mode			14.0			3.0			3.0			3.0	
Mean			10.4			4.7			5.3			7.7	

\*Includes blacks, Hispanics, Asian Americans and American Indians.

Table 2I  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 By Grade Level Group, Race, Ethnicity and Sex  
 Total GS Work Force  
 Central Office

Grade Group	Black		Hispanics		Native American		Asian American		Total Minority		White/Anglo		Male		Female	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
GS 01-04	279	66.2	2	8.7	0		0		281	62.7	52	11.4	39	10.9	294	53.4
05-08	113	26.8	4	17.4	0		0		117	26.2	99	21.6	32	8.9	184	33.4
09-11	17	4.0	5	21.8	0		1	33.3	23	5.1	45	9.7	37	10.4	31	5.6
12-15+	13	3.0	12	52.1	0		2	66.7	27	6.0	264	57.3	249	69.8	42	7.6
Total	422	100.0	23	100.0	0		3	100.0	448	100.0	460	100.0	357	100.0	551	100.0

TABLE 2J  
 EMPLOYMENT IN SELECTED OCCUPATIONS  
 BY SERIES, RACE, ETHNICITY, AND GENDER  
 IMMIGRATION AND NATURALIZATION SERVICE  
 SEPTEMBER 1978  
 CENTRAL OFFICE

OCCUPATION/SERIES	TOTAL	BLACK		HISPANIC		NATIVE AMERICAN		ASIAN AMERICAN		WHITE		TOTAL		% Minority	% Female
		M	F	M	F	M	F	M	F	M	F	Min.	Fem.		
Personnel MGT SP. 201	10	0	1	0	0	0	0	0	0	7	2	1	3	10.0	30.0%
Personnel SPEC. 212	13	1	3	0	0	0	0	0	1	2	6	5	10	38.4	76.9
General Clerical 301	248	7	102	5	3	0	0	3	9	69	50	129	164	52.0	66.1
Clerk 305	117	19	89	0	0	0	0	0	0	3	6	108	95	92.3	81.1
Stenographer 312	50	1	28	0	1	0	0	0	0	0	20	30	49	60.0	98.0
Secretary 318	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	0.0
Clerk Typist 322	95	6	67	0	1	0	0	0	0	3	18	74	86	77.8	90.5
Admin. Officer 341	2	1	0	0	1	0	0	0	0	0	0	2	1	100.0	50.0
Program Analyst 345	23	0	1	1	0	0	0	0	0	17	4	2	5	8.6	21.7
Accountant 525	5	0	2	0	0	0	0	0	0	2	1	2	3	40.0	60.0
Voucher Exam. 540	1	0	0	0	0	0	0	0	0	1	0	0	0	0.0	0.0
Attorney 905	23	0	0	0	0	0	0	0	0	4	19	0	19	0.0	82.6
Contact Rep. 962	7	0	4	0	0	0	0	0	0	1	2	4	6	57.1	85.7
Interpreter 1047	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	0.0
Investigator 1811	22	1	0	1	0	0	0	0	0	19	1	2	1	9.0	4.5
Inspector 1816	28	0	1	1	0	0	0	0	0	22	4	2	5	7.1	17.8
Patrol Officer 1896	28	0	0	1	0	0	0	0	0	27	0	1	0	3.5	0.0
Subtotals	672	36	298	9	6	0	0	3	10	177	133	362	447	53.8%	66.5%
Totals			334		15		0		13		310				
Percent of Total			49.7%		2.2%		0.0%		1.9%		46.1%				

SOURCE: U.S. Department of Justice, Immigration and Naturalization Service, INS Minorities by Minority Group Designator Within Series, Computer Printout, Personnel Systems, Washington, D.C., September, 1978

IMMIGRATION AND NATURALIZATION SERVICE  
EASTERN REGION ANALYSES



Tabel 3A  
 INS - WORK FORCE BY GRADE  
 LEVEL, RACE, ETHNICITY AND  
 GENDER  
 TOTAL - ALL PAY SYSTEMS  
 EASTERN REGION

GRADE SYSTEM	BLACK	HISPANIC	NATIVE AMERICAN	ASIAN AMERICAN	TOTAL MINORITY	WHITE	TOTAL	MALE	FEMALE
GS	488	198	1	56	743	2,353	3,096	1,843	1,253
GW	62	3	0	1	66	31	97	13	84
WG	1	0	0	0	1	7	8	8	0
YV	2	0	0	0	2	7	9	2	7
TOTAL	553	201	1	57	812	2,398	3,210	1,866	1,344

Table 3B  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex

GS/Work Force  
 Eastern Region

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	20	4	--	--	24	39	63	16	47
3	8,356 - 10,877	97	43	--	1	141	129	270	90	180
4	9,391 - 12,208	85	31	--	--	116	165	281	67	214
5	10,507 - 13,657	116	37	--	18	171	544	715	310	405
6	11,712 - 15,222	38	18	--	33	89	151	240	116	124
7	13,014 - 16,920	48	13	1	1	63	171	234	121	113
8	14,414 - 18,734	6	1	--	--	7	17	24	13	11
9	15,920 - 20,699	25	15	--	1	41	436	477	405	72
10	17,532 - 22,788	--	--	--	--	0	2	2	2	0
11	19,263 - 25,041	42	24	--	2	68	394	462	395	67
12	23,087 - 30,017	5	6	--	--	11	150	161	149	12
13	27,453 - 35,688	5	1	--	--	6	65	71	69	2
14	32,442 - 42,171	--	5	--	--	5	61	66	61	5
15	38,160 - 49,608	1	--	--	--	1	28	29	28	1
16	44,756 - 56,692	--	--	--	--	0	1	1	1	0
17	52,429 - 59,421									
18	61,449 -									
TOTAL		488	198	1	56	743	2,353	3,096	1,843	1,253

Table 3C  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Eastern Region - Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	4.1%	2.0%	0.0%	0.0%	3.2%	1.7%	2.0%	0.9%	3.8%
3	8,356 - 10,877	19.9	21.7	0.0	1.8	19.0	5.5	8.7	4.9	14.4
4	9,391 - 12,208	17.4	15.7	0.0	0.0	15.6	7.0	9.1	3.6	17.1
5	10,507 - 13,657	23.8	18.7	0.0	32.1	23.0	23.1	23.1	16.8	32.2
6	11,712 - 15,222	7.9	9.1	0.0	58.9	12.0	6.4	7.8	6.3	9.9
7	13,014 - 16,920	9.8	6.6	100.0	1.8	8.5	7.3	7.6	6.6	9.0
8	14,414 - 18,734	1.2	0.5	0.0	0.0	0.9	0.7	0.8	0.7	0.9
9	15,920 - 20,699	5.1	7.6	0.0	1.8	5.5	18.4	15.3	22.0	5.7
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.0
11	19,263 - 25,041	8.6	12.1	0.0	3.6	9.2	16.7	14.9	21.4	5.3
12	23,087 - 30,017	1.0	3.0	0.0	0.0	1.5	6.4	5.2	8.1	1.0
13	27,453 - 35,688	1.0	0.5	0.0	0.0	0.8	2.8	2.3	3.7	0.2
14	32,442 - 42,171	0.0	2.5	0.0	0.0	0.7	2.6	2.1	3.3	0.4
15	38,160 - 49,608	0.2	0.0	0.0	0.0	0.1	1.2	0.9	1.5	0.1
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.0
17	52,429 - 59,421	--								
18	61,449 -	--								
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 3D  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Eastern Region - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	31.7%	6.3%	0.0%	0.0%	38.1%	61.9%	100.0%	25.4%	74.6%
3	8,356 - 10,877	35.9	15.9	0.0	0.4	52.2	47.8	100.0	33.3	66.7
4	9,391 - 12,208	30.2	11.0	0.0	0.0	41.3	58.7	100.0	23.8	76.2
5	10,507 - 13,657	16.2	5.2	0.0	2.5	23.9	76.1	100.0	43.4	56.6
6	11,712 - 15,222	15.8	7.5	0.0	13.8	37.1	62.9	100.0	48.3	51.7
7	13,014 - 16,920	20.5	5.6	0.4	0.4	26.9	73.1	100.0	51.7	48.3
8	14,414 - 18,734	25.0	4.2	0.0	0.0	29.2	70.8	100.0	54.2	45.8
9	15,920 - 20,699	5.2	3.1	0.0	0.2	8.6	91.4	100.0	84.9	15.1
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
11	19,263 - 25,041	9.1	5.2	0.0	0.4	14.7	85.3	100.0	85.5	14.5
12	23,087 - 30,017	3.1	3.7	0.0	0.0	6.8	93.2	100.0	92.5	7.5
13	27,453 - 35,688	7.0	1.4	0.0	0.0	8.5	91.5	100.0	97.2	2.8
14	32,442 - 42,171	0.0	7.6	0.0	0.0	7.6	92.4	100.0	92.4	7.6
15	38,160 - 49,608	3.4	0.0	0.0	0.0	3.4	96.6	100.0	96.6	3.4
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
17	52,429 - 59,421									
18	61,449 -									
Total		15.8%	6.4%	0.03%	1.8%	24.0%	76.0%	100.0%	59.5%	40.5%

Table 3E  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 GS/Work Force - Female  
 Eastern Region

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	20	3	--	--	23	24	47
3	8,356 - 10,877	68	19	--	1	88	92	180
4	9,391 - 12,208	67	18	--	--	85	129	214
5	10,507 - 13,657	90	24	--	6	120	285	405
6	11,712 - 15,222	14	5	--	14	33	91	124
7	13,014 - 16,920	37	7	--	1	45	68	113
8	14,414 - 18,734	3	--	--	--	3	8	11
9	15,920 - 20,699	12	3	--	--	15	57	72
10	17,532 - 22,788	--	--	--	--	0	0	0
11	19,263 - 25,041	24	2	--	1	27	40	67
12	23,087 - 30,017	2	2	--	--	4	8	12
13	27,453 - 35,688	--	--	--	--	0	2	2
14	32,442 - 42,171	--	2	--	--	2	3	5
15	38,160 - 49,608	1	--	--	--	1	0	1
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 -							
TOTAL		338	85	0	23	446	807	1,253

Table 3F  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Eastern Region - Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	5.9%	3.5%	0.0%	0.0%	5.2%	3.0%	3.8%
3	8,356 - 10,877	20.2	22.4	0.0	4.3	19.7	11.4	14.4
4	9,391 - 12,208	19.8	21.2	0.0	0.0	19.1	16.0	17.1
5	10,507 - 13,657	26.6	28.1	0.0	26.2	26.9	35.2	32.2
6	11,712 - 15,222	4.1	5.9	0.0	60.9	7.4	11.3	9.9
7	13,014 - 16,920	10.9	8.2	0.0	4.3	10.1	8.4	9.0
8	14,414 - 18,734	0.9	0.0	0.0	0.0	0.7	1.0	0.9
9	15,920 - 20,699	3.6	3.5	0.0	0.0	3.4	7.1	5.7
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	19,263 - 25,041	7.1	2.4	0.0	4.3	6.1	5.0	6.3
12	23,087 - 30,017	0.6	2.4	0.0	0.0	0.9	1.0	1.0
13	27,453 - 35,688	0.0	0.0	0.0	0.0	0.0	0.2	0.2
14	32,442 - 42,171	0.0	2.4	0.0	0.0	0.4	0.4	0.4
15	38,160 - 49,608	0.3	0.0	0.0	0.0	0.2	0.0	0.1
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 -							
Total		100.0%	100.0%	0.0%	100.0%	100.0%	100.0%	100.0%

Table 3G  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Eastern Region - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	42.6%	6.4%	0.0%	0.0%	48.9%	51.1%	100.0%
3	8,356 - 10,877	37.8	10.6	0.0	0.6	48.9	51.1	100.0
4	9,391 - 12,208	31.3	8.4	0.0	0.0	39.7	60.3	100.0
5	10,507 - 13,657	22.2	5.9	0.0	1.5	29.6	70.4	100.0
6	11,712 - 15,222	11.3	4.0	0.0	11.3	26.6	73.4	100.0
7	13,014 - 16,920	32.7	6.2	0.0	0.9	39.8	60.2	100.0
8	14,414 - 18,734	27.3	0.0	0.0	0.0	27.3	72.7	100.0
9	15,920 - 20,699	16.7	4.2	0.0	0.0	20.8	79.2	100.0
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.0	100.0
11	19,263 - 25,041	35.8	3.0	0.0	1.5	40.3	59.7	100.0
12	23,087 - 30,017	16.7	16.7	0.0	0.0	33.3	66.7	100.0
13	27,453 - 35,688	0.0	0.0	0.0	0.0	0.0	100.0	100.0
14	32,442 - 42,171	0.0	40.0	0.0	0.0	40.0	60.0	100.0
15	38,160 - 49,608	100.0	0.0	0.0	0.0	100.0	0.0	100.0
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 - "							
Total		27.0%	6.8%	0.0%	1.8%	35.6%	64.4%	100.0%

Table 3H  
 Cumulative Distribution  
 Immigration and Naturalization Service  
 Total GS Work Force  
 Eastern Region

Grade	Salary Range	White/Anglo			Minority*			Women			Total		
		f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %
15+	\$38,160 - 49,608	29	2,353	100.0	1	743	100.0	1	1,253	100.0	30	3,096	100.0
14	32,442 - 42,171	61	2,324	98.8	5	742	99.9	5	1,252	99.9	66	3,066	99.0
13	27,453 - 35,688	65	2,263	96.2	6	737	99.2	2	1,247	99.5	71	3,000	96.9
12	23,087 - 30,017	150	2,198	93.4	11	731	98.4	12	1,245	99.4	161	2,929	94.6
11	19,263 - 25,041	394	2,048	87.0	68	720	96.9	67	1,233	98.4	462	2,768	89.4
10	17,532 - 22,788	2	1,654	70.3	0	652	87.8	0	1,166	93.1	2	2,306	74.5
9	15,920 - 20,699	436	1,652	70.2	41	652	87.8	72	1,166	93.1	477	2,304	74.4
8	14,414 - 18,734	17	1,216	51.7	7	611	82.2	11	1,094	87.3	24	1,827	59.0
7	13,014 - 16,920	171	1,199	51.0	63	604	81.3	113	1,083	86.4	234	1,803	58.2
6	11,712 - 15,222	151	1,028	43.7	89	541	72.8	124	970	77.4	240	1,569	51.1
5	10,507 - 13,657	544	877	37.3	171	452	60.8	405	846	67.5	715	1,329	42.9
4	9,391 - 12,208	165	333	14.2	116	281	37.8	214	441	35.2	281	614	19.8
3	8,356 - 10,877	129	168	7.1	141	165	22.2	180	227	18.1	270	333	10.8
2	7,422 - 9,645	39	39	1.7	24	24	3.2	47	47	3.8	63	63	2.0
Median		7.0			4.5			4.5			6.0		
Mode		5.0			5.0			5.0			5.0		
Mean		7.7			5.6			5.4			7.2		

\*Includes blacks, Hispanics, Asian Americans and American Indians.



Table 3I  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 By Grade Level Group, Race, Ethnicity and Sex  
 Total GS Work Force  
 Eastern Region

Grade Group	Black		Hispanics		Native American		Asian American		Total Minority		White/Anglo		Male		Female	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
GS 01-04	202	41.4	78	39.4	0	0.0	1	1.8	281	37.9	333	14.2	173	9.4	441	35.2
05-08	208	42.7	69	34.9	1	100.0	52	92.9	330	44.5	883	37.5	560	30.4	560	52.2
09-11	67	13.7	39	19.7	0	0.0	3	5.3	109	14.6	832	35.3	802	43.5	139	11.0
12-15+	11	2.2	12	6.0	0	0.0	0	0.0	23	3.0	305	12.9	308	16.7	20	1.6
Total	488	100.0	198	100.0	1	100.0	56	100.0	743	100.0	2,353	100.0	1,843	100.0	1,253	100.0

TABLE 3J  
 EMPLOYMENT IN SELECTED OCCUPATIONS  
 BY SERIES, RACE, ETHNICITY, AND GENDER  
 IMMIGRATION AND NATURALIZATION SERVICE  
 SEPTEMBER 1978

EASTERN REGION

OCCUPATION/SERIES	TOTAL	BLACK		HISPANIC		NATIVE AMERICAN		ASIAN AMERICAN		WHITE		TOTAL		% Minority	% Female
		M	F	M	F	M	F	M	F	M	F	Min.	Fem.		
Personnel MGT SP. 201	5	0	0	0	0	0	0	0	0	5	0	0	0	0.0%	0.0%
Personnel SPEC. 212	5	0	0	0	0	0	0	0	0	1	4	0	4	0.0	80.0
General Clerical 301	450	52	97	30	15	0	0	1	0	156	99	195	211	43.3	46.8
Clerk 305	189	32	41	22	1	0	0	1	1	49	42	98	85	51.8	44.9
Stenographer 312	85	2	6	0	5	0	0	0	0	1	71	13	82	15.2	96.4
Secretary 318	55	1	7	0	2	0	0	0	0	0	45	9	54	16.3	98.1
Clerk Typist 322	241	5	93	4	22	0	0	0	1	8	108	125	224	51.8	92.9
Admin. Officer 341	2	0	0	0	0	0	0	0	0	2	0	0	0	0.0	0.0
Program Analyst 345	2	0	0	0	0	0	0	0	0	2	0	0	0	0.0	0.0
Accountant 525	9	0	0	0	1	0	0	0	0	3	5	1	6	11.1	66.6
Voucher Exam. 540	6	0	0	0	0	0	0	0	0	1	5	0	5	0.0	83.3
Attorney 905	88	0	1	3	4	0	0	0	0	75	5	7	10	7.9	11.3
Contact Rep. 962	118	6	49	3	7	0	0	0	1	12	40	66	97	55.9	82.2
Interpreter 1047	234	3	6	4	8	0	0	28	20	57	108	69	142	29.4	60.6
Investigator 1811	440	21	2	21	1	1	0	1	0	376	17	47	20	10.6	4.5
Inspector 1816	895	31	43	23	6	0	0	2	1	621	168	106	218	11.8	24.3
Patrol Officer 1896	103	0	0	1	0	0	0	0	0	102	0	1	0	0.9	0.0
Subtotals	2927	153	345	111	72	1	0	33	24	1471	717	739	1158	25.2%	39.5%
Totals		498		183		1		57		2188					
Percent of Total		17.0%		6.2%		0.0%		1.9%		74.7%					

SOURCE: U.S. Department of Justice, Immigration and Naturalization Service, INS Minorities by Minority Group Designator Within Series, Computer Printout, Personnel Systems, Washington, D.C., September, 1978

IMMIGRATION AND NATURALIZATION SERVICE  
SOUTHERN REGION ANALYSES

Table 4A  
 INS - WORK FORCE BY GRADE  
 LEVEL, RACE, ETHNICITY AND GENDER

TOTAL - ALL PAY SYSTEMS  
 SOUTHERN REGION

GRADE SYSTEM	BLACK	HISPANIC	NATIVE AMERICAN	ASIAN AMERICAN	TOTAL MINORITY	WHITE	TOTAL	MALE	FEMALE
GS	59	796	1	15	871	1,884	2,755	2,047	708
GW	2	0	0	0	2	1	3	0	3
WG	1	36	0	0	37	13	50	50	0
WL	0	2	0	0	2	0	2	2	0
WS	0	3	0	0	3	2	5	5	0
YW	7	54	0	0	61	7	68	11	57
TOTAL	69	871	1	15	976	1,907	2,883	2,115	768

Table 4B  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS/Work Force  
 Southern Region

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	1	4	--	--	5	13	18	2	16
3	8,356 - 10,877	12	48	--	1	61	117	178	35	143
4	9,391 - 12,208	14	86	--	--	100	114	214	57	157
5	10,507 - 13,657	17	187	--	12	216	409	625	390	235
6	11,712 - 15,222	2	66	--	--	68	64	132	85	47
7	13,014 - 16,920	1	60	--	1	62	89	151	103	48
8	14,414 - 18,734	1	11	--	--	12	13	25	20	5
9	15,920 - 20,699	6	268	1	--	275	515	790	753	37
10	17,532 - 22,788	--	2	--	--	2	15	17	17	0
11	19,263 - 25,041	4	44	--	--	48	297	345	333	12
12	23,087 - 30,017	1	10	--	--	11	118	129	124	5
13	27,453 - 35,688	--	4	--	--	4	57	61	59	2
14	32,442 - 42,171	--	2	--	--	2	43	45	44	1
15	38,160 - 49,608	--	4	--	1	5	18	23	23	0
16	44,756 - 56,692	--	--	--	--	0	1	1	1	0
17	52,429 - 59,421	--	--	--	--	0	1	1	1	0
18	61,449 -									
TOTAL		59	796	1	15	871	1,884	2,755	2,047	708

Table 4C  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Southern Region - Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	1.7%	0.5%	0.0%	0.0%	0.6%	0.7%	0.6%	0.1%	2.3%
3	8,356 - 10,877	20.3	6.0	0.0	6.7	7.0	6.2	6.5	1.7	20.2
4	9,391 - 12,208	23.7	10.8	0.0	0.0	11.5	6.1	7.8	2.8	22.2
5	10,507 - 13,657	28.8	23.5	0.0	80.0	24.8	21.6	22.7	19.1	33.2
6	11,712 - 15,222	3.4	8.3	0.0	0.0	7.8	3.4	4.8	4.2	6.6
7	13,014 - 16,920	1.7	7.5	0.0	6.7	7.1	4.7	5.5	5.0	6.8
8	14,414 - 18,734	1.7	1.4	0.0	0.0	1.4	0.7	0.9	1.0	0.7
9	15,920 - 20,699	10.2	33.6	100.0	0.0	31.5	27.2	28.7	36.8	5.2
10	17,532 - 22,788	0.0	0.3	0.0	0.0	0.2	0.8	0.6	0.8	0.0
11	19,263 - 25,041	6.8	5.5	0.0	0.0	5.5	15.8	12.5	16.3	1.7
12	23,087 - 30,017	1.7	1.3	0.0	0.0	1.3	6.3	4.7	6.1	0.7
13	27,453 - 35,688	0.0	0.5	0.0	0.0	0.5	3.0	2.2	2.9	0.3
14	32,442 - 42,171	0.0	0.3	0.0	0.0	0.2	2.3	1.6	2.1	0.1
15	38,160 - 49,608	0.0	0.5	0.0	6.7	0.6	1.0	0.8	1.1	0.0
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	0.1	0.03	0.04	0.0
17	52,429 - 59,421	0.0	0.0	0.0	0.0	0.0	0.1	0.03	0.04	0.0
18	61,449 -	--								
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%*	100.0%	100.0%

Table 4D

Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Southern REgion - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	5.6%	22.2%	0.0%	0.0%	27.8%	72.2%	100.0%	11.1%	88.9%
3	8,356 - 10,877	6.7	27.0	0.0	0.6	34.3	65.7	100.0	19.7	80.3
4	9,391 - 12,208	6.5	40.2	0.0	0.0	46.7	53.3	100.0	26.6	73.4
5	10,507 - 13,657	2.7	30.0	0.0	1.9	34.6	65.4	100.0	62.4	37.6
6	11,712 - 15,222	1.5	50.0	0.0	0.0	51.5	48.5	100.0	64.4	35.6
7	13,014 - 16,920	0.7	39.7	0.0	0.7	41.1	58.9	100.0	68.2	31.8
8	14,414 - 18,734	4.0	44.0	0.0	0.0	48.0	52.0	100.0	80.0	20.0
9	15,920 - 20,699	0.8	33.9	0.1	0.0	34.8	65.2	100.0	95.3	4.7
10	17,532 - 22,788	0.0	11.8	0.0	0.0	11.8	88.2	100.0	100.0	0.0
11	19,263 - 25,041	1.2	12.8	0.0	0.0	13.9	86.1	100.0	96.5	3.5
12	23,087 - 30,017	0.8	7.8	0.0	0.0	8.5	91.5	100.0	96.1	3.9
13	27,453 - 35,688	0.0	6.6	0.0	0.0	6.6	93.4	100.0	96.7	3.3
14	32,442 - 42,171	0.0	4.4	0.0	0.0	4.4	95.6	100.0	97.8	2.2
15	38,160 - 49,608	0.0	17.4	0.0	4.3	21.7	78.3	100.0	100.0	0.0
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
17	52,429 - 59,421	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
18	61,449 -									
		2.1%	28.9%	0.1%	0.5%	31.6%	68.4%	100.0%	74.3%	25.7%

Table 4E  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS/Work Force  
 Female  
 Southern Region

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anc.	Total
2	\$ 7,422 - 9,645	1	3	--	--	4	12	16
3	8,356 - 10,877	8	40	--	1	49	94	143
4	9,391 - 12,208	10	58	--	--	68	89	157
5	10,507 - 13,657	10	60	--	6	76	159	235
6	11,712 - 15,222	--	11	--	--	11	36	47
7	13,014 - 16,920	1	21	--	1	23	25	48
8	14,414 - 18,734	--	--	--	--	0	5	5
9	15,920 - 20,699	3	11	--	--	14	23	37
10	17,532 - 22,788	--	--	--	--	0	0	0
11	19,263 - 25,041	2	1	--	--	3	9	12
12	23,087 - 30,017	--	1	--	--	1	4	5
13	27,453 - 35,688	--	--	--	--	0	2	2
14	32,442 - 42,171	--	--	--	--	0	1	1
15	38,160 - 49,608							
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 -							
TOTAL		35	206	0	8	249	459	708



Table 4F  
**Immigration and Naturalization Service**  
**Work Force by Grade Level, Race, Ethnicity and Sex**  
**Total Female GS Work Force**  
**Southern Region - Percentage Distribution**  
**(Vertical)**

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	2.9%	1.5%	0.0%	0.0%	1.6%	2.6%	2.3%
3	8,356 - 10,877	22.7	19.4	0.0	12.5	19.7	20.5	20.2
4	9,391 - 12,208	28.6	28.2	0.0	0.0	27.3	19.5	22.2
5	10,507 - 13,657	28.6	29.1	0.0	75.0	30.6	34.6	33.2
6	11,712 - 15,222	0.0	5.3	0.0	0.0	4.4	7.8	6.6
7	13,014 - 16,920	2.9	10.2	0.0	12.5	9.2	5.4	6.8
8	14,414 - 18,734	0.0	0.0	0.0	0.0	0.0	1.1	0.7
9	15,920 - 20,699	8.6	5.3	0.0	0.0	5.6	5.0	5.2
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	19,263 - 25,041	5.7	0.5	0.0	0.0	1.2	2.0	1.7
12	23,087 - 30,017	0.0	0.5	0.0	0.0	0.4	0.9	0.7
13	27,453 - 35,688	0.0	0.0	0.0	0.0	0.0	0.4	0.3
14	32,442 - 42,171	0.0	0.0	0.0	0.0	0.0	0.2	0.1
15	38,160 - 49,608							0.0
16	44,756 - 56,692							0.0
17	52,429 - 59,421							0.0
18	61,449 - "							0.0
Total		100.0%	100.0%	0.0%	100.0%	100.0%	100.0%	100.0%

Table 4G  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Southern Region - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	6.3%	18.7%	0.0%	0.0%	25.0%	75.0%	100.0%
3	8,356 - 10,877	5.6	28.0	0.0	0.7	34.3	65.7	100.0
4	9,391 - 12,208	6.4	36.9	0.0	0.0	43.3	56.7	100.0
5	10,507 - 13,657	4.3	25.5	0.0	2.6	32.3	67.7	100.0
6	11,712 - 15,222	0.0	23.4	0.0	0.0	23.4	76.6	100.0
7	13,014 - 16,920	2.1	43.8	0.0	2.1	47.9	52.1	100.0
8	14,414 - 18,734	0.0	0.0	0.0	0.0	0.0	100.0	100.0
9	15,920 - 20,699	8.1	29.7	0.0	0.0	37.8	62.2	100.0
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.0	100.0
11	19,263 - 25,041	16.7	8.3	0.0	0.0	25.0	75.0	100.0
12	23,087 - 30,017	0.0	20.0	0.0	0.0	20.0	80.0	100.0
13	27,453 - 35,688	0.0	0.0	0.0	0.0	0.0	100.0	100.0
14	32,442 - 42,171	0.0	0.0	0.0	0.0	0.0	100.0	100.0
15	38,160 - 49,608							
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 - "							
Total		4.9%	29.1%	0.0%	1.1%	35.2%	64.8%	100.0%

Table 4H  
 Cumulative Distribution  
 Immigration and Naturalization Service  
 Total GS Work Force  
 Southern Region

Grade	Salary Range	White/Anglo			Minority*			Women			Total		
		f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %
15+	\$38,160 - 49,608	20	1,884	100.0	5	871	100.0				25	2,755	100.0
14	32,442 - 42,171	43	1,864	98.9	2	866	99.4	1	708	100.0	45	2,730	99.1
13	27,453 - 35,688	57	1,821	96.7	4	864	99.2	2	707	99.9	61	2,685	97.5
12	23,087 - 30,017	118	1,764	93.6	11	860	98.7	5	705	99.6	129	2,624	95.2
11	19,263 - 25,041	297	1,646	87.4	48	849	97.5	12	700	98.9	345	2,495	90.6
10	17,532 - 22,788	15	1,349	71.6	2	801	92.0	0	688	97.2	17	2,150	78.0
9	15,920 - 20,699	515	1,334	70.8	275	799	91.7	37	688	97.2	790	2,133	77.4
8	14,414 - 18,734	13	819	43.5	12	524	60.2	5	651	91.9	25	1,343	48.7
7	13,014 - 16,920	89	806	42.8	62	512	58.8	48	646	91.2	151	1,318	47.8
6	11,712 - 15,222	64	717	38.1	68	450	51.7	47	598	84.5	132	1,167	42.4
5	10,507 - 13,857	409	653	34.7	216	382	43.9	235	551	77.8	625	1,035	37.6
4	9,391 - 12,208	114	244	13.0	100	166	19.1	157	316	44.6	214	410	14.9
3	8,356 - 10,877	117	130	6.9	61	66	7.6	143	159	22.5	178	196	7.1
2	7,422 - 9,645	13	13	0.7	5	5	0.6	16	16	2.3	18	18	0.7
Median		8.5			6.0			4.5			8.0		
Mode		9.0			9.0			5.0			9.0		
Mean		8.0			6.7			4.9			7.6		

\*Includes blacks, Hispanics, Asian Americans and American Indians.

Table 4I  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 By Grade Level Group, Race, Ethnicity and Sex  
 Total GS Work Force  
 Southern Region

Grade Group	Black		Hispanics		Native American		Asian American		Total Minority		White/Anglo		Male		Female	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
GS 01-04	27	45.8	138	17.4	0	0.0	1	6.7	166	19.0	244	12.9	94	4.6	316	44.6
05-08	21	35.5	324	40.7	0	0.0	13	86.6	358	41.2	575	30.6	598	29.3	335	47.4
09-11	10	16.9	314	39.4	1	100.0	0	0.0	325	37.3	827	43.9	1,103	53.8	49	6.9
12-15+	1	1.7	20	2.5	0	0.0	1	6.7	22	2.5	238	12.6	252	12.3	8	1.1
Total	59	100.0	796	100.0	1	100.0	15	100.0	871	100.0	1,884	100.0	2,047	100.0	708	100.0

TABLE 4J  
 EMPLOYMENT IN SELECTED OCCUPATIONS  
 BY SERIES, RACE, ETHNICITY, AND GENDER  
 IMMIGRATION AND NATURALIZATION SERVICE  
 SEPTEMBER 1978

SOUTHERN REGION

OCCUPATION/SERIES	TOTAL	BLACK		HISPANIC		NATIVE AMERICAN		ASIAN AMERICAN		WHITE		TOTAL		% Minority	% Female
		M	F	M	F	M	F	M	F	M	F	Min.	Fem.		
Personnel MGT SP. 201	2	0	0	0	0	0	0	0	0	1	1	0	1	0.0%	50.0%
Personnel SPEC. 212	5	1	0	0	0	0	0	0	0	1	4	1	4	20.0	80.0
General Clerical 301	310	11	6	112	20	0	0	0	0	110	51	149	77	48.0	24.8
Clerk 305	74	5	6	8	3	0	0	0	0	26	26	22	35	29.7	47.2
Stenographer 312	86	0	1	0	31	0	0	0	0	1	53	32	85	37.2	98.8
Secretary 318	53	0	0	0	13	0	0	0	1	0	39	14	53	26.4	100.0
Clerk Typist 322	100	0	3	3	20	0	0	0	0	8	66	26	89	26.0	89.0
Admin. Officer 341	1	0	0	0	0	0	0	1	0	0	0	1	0	100.0	0.0
Program Analyst 345	2	0	0	0	0	0	0	0	0	2	0	0	0	0.0	0.0
Accountant 525	7	0	0	0	0	0	0	0	0	1	6	0	6	0.0	85.7
Voucher Exam. 540	5	0	0	0	0	0	0	0	0	0	5	0	5	0.0	100.0
Attorney 905	45	0	0	3	0	0	0	0	0	40	2	3	2	6.6	4.4
Contact Rep. 962	45	0	0	7	21	0	0	0	0	1	16	28	37	62.2	82.2
Interpreter 1047	101	0	2	4	11	0	0	6	6	34	38	29	57	28.7	56.4
Investigator 1811	168	3	0	33	0	0	0	0	0	131	1	36	1	21.4	0.5
Inspector 1816	493	2	7	132	28	0	0	0	0	259	65	169	100	34.2	20.2
Patrol Officer 1896	1001	2	0	262	2	1	0	0	0	732	2	267	4	26.6	0.3
Subtotals	2498	24	25	564	149	1	0	7	7	1347	375	777	556	31.1%	22.2%
Totals			49		713		1		14		1722				
Percent of Total			1.9%		28.5%		0.0%		0.5%		68.9%				

SOURCE: U.S. Department of Justice, Immigration and Naturalization Service, INS Minorities by Minority Group Designator Within Series, Computer Printout, Personnel Systems, Washington, D.C., September,

IMMIGRATION AND NATURALIZATION SERVICE  
NORTHERN REGION ANALYSES

Table 5A  
 INS - WORK FORCE BY GRADE  
 LEVEL, RACE, ETHNICITY AND GENDER  
 TOTAL - ALL PAY SYSTEMS  
 NORTHERN REGION

GRADE SYSTEM	BLACK	HISPANIC	NATIVE AMERICAN	ASIAN AMERICAN	TOTAL MINORITY	WHITE	TOTAL	MALE	FEMALE
GS	150	46	4	38	238	1,396	1,634	1,009	625
GW	8	1	0	0	9	4	13	1	12
YW	7	2	0	0	9	8	17	3	14
TOTAL	165	49	4	38	256	1,408	1,664	1,013	651

Table 5B  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS/Work Force  
 Northern Region

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	7	--	--	--	7	11	18	0	18
3	8,356 - 10,877	29	1	--	2	32	79	111	21	90
4	9,391 - 12,208	30	5	1	1	37	122	159	32	127
5	10,507 - 13,657	37	25	1	31	94	320	414	170	244
6	11,712 - 15,222	12	4	--	--	16	49	65	34	31
7	13,014 - 16,920	12	--	--	2	14	94	108	52	56
8	14,414 - 18,734	3	--	--	--	3	9	12	7	5
9	15,920 - 20,699	5	6	1	2	14	292	306	279	27
10	17,532 - 22,788	--	--	--	--	0	1	1	1	0
11	19,263 - 25,041	9	3	--	--	12	243	255	236	19
12	23,087 - 30,017	2	1	1	--	4	71	75	72	3
13	27,453 - 35,688	--	1	--	--	1	44	45	44	1
14	32,442 - 42,171	3	--	--	--	3	42	45	42	3
15	38,160 - 49,608	1	--	--	--	1	18	19	18	1
16	44,756 - 56,692	--	--	--	--	0	0	0	0	0
17	52,429 - 59,421	--	--	--	--	0	1	1	1	0
18	61,449 -									
TOTAL		150	46	4	38	238	1,396	1,634	1,009	625



Table 5C

Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Northern Region - Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	4.7%	0.0%	0.0%	0.0%	2.9%	0.8%	1.1%	0.0%	2.9%
3	8,356 - 10,877	19.3	2.2	0.0	5.3	13.4	5.7	6.8	2.1	14.4
4	9,391 - 12,208	20.0	10.9	25.0	2.6	15.5	8.7	9.7	3.2	20.2
5	10,507 - 13,657	24.7	54.3	25.0	81.5	39.6	22.9	25.3	16.7	39.0
6	11,712 - 15,222	8.0	8.7	0.0	0.0	6.7	3.5	4.0	3.4	5.0
7	13,014 - 16,920	8.0	0.0	0.0	5.3	5.9	6.7	6.6	5.2	9.0
8	14,414 - 18,734	2.0	0.0	0.0	0.0	1.3	0.6	0.7	0.7	0.8
9	15,920 - 20,699	3.3	13.0	25.0	5.3	5.9	20.9	18.7	27.6	4.3
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.0
11	19,263 - 25,041	6.0	6.5	0.0	0.0	5.0	17.4	15.6	23.4	3.0
12	23,087 - 30,017	1.3	2.2	25.0	0.0	1.7	5.1	4.6	7.1	0.5
13	27,453 - 35,688	0.0	2.2	0.0	0.0	0.4	3.2	2.8	4.4	0.2
14	32,442 - 42,171	2.0	0.0	0.0	0.0	1.3	3.0	2.8	4.2	0.5
15	38,160 - 49,608	0.7	0.0	0.0	0.0	0.4	1.3	1.2	1.8	0.2
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
17	52,429 - 59,421	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.0
18	61,449 -	--								
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 5D  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Northern Region - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	38.9%	0.0%	0.0%	0.0%	38.9%	61.1%	100.0%	0.0%	100.0%
3	8,356 - 10,877	26.1	0.9	0.0	1.8	28.8	71.2	100.0	18.9	81.1
4	9,391 - 12,208	18.9	3.1	0.6	0.6	23.2	76.8	100.0	20.1	79.9
5	10,507 - 13,657	8.9	6.0	0.2	7.5	22.7	77.3	100.0	41.1	58.9
6	11,712 - 15,222	18.5	6.2	0.0	0.0	24.6	75.4	100.0	52.3	47.7
7	13,014 - 16,920	11.1	0.0	0.0	1.9	13.0	87.0	100.0	48.1	51.9
8	14,414 - 18,734	25.0	0.0	0.0	0.0	25.0	75.0	100.0	58.3	41.7
9	15,920 - 20,699	1.6	2.0	0.3	0.7	4.6	95.4	100.0	91.2	8.8
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
11	19,263 - 25,041	3.5	1.2	0.0	0.0	4.7	95.3	100.0	92.5	7.5
12	23,087 - 30,017	2.7	1.3	1.3	0.0	5.3	94.7	100.0	96.0	4.0
13	27,453 - 35,688	0.0	2.2	0.0	0.0	2.2	97.8	100.0	97.8	2.2
14	32,442 - 42,171	6.7	0.0	0.0	0.0	6.7	93.3	100.0	93.3	6.7
15	38,160 - 49,608	5.3	0.0	0.0	0.0	5.3	94.7	100.0	94.7	5.3
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
17	52,429 - 59,421	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
18	61,449 -	--								
Total		9.2%	2.8%	0.2%	2.3%	14.6%	85.4%	100.0%	61.8%	38.2%

Table 5E  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS/Work Force  
 Female  
 Northern Region

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	7	--	--	--	7	11	18
3	8,356 - 10,877	18	1	--	1	20	70	90
4	9,391 - 12,208	26	4	--	1	31	96	127
5	10,507 - 13,657	30	11	1	13	55	189	244
6	11,712 - 15,222	8	1	--	--	9	22	31
7	13,014 - 16,920	10	--	--	2	12	44	56
8	14,414 - 18,734	2	--	--	--	2	3	5
9	15,920 - 20,699	3	--	--	1	4	23	27
10	17,532 - 22,788	--	--	--	--	0	0	0
11	19,263 - 25,041	5	1	--	--	6	13	19
12	23,087 - 30,017	--	--	--	--	0	3	3
13	27,453 - 35,688	--	--	--	--	0	1	1
14	32,442 - 42,171	1	--	--	--	1	2	3
15	38,160 - 49,608	--	--	--	--	0	1	1
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 -							
TOTAL		110	18	1	18	147	478	625

Table 5F

Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Northern Region - Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	6.4%	0.0%	0.0%	0.0%	4.8%	2.3%	2.9%
3	8,356 - 10,877	16.4	5.6	0.0	5.6	13.6	14.6	14.4
4	9,391 - 12,208	23.6	22.2	0.0	5.6	21.1	20.1	20.2
5	10,507 - 13,657	27.3	61.0	100.0	72.1	37.4	39.6	39.0
6	11,712 - 15,222	7.3	5.6	0.0	11.1	6.1	4.6	5.0
7	13,014 - 16,920	9.1	0.0	0.0	0.0	8.2	9.3	9.0
8	14,414 - 18,734	1.8	0.0	0.0	5.6	1.4	0.6	0.8
9	15,920 - 20,699	2.7	0.0	0.0	0.0	2.7	4.8	4.3
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	19,263 - 25,041	4.5	5.6	0.0	0.0	4.1	2.7	3.0
12	23,087 - 30,017	0.0	0.0	0.0	0.0	0.0	0.6	0.5
13	27,453 - 35,688	0.0	0.0	0.0	0.0	0.0	0.2	0.2
14	32,442 - 42,171	0.9	0.0	0.0	0.0	0.6	0.4	0.5
15	38,160 - 49,608	0.0	0.0	0.0	0.0	0.0	0.2	0.2
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 - "							
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 5G  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Northern Region - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	38.9%	0.0%	0.0%	0.0%	38.9%	61.1%	100.0%
3	8,356 - 10,877	20.0	1.1	0.0	1.1	22.2	77.8	100.0
4	9,391 - 12,208	20.5	3.1	0.0	0.8	24.4	75.6	100.0
5	10,507 - 13,657	12.3	4.5	0.4	5.3	22.5	77.5	100.0
6	11,712 - 15,222	25.8	3.2	0.0	0.0	29.0	71.0	100.0
7	13,014 - 16,920	17.9	0.0	0.0	3.6	21.4	78.6	100.0
8	14,414 - 18,734	40.0	0.0	0.0	0.0	40.0	60.0	100.0
9	15,920 - 20,699	11.1	0.0	0.0	3.7	14.8	85.2	100.0
10	17,532 - 22,788	0.0	0.0	0.0	0.0	0.0	0.0	100.0
11	19,263 - 25,041	26.3	5.3	0.0	0.0	31.6	68.4	100.0
12	23,087 - 30,017	0.0	0.0	0.0	0.0	0.0	100.0	100.0
13	27,453 - 35,688	0.0	0.0	0.0	0.0	0.0	100.0	100.0
14	32,442 - 42,171	33.3	0.0	0.0	0.0	33.3	66.7	100.0
15	38,160 - 49,608	0.0	0.0	0.0	0.0	0.0	100.0	100.0
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 - "							
Total		17.6%	2.9%	0.2%	2.9%	23.5%	76.5%	100.0%

Table 5H  
 Cumulative Distribution  
 Immigration and Naturalization Service  
 Total GS Work Force  
 Northern Region

Grade	Salary Range	White/Anglo			Minority*			Women			Total		
		f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %
15+	\$38,160 - 49,608	19	1,396	100.0	1	238	100.0	1	625	100.0	20	1,634	100.0
14	32,442 - 42,171	42	1,317	98.6	3	337	99.6	3	624	99.8	45	1,614	98.8
13	27,453 - 35,688	44	1,335	95.6	1	234	98.3	1	621	99.4	45	1,569	96.0
12	23,087 - 30,017	71	1,291	92.5	4	233	97.9	3	620	99.2	75	1,524	93.3
11	19,263 - 25,041	243	1,220	87.4	12	229	96.2	19	617	98.7	255	1,449	88.7
10	17,532 - 22,788	1	977	70.0	0	217	91.2	0	598	95.7	1	1,194	73.1
9	15,920 - 20,699	292	976	69.9	14	217	91.2	27	598	95.7	306	1,193	73.0
8	14,414 - 18,734	9	684	49.0	3	203	85.3	5	571	91.4	12	887	54.3
7	13,014 - 16,920	94	675	48.4	14	200	84.0	56	566	90.6	108	875	53.5
6	11,712 - 15,222	49	581	41.6	16	186	78.2	31	510	81.6	65	767	46.9
5	10,507 - 13,657	320	532	38.1	94	170	71.4	244	479	76.6	414	702	43.0
4	9,391 - 12,208	122	212	15.2	37	76	31.9	127	235	37.6	159	288	17.6
3	8,356 - 10,877	79	90	6.4	32	39	16.4	90	108	17.3	111	129	7.9
2	7,422 - 9,645	11	11	0.8	7	7	2.9	18	18	2.9	18	18	0.1
Median		8.0			4.5			4.5			6.5		
Mode		5.0			5.0			5.0			5.0		
Mean		7.8			5.5			5.1			7.5		

\*Includes blacks, Hispanics, Asian Americans and American Indians.

Table 5I  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 By Grade Level Group, Race, Ethnicity and Sex  
 Total GS Work Force  
 Northern Region

Grade Group	Black		Hispanics		Native American		Asian American		Total Minority		White/Anglo		Male		Female	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
GS 01-04	66	44.0	6	13.1	1	25.0	3	7.9	76	31.9	212	15.2	53	5.3	235	37.7
05-08	64	42.7	29	63.1	1	25.0	33	86.9	127	53.5	472	33.9	263	26.0	336	53.8
09-11	14	9.3	9	19.5	1	25.0	2	5.2	26	10.9	536	38.3	516	51.2	46	7.3
12-15+	6	4.0	2	4.3	1	25.0	0	0.0	9	3.7	176	12.6	177	17.5	8	1.2
Total	150	100.0	46	100.0	4	100.0	38	100.0	238	100.0	1,396	100.0	1,009	100.0	625	100.0

BY RACE, ETHNICITY, AND GENDER  
IMMIGRATION AND NATURALIZATION SERVICE  
SEPTEMBER 1978

NORTHERN REGION

OCCUPATION/SERIES	TOTAL	BLACK		HISPANIC		NATIVE AMERICAN		ASIAN AMERICAN		WHITE		TOTAL		% Minority	% Female
		M	F	M	F	M	F	M	F	M	F	Min.	Fem.		
Personnel MGT SP. 201	3	0	0	0	0	0	0	0	0	2	1	0	1	0.0%	33.3%
Personnel SPEC. 212	4	0	0	0	0	0	0	0	0	0	4	0	4	0.0	100.0
General Clerical 301	227	12	27	10	3	1	0	0	0	113	61	53	91	23.3	40.0
Clerk 305	63	8	7	1	1	0	0	1	0	9	36	18	44	28.5	69.8
Stenographer 312	62	0	7	0	2	0	0	0	0	0	53	9	62	14.5	100.0
Secretary 318	39	0	6	0	0	0	1	0	0	0	32	7	39	17.9	100.0
Clerk Typist 322	96	2	24	0	1	0	0	0	1	4	64	28	90	29.1	93.7
Admin. Officer 341	1	0	0	0	0	0	0	0	0	1	0	0	0	0.0	0.0
Program Analyst 345	3	0	0	0	0	0	0	0	0	3	0	0	0	0.0	0.0
Accountant 525	6	0	0	0	0	0	0	0	0	1	5	0	5	0.0	83.3
Voucher Exam. 540	3	0	0	0	0	0	0	0	0	0	3	0	3	0.0	100.0
Attorney 905	43	3	1	0	0	0	0	0	0	37	2	4	3	9.3	6.9
Contact Rep. 962	33	0	9	0	0	0	1	0	0	1	22	10	32	30.3	96.9
Interpreter 1047	139	0	0	8	10	0	0	15	13	36	57	46	80	33.0	57.5
Investigator 1811	209	4	1	5	0	0	0	0	0	191	8	10	9	4.7	4.3
Inspector 1816	452	10	6	3	1	1	0	4	2	360	65	27	74	5.9	16.3
Patrol Officer 1896	112	0	0	2	0	1	0	0	0	108	1	3	1	2.6	0.8
Subtotals	1495	39	88	29	18	3	2	20	16	366	414	215	538	14.3%	35.9%
Totals		127		47		5		36		1280					
Percent of Total		8.4%		3.1%		0.3%		2.4%		85.6%					

SOURCE: U.S. Department of Justice, Immigration and Naturalization Service, INS Minorities by Minority Group Designator Within Series, Computer Printout, Personnel Systems, Washington, D.C., September, 1978



IMMIGRATION AND NATURALIZATION SERVICE  
WESTERN REGION ANALYSES

Table 6A  
 INS - WORK FORCE BY GRADE  
 LEVEL, RACE, ETHNICITY AND GENDER  
 TOTAL - ALL PAY SYSTEMS  
 WESTERN REGION

GRADE SYSTEM	BLACK	HISPANIC	NATIVE AMERICAN	ASIAN AMERICAN	TOTAL MINORITY	WHITE	TOTAL	MALE	FEMALE
GS	198	447	7	171	823	1,917	2,740	1,921	819
GW	5	16	0	4	25	2	27	2	25
WG	7	9	0	5	21	54	75	73	2
WL	2	0	0	0	2	3	5	5	0
WS	1	0	0	0	1	3	4	4	0
WW	0	1	0	1	2	1	3	3	0
YV	2	10	0	0	12	2	14	8	6
YW	2	10	0	3	15	13	28	6	22
TOTAL	217	493	7	184	901	1,995	2,896	2,022	874

Table 6B  
Immigration and Naturalization Service  
Work Force by Grade Level, Race, Ethnicity and Sex

Total GS/Work Force  
Western Region

Grade	Salary Range	Black	Hispanic	Native* American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	--	--	--	--	0	1	1	0	1
3	8,356 - 10,877	39	41	--	5	85	92	177	24	153
4	9,391 - 12,208	37	46	1	21	105	104	209	71	138
5	10,507 - 13,657	54	107	1	71	233	395	628	373	255
6	11,712 - 15,222	15	37	--	7	59	89	148	83	65
7	13,014 - 16,920	19	37	1	23	80	149	229	155	74
8	14,414 - 18,734	--	5	--	4	9	15	24	15	9
9	15,920 - 20,699	19	120	2	32	173	511	684	602	82
10	17,534 - 22,788	--	--	--	2	2	6	8	6	2
11	19,263 - 25,041	12	46	1	4	63	318	381	352	29
12	23,087 - 30,017	2	5	--	1	8	104	112	110	2
13	27,453 - 35,688	--	2	1	--	3	55	58	57	1
14	32,442 - 42,171	1	1	--	1	3	49	52	45	7
15	38,160 - 49,608	--	--	--	--	0	24	24	23	1
16	44,756 - 56,692	--	--	--	--	0	4	4	4	0
17	52,429 - 59,421	--	--	--	--	0	1	1	1	0
18	61,449 -									
TOTAL		198	447	7	171	823	1,917	2,740	1,921	819

Table 6C  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Western Region - Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.03%	0.0%	0.1%
3	8,356 - 10,877	19.6	9.2	0.0	2.9	10.3	4.8	6.5	1.2	18.8
4	9,391 - 12,208	18.7	10.3	14.3	12.3	12.8	5.4	7.6	3.7	16.9
5	10,507 - 13,657	27.3	23.9	14.3	41.5	28.2	20.5	22.9	19.4	31.2
6	11,712 - 15,222	7.6	8.3	0.0	4.1	7.2	4.6	5.4	4.3	7.9
7	13,014 - 16,920	9.6	8.3	14.3	13.5	9.7	7.8	8.4	8.1	9.0
8	14,414 - 18,734	0.0	1.1	0.0	2.3	1.1	0.8	0.9	0.8	1.1
9	15,920 - 20,699	9.6	26.8	28.5	18.7	21.0	26.6	25.0	31.4	10.0
10	17,532 - 22,788	0.0	0.0	0.0	1.2	0.2	0.3	0.3	0.3	0.2
11	19,263 - 25,041	6.1	10.3	14.3	2.3	7.7	16.6	13.9	18.3	3.5
12	23,087 - 30,017	1.0	1.1	0.0	0.6	1.0	5.4	4.1	5.7	0.2
13	27,453 - 35,688	0.0	0.4	14.3	0.0	0.4	2.9	2.1	3.0	0.1
14	32,442 - 42,171	0.5	0.2	0.0	0.6	0.4	2.6	1.9	2.3	0.9
15	38,160 - 49,608	0.0	0.0	0.0	0.0	0.0	1.3	0.9	1.2	0.1
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	0.2	0.1	0.2	0.0
17	52,429 - 59,421	0.0	0.0	0.0	0.0	0.0	0.1	0.03	0.1	0.0
18	61,449 -									
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 6D  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total GS Work Force  
 Western Region - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total	Male	Female
2	\$ 7,422 - 9,645	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	100.0%
3	8,356 - 10,877	22.0	23.2	0.0	2.8	48.0	52.0	100.0	13.6	86.4
4	9,391 - 12,208	17.7	22.0	0.5	10.0	50.2	49.8	100.0	34.0	66.0
5	10,507 - 13,657	8.6	17.0	0.2	11.3	37.1	62.9	100.0	59.4	40.6
6	11,712 - 15,222	10.1	25.0	0.0	4.7	39.9	60.1	100.0	56.1	43.9
7	13,014 - 16,920	8.3	16.2	0.4	10.0	34.9	65.1	100.0	67.7	32.3
8	14,414 - 18,734	0.0	20.8	0.0	16.7	37.5	62.5	100.0	62.5	37.5
9	15,920 - 20,699	2.8	17.5	0.3	4.7	25.3	74.7	100.0	88.0	12.0
10	17,532 - 22,788	0.0	0.0	0.0	25.0	25.0	75.0	100.0	75.0	25.0
11	19,263 - 25,041	3.1	12.1	0.3	1.0	16.5	83.5	100.0	92.4	7.6
12	23,087 - 30,017	1.8	4.5	0.0	0.9	7.1	92.9	100.0	98.2	1.8
13	27,453 - 35,688	0.0	3.4	1.7	0.0	5.2	94.8	100.0	98.3	1.7
14	32,442 - 42,171	1.9	1.9	0.0	1.9	5.8	94.2	100.0	86.5	13.5
15	38,160 - 49,608	0.0	0.0	0.0	0.0	0.0	100.0	100.0	95.8	4.2
16	44,756 - 56,692	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
17	52,429 - 59,421	0.0	0.0	0.0	0.0	0.0	100.0	100.0	100.0	0.0
18	61,449 -									
Total		7.2%	16.3%	0.3%	6.2%	30.0%	70.0%	100.0%	70.1%	29.9%

Table 6E  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex

Total GS/Work Force  
 Female - Western Region

Grade	Salary Range	Black	Hispanic	Native * American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	--	--	--	--	0	1	1
3	8,356 - 10,877	29	38	--	4	71	82	153
4	9,391 - 12,208	20	23	1	15	59	79	138
5	10,507 - 13,657	31	57	1	34	123	132	255
6	11,712 - 15,222	9	10	--	3	22	43	65
7	13,014 - 16,920	10	14	1	9	34	40	74
8	14,414 - 18,734	--	--	--	3	3	6	9
9	15,920 - 20,699	10	21	1	21	53	29	82
10	17,532 - 22,788	--	--	--	1	1	1	2
11	19,263 - 25,041	6	3	1	0	10	19	29
12	23,087 - 30,017	--	--	--	--	0	2	2
13	27,453 - 35,688	--	--	--	--	0	1	1
14	32,442 - 42,171	1	--	--	--	1	6	7
15	38,160 - 49,608	--	--	--	--	0	1	1
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 -							
TOTAL		116	166	5	90	377	442	819

Table 6F  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Western Region - Percentage Distribution  
 (Vertical)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%	0.1%
3	8,356 - 10,877	25.0	22.9	0.0	4.4	18.8	18.7	18.8
4	9,391 - 12,208	17.3	13.9	20.0	16.7	15.6	17.9	16.9
5	10,507 - 13,657	26.7	34.3	20.0	37.8	32.6	29.9	31.2
6	11,712 - 15,222	7.7	6.0	0.0	3.3	5.8	9.7	7.9
7	13,014 - 16,920	8.6	8.4	20.0	10.0	9.0	9.0	9.0
8	14,414 - 18,734	0.0	0.0	0.0	3.3	0.8	1.4	1.1
9	15,920 - 20,699	8.6	12.7	20.0	23.3	14.1	6.6	10.0
10	17,532 - 22,788	0.0	0.0	0.0	1.1	0.3	0.2	0.2
11	19,263 - 25,041	5.2	1.8	20.0	0.0	2.7	4.3	3.5
12	23,087 - 30,017	0.0	0.0	0.0	0.0	0.0	0.5	0.2
13	27,453 - 35,688	0.0	0.0	0.0	0.0	0.0	0.2	0.1
14	32,442 - 42,171	0.9	0.0	0.0	0.0	0.3	1.4	0.9
15	38,160 - 49,608	0.0	0.0	0.0	0.0	0.0	0.2	0.1
16	44,756 - 56,692	--						0.0
17	52,429 - 59,421	--						0.0
18	61,449 -	--						
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 6G  
 Immigration and Naturalization Service  
 Work Force by Grade Level, Race, Ethnicity and Sex  
 Total Female GS Work Force  
 Western Region - Percentage Distribution  
 (Horizontal)

Grade	Salary Range	Black	Hispanic	Native American	Asian American	Total Minority Group	White/Anglo	Total
2	\$ 7,422 - 9,645	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
3	8,356 - 10,877	19.0	24.8	0.0	2.6	46.4	53.6	100.0
4	9,391 - 12,208	14.5	16.7	0.7	10.9	42.8	57.2	100.0
5	10,507 - 13,657	12.2	22.4	0.4	13.3	48.2	51.8	100.0
6	11,712 - 15,222	13.8	15.4	0.0	4.6	33.8	66.2	100.0
7	13,014 - 16,920	13.5	18.9	1.4	12.2	45.9	54.1	100.0
8	14,414 - 18,734	0.0	0.0	0.0	33.3	33.3	66.7	100.0
9	15,920 - 20,699	12.2	25.6	1.2	25.6	64.6	35.4	100.0
10	17,532 - 22,788	0.0	0.0	0.0	50.0	50.0	50.0	100.0
11	19,263 - 25,041	20.7	10.3	3.4	0.0	34.5	65.5	100.0
12	23,087 - 30,017	0.0	0.0	0.0	0.0	0.0	100.0	100.0
13	27,453 - 35,688	0.0	0.0	0.0	0.0	0.0	100.0	100.0
14	32,442 - 42,171	14.3	0.0	0.0	0.0	14.3	85.7	100.0
15	38,160 - 49,608	0.0	0.0	0.0	0.0	0.0	100.0	100.0
16	44,756 - 56,692							
17	52,429 - 59,421							
18	61,449 - "							
Total		14.2%	20.3%	0.6%	11.0%	46.0%	54.0%	100.0%



Table 6H  
 Cumulative Distribution  
 Immigration and Naturalization Service  
 Total GS Work Force  
 Western Region

Grade	Salary Range	White/Anglo			Minority*			Women			Total		
		f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %	f	Cum f	Cum %
15+	\$38,160 - 49,608	29	1,917	100.0				1	819	100.0	29	2,740	100.0
14	32,442 - 42,171	49	1,888	98.5	3	823	100.0	7	818	99.9	52	2,711	98.9
13	27,453 - 35,688	55	1,839	95.9	3	820	99.6	1	811	99.0	58	2,659	97.0
12	23,087 - 30,017	104	1,784	93.1	8	817	99.3	2	810	98.9	112	2,601	94.9
11	19,263 - 25,041	318	1,680	87.6	63	809	98.3	29	808	98.7	381	2,489	90.8
10	17,532 - 22,788	6	1,362	71.0	2	746	90.6	2	779	95.1	8	2,108	76.9
9	15,920 - 20,699	511	1,356	70.7	173	744	90.4	82	777	94.9	684	2,100	76.6
8	14,414 - 18,734	15	845	44.0	9	571	69.4	9	695	84.9	24	1,416	51.7
7	13,014 - 16,920	149	830	43.3	80	562	68.3	74	686	83.8	229	1,392	50.8
6	11,712 - 15,222	89	681	35.5	59	482	58.6	65	612	74.7	148	1,163	42.4
5	10,507 - 13,657	395	592	30.9	233	423	51.4	255	547	66.8	628	1,015	37.0
4	9,391 - 12,208	104	197	10.3	105	190	23.1	138	292	35.7	209	387	14.1
3	8,356 - 10,877	92	93	4.9	85	85	10.3	153	154	18.8	177	178	6.5
2	7,422 - 9,645	1	1	0.1	0	0	0.0	1	1	0.1	1	1	0.1
Median			8.5		5.0			4.5			7.0		
Mode			9.0		5.0			5.0			9.0		
Mean			8.1		6.4			5.4			7.6		

\*Includes blacks, Hispanics, Asian Americans and American Indians.

Table 6I  
 Distribution of Work Force  
 Immigration and Naturalization Service  
 By Grade Level Group, Race, Ethnicity and Sex  
 Total GS Work Force  
 Western Region

Grade Group	Black		Hispanics		Native American		Asian American		Total Minority		White/Anglo		Male		Female	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
GS 01-04	76	38.4	87	19.5	1	14.3	26	15.3	190	23.1	197	10.3	95	4.9	292	35.7
05-08	88	44.5	186	41.7	2	28.6	105	61.4	381	46.3	648	33.9	626	32.7	403	49.3
09-11	31	15.6	166	37.1	3	42.9	38	22.2	238	28.9	835	43.5	960	49.9	113	13.7
12-15+	3	1.5	8	1.7	1	14.2	2	1.1	14	1.7	237	12.3	240	12.5	11	1.3
Total	198	100.0	447	100.0	7	100.0	171	100.0	823	100.0	1,917	100.0	1,921	100.0	819	100.0

TABLE 6J  
 EMPLOYMENT IN SELECTED OCCUPATIONS  
 BY SERIES, RACE, ETHNICITY, AND GENDER  
 IMMIGRATION AND NATURALIZATION SERVICE  
 SEPTEMBER 1978  
 WESTERN REGION

OCCUPATION/SERIES	TOTAL	BLACK		HISPANIC		NATIVE AMERICAN		ASIAN AMERICAN		WHITE		TOTAL		% Minority	% Female
		M	F	M	F	M	F	M	F	M	F	Min.	Fem.		
Personnel MGT SP. 201	4	0	0	0	0	0	0	0	0	3	1	0	1	0.0%	25.0%
Personnel SPEC. 212	5	0	0	0	0	0	0	0	0	0	5	0	5	0.0	100.0
General Clerical 301	353	21	22	77	28	0	0	7	14	121	63	169	127	47.8	35.9
Clerk 305	112	18	28	2	5	0	1	3	7	19	29	64	70	57.1	62.5
Stenographer 312	39	0	5	0	6	0	0	0	2	0	26	13	39	33.3	100.0
Secretary 318	47	0	0	0	5	0	0	0	3	0	39	8	47	17.0	100.0
Clerk Typist 322	92	3	14	1	27	0	0	0	4	4	39	49	84	53.2	91.3
Admin. Officer 341	9	0	0	1	1	0	0	0	0	3	4	2	5	22.2	55.5
Program Analyst 345	2	0	0	0	0	0	0	0	0	2	0	0	0	0.0	0.0
Accountant 525	8	0	0	0	0	0	0	0	2	1	5	2	7	25.0	87.5
Voucher Exam. 540	5	0	0	0	1	0	0	0	0	2	2	1	3	20.0	60.0
Attorney 905	52	1	1	0	0	0	0	3	0	40	7	5	8	9.6	15.3
Contact Rep. 962	64	1	12	1	20	0	1	3	5	5	16	43	54	67.1	84.3
Interpreter 1047	131	0	0	4	22	0	0	33	14	33	25	73	61	55.7	46.5
Investigator 1811	225	9	2	0	0	0	0	2	1	200	11	14	14	6.2	6.2
Inspector 1816	391	9	12	48	23	2	1	15	26	202	53	136	115	34.7	29.4
Patrol Officer 1896	908	14	1	124	5	0	0	5	0	749	10	149	16	16.4	1.7
Subtotals	2447	76	97	258	143	2	3	71	78	1384	335	728	656	29.7%	26.8%
Totals			173		401		5		149		1719				
Percent of Total			7.0%		16.3%		0.2%		6.0%		70.2%				

SOURCE: U.S. Department of Justice, Immigration and Naturalization Service, INS Minorities by Minority Group Designator Within Series, Computer Printout, Personnel Systems, Washington, D.C., September, 1978

*Exhibit No. 6*STATEMENT BY JAMES H. WALKER,  
ASSISTANT COMMISSIONER FOR PERSONNEL  
IMMIGRATION & NATURALIZATION SERVICE

at

HEARINGS BEFORE U. S. COMMISSION ON CIVIL RIGHTS

November 14, 1978

I&NS has made significant progress with the EEO Affirmative Action Program since 1976. We would like to call your attention to some of those accomplishments which we feel have increased the Service's ability to attain a balanced minority and female representation overall and in key occupations and grade levels.

I. Statistics

- The Immigration and Naturalization Service's on-duty strength in 1976 was 9,973 vs. 11,744 in 1978. The number of minority employees was 2,642 vs. 3,527. This represents an increase of 1,951 employees, of which 885 or 45.4% were minorities. This resulted in an increase in overall employment of minorities from 27% in 1976 to 30.1% in 1978;
- Minority representation in I&NS's three key Officer Corps occupations (Border Patrol Agents, Investigators and Inspectors) increased by more than 3% in each occupation (Border Patrol Agents from 16.3% in 1976 to 19.4% in 1978, Investigators from 9% to 12.1%, and Inspectors from 16.3% to 19.6%);
- Minority employment by grade level: GS-6 through 9 increased from 8.8% in 1976 to 9% in 1978; GS-10 through 14 increased from 2.1% to 2.6%;
- The average grade level for minorities increased from 5.7 in 1976 to 6.1 in 1978 while the Service's overall grade level declined from 7.6 to 7.5.
- EEO Advisory Committees have been established in 61 I&NS locations (2 were in existence in 1976); and
- Part-time collateral duty employees have increased from 132 in 1976 to 189 in 1978.

II. To achieve these positive results, the following organizational and programmatic actions were accomplished:

- Establishment of an organization solely for EEO Affirmative Action (as a Branch within the Personnel Division);
- Over 70,000 recruitment contacts during FY 1978 with individuals of schools and special interest organizations;
- Establishment of goals and timetables for increasing minority participation in key I&NS occupations during FY 1978;
- Establishment of EEO Advisory Committees through District and Sector levels;
- Establishment of a network of collateral duty/part-time coordinators for special emphasis programs, EEO counseling, and EEO investigation through District and Sector levels;
- Establishment of an internal agency fund for training in December 1976 (FY 77 - \$34,000; FY-78 - \$144,000; and FY-79 - \$200,000);
- An increase of EEO training incidents from 52 in 1976 to 1,288 in 1977 to 1,355 in 1978 (emphasis was on EEO training for supervisors and managers and for full- and part-time EEO staff members);
- Development of Affirmative Action Plans (AAP) through District and Sector levels; 25 AAPs developed to date;
- FY-78 National AAP emphasized procedural parameters to implement an effective Affirmative Action program; FY-79 Plan concentrates on establishing goals to accomplish an effective affirmative action program;
- Utilization of Personnel Management Evaluation surveys as vehicles to evaluate the EEO Affirmative Action Program;
- Implementation of a formal Upward Mobility Program in March 1978; significant increase in upward mobility program participation has been established as a FY 1979 AAP goal.

### III. Areas for Improvement

Although we feel that our efforts have produced positive results, we are aware of the need to continue and to increase accomplishments in minority employment at I&NS. Especially, we recognize:

- The need to increase minority and female participation in middle and higher level management positions;
- The need to increase the number of employees enrolled in the Upward Mobility Program;
- The need to place emphasis on affirmative action accomplishments in order to further increase minorities and women in key occupations, higher grade levels, and in supervisory and managerial positions.

United States  
Department of Justice



# Change

1713.4 CHG 1

Feb. 21, 1973

Cancellation

Date: After Action

**Subject:** EQUAL EMPLOYMENT OPPORTUNITY

1. PURPOSE. This change transmits Chapters 3 & 4 of Order No. 1713.1.
2. CANCELLATION. Order No. 1713.1 is cancelled.

### PAGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
iii	November 6, 1972	iii and iv	February 21, 1973
		15 (thru 33)	February 21, 1973

GLEN E. POMMERENING  
Acting Assistant Attorney General  
for Administration

Distribution: H-4; F-1; USA-3; USM-3;  
B-1; H-8; B-8

Initiated by: Office of Personnel and  
Training

United States  
Department of Justice



*file*  
**Order**

1713.4

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EQUAL EMPLOYMENT OPPORTUNITY

November 6, 1972

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Distribution: H-4; F-1; USA-3; USM-3;  
B-1; H-8; B-8

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9			43			77			111		
10			44			78			112		
11			45			79			113		
12			46			80			114		
13			47			81			115		
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17			51			85			119		
18			52			86			120		
19			53			87			121		
20			54			88			122		
21			55			89			123		
22			56			90			124		
23			57			91			125		
24			58			92			126		
25			59			93			127		
26			60			94			128		
27			61			95			129		
28			62			96			130		
29			63			97			131		
30			64			98			132		
31			65			99			133		
32			66			100			134		
33			67			101			135		
34			68			102			136		

November 6, 1972

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## FOREWORD

1. PURPOSE. This order revises the Department of Justice EEO regulations to comply with the EEO Act of 1972.
2. EFFECTIVE DATE. The provisions of this order are effective November 1, 1972.
3. CHANGES. This order incorporates new requirements of the EEO Act of 1972 and part 713 of the Civil Service Commission Regulations including:
  - a. Department regional plans of action.
  - b. Submission of national and regional plans of action to the Civil Service Commission for approval.
  - c. Allocation of personnel and resources to meet the objectives of the EEO program.
  - d. Certification of qualifications of EEO program officials.
  - e. Completed processing of discrimination complaints within 180 days after filing.
  - f. Accomplishment reports on plans of action to the Civil Service Commission.



L. M. PELLERZI  
Assistant Attorney General  
for Administration

Feb. 21, 1973

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## CHAPTER 1. POLICY AND ADMINISTRATION

1. PURPOSE. This order implements and supplements 28 CFR 42.1 and 42.2 and part 713 of the Civil Service Commission regulations and governs the Equal Employment Opportunity (EEO) program for the Department of Justice.
2. POLICY. It is the policy of the Department of Justice to prohibit discrimination in employment because of race, color, religion, sex or national origin and to provide equal employment opportunity in each organizational element of the Department. Management at all levels will take positive action to eliminate any internal policy, practice or procedure which denies equality of opportunity to any group or individual on the basis of race, color, religion, sex or national origin, and will assure that questions and complaints of discrimination are promptly and thoroughly investigated and resolved without reprisal or threat of reprisal to the employee or applicant.
3. SCOPE. These regulations apply to every employee, executive, and supervisor in the Department and to applicants for employment.
4. TERMS EXPLAINED.
  - a. Bureau. For the purposes of this order, the term bureau refers to the Bureau of Prisons including Federal Prison Industries, Inc., the Immigration and Naturalization Service, the Bureau of Narcotics and Dangerous Drugs, the Law Enforcement Assistance Administration, and the Federal Bureau of Investigation. The legal and administrative activities are also jointly considered a bureau as the term is used in this regulation.
  - b. Legal and Administrative Activities. For purposes of this order, the term legal and administrative activities refers to the Office of the Attorney General; the Office of the Deputy Attorney General; the Office of the Solicitor General; the Office of Legal Counsel; the Office of the Pardon Attorney; the Board of Immigration Appeals; the Board of Parole; the Antitrust, Civil, Civil Rights, Criminal, Internal Security, Land and Natural Resources, Tax and Administrative Divisions; the Community Relations Service; the Offices of U. S. Attorneys; the U.S. Marshals Service; the Office for Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence.
  - c. Discrimination. Any action based on race, color, religion, sex or national origin rather than merit or fitness including actions

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affecting rights, privileges, benefits, dignity, working conditions, and equality of economic opportunity. Discrimination includes not only clear, deliberate actions and/or comments that can be documented to show intent to injure or hamper another because of race, color, religion, sex or national origin, but also those actions or practices which, after appropriate investigation, are determined to have injured or hampered an individual or group because of race, color, religion, sex or national origin.

5. RESPONSIBILITIES.

- a. Attorney General. The Attorney General has overall responsibility for insuring equal opportunity in employment throughout the Department, for establishing positive action plans to assure adherence to the Department's policy, for providing for equitable resolution of complaints of discrimination, and for enforcing the Department's EEO commitment. The Attorney General designates the Director of EEO to administer the EEO program for the Department and makes the Assistant Attorney General for Civil Rights responsible for appointing the Complaint Adjudication Officer to render the final decision for the Department of Justice in all cases involving a complaint of discrimination because of race, color, religion, sex or national origin.
- b. Director of EEO. The Assistant Attorney General for Administration, as the Director of EEO, is responsible for the overall management of the EEO program and the Federal Women's Program within the Department.
- c. Bureau Directors. Bureau directors are responsible for assuring equal opportunity in employment within their organizations, for allocating sufficient resources to meet EEO program objectives, for appointing qualified EEO program officials, for publishing the names, responsibilities and telephone numbers of bureau EEO program officials, for delegating to EEO officers, deputies and counselors sufficient authority to resolve complaints where possible, and for issuing and assuring compliance with EEO program directives. The Assistant Attorney General for Administration is the bureau director for the legal and administrative activities.
- d. Chairman of the Federal Women's Program Committee. The Chairman of the Federal Women's Program Committee is responsible for organizing and guiding the activities of the Committee. This includes developing the channels through which employment problems of women and recommended positive actions can be identified and brought to the attention of the Director of EEO and management. (See Order 1713.3 as revised).

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- e. Bureau Equal Employment Opportunity Officer. Each bureau director will designate an Equal Employment Opportunity officer who is responsible for meeting with employees and applicants to discuss complaints, for investigating complaints of discrimination, and for reporting investigations and assisting with hearings. The EEO officer also participates in the development of plans of action and in evaluating the EEO aspects of personnel management programs. Deputy EEO officers may be designated to assist the EEO officer if required.
- f. Equal Employment Opportunity Counselor. The counselors are designated by the bureau director and are responsible for providing prompt, expert advice and information to employees and applicants within the organizational segment serviced who have questions which involve discrimination.
- g. Personnel Officers. Personnel officers are responsible for assuring that all personnel management programs are free of discrimination. For this reason and because of the skills available to them, personnel officers are also responsible for evaluating the personnel management programs in terms of equal employment opportunity and for recommending objectives for EEO plans of action to the Director of EEO, bureau director or Chairman of the Federal Women's Program Committee. While this regulation does not prohibit appointing someone in the personnel office to serve as bureau EEO officer, the requirement for objective investigations argues against it. Personnel officers are responsible for assuring that copies of this regulation are available to all employees and applicants through immediate supervisors, bulletin boards and personnel offices.
- h. Managers and Supervisors. These officials are responsible for providing equal opportunity in employment matters and for eradicating all discriminatory practices within their organizational segments.
- i. Employees. All employees are responsible for treating fellow employees with basic respect and dignity, and not practicing themselves, nor condoning in others discriminatory behavior in employment based on race, color, religion, sex or national origin. All employees retain the ultimate responsibility for establishing their own career goals, for seeking information and advice relative to their goals and employment, and for working toward the fulfillment of their career objectives.

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## CHAPTER 2. EEO PLANS OF ACTION

6. GENERAL. A plan of action is an organized list of management actions designed to meet specific objectives. All plans of action will be developed on a calendar year basis. Objectives will be formulated in response to known problems, realistic in scope, and measurable in their results. Each objective will include:
  - a. A clear statement of the objective.
  - b. The actions required to meet the objective.
  - c. A designation of the official responsible for each action and the target date for completion of each action.
  
7. TYPES OF EEO PLANS OF ACTION.
  - a. Department National EEO Plan of Action. The Director of Personnel and Training is responsible for preparing, coordinating and presenting the proposed national plan to the Deputy Attorney General and the Director of EEO for signature. The national plan will incorporate objectives and actions to resolve identified problems within the Department together with objectives and actions required by law or Civil Service Commission regulations. Copies of the Department national EEO plan of action will be forwarded to the bureaus and the Civil Service Commission by November 1 each year. Copies of the national plan are to be made available to employees and the public upon request.
  
  - b. Bureau EEO Plans of Action. Bureau directors are responsible for the preparation and implementation of bureau plans of action which include objectives and actions required by the Department national EEO plan of action as well as the objectives or actions established by the bureau director. Bureau plans will be prepared in four sections to apply, one each, to the regions outlined in Appendix 2-1. Each section will include the objectives and actions appropriate to bureau activities in the region. Copies of each bureau plan will be forwarded to the Director of Personnel and Training and to the personnel directors for the other bureaus by December 1 each year. Copies of bureau plans will be made available to employees and the public upon request.



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- c. Department Regional EEO Plans of Action. The Director of Personnel and Training is responsible for preparing, coordinating and presenting regional plans to the Director of EEO for approval. Regional plans will incorporate objectives and actions outlined in Appendix 2-1. After all bureau plans have been distributed to the Director of Personnel and Training and bureau personnel directors, a representative of the Office of Personnel and Training will chair a work group of bureau representatives to reconcile differences in bureau plans and to prepare proposed regional plans for the Department. The resulting regional plan proposals will be submitted to bureau directors for coordination. Subsequent changes and bureau coordination must be completed not later than January 15 each year. Copies of the Department regional EEO plans will be forwarded to the appropriate officers of the Civil Service Commission and to the bureaus by February 1 each year. Copies of regional plans will be made available to employees and the public upon request.
- d. Local EEO Plans of Action. Plans are required for each bureau subordinate element which maintains a personnel office. Bureau directors are responsible for developing the policies and procedures to implement this requirement.
8. SUBJECTS TO BE COVERED IN PLANS. Basic subjects to be covered in Department and bureau plans are listed in Chapter 713 of the Federal Personnel Manual together with suggested action items. Action items will be directed toward assuring equal opportunity for women as well as specific minority groups. Numerical guidelines developed to guide recruiting, promotion and training programs, etc., will not be applied as quotas. In addition, the EEO Act of 1972 requires:
- a. EEO Plan Identification. The required title pages and statistical data which are to accompany Department national and regional plans will be prepared by the Director of Personnel and Training.
- b. Allocation of Personnel and Resources. The Director of EEO and bureau directors are responsible for providing sufficient personnel and resources to meet the objectives of the EEO program. Bureau directors will record bureau-wide data in parts A and B of the form in Appendix 2-2 and will submit two copies of the form to the Director of Personnel and Training by October 15 each year. Department-wide data will be compiled from bureau data and submitted to the Civil Service Commission by the Director of EEO along with the Department national plan of action. Bureau directors will record data for each of the four regions in part B of the form in Appendix 2-2 and will submit two copies of the form for each region to the Director of Personnel and Training with the bureau plan of action submission on December 1 each year.

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Figures in both parts A and B should be projected as of January 1 of the following year.

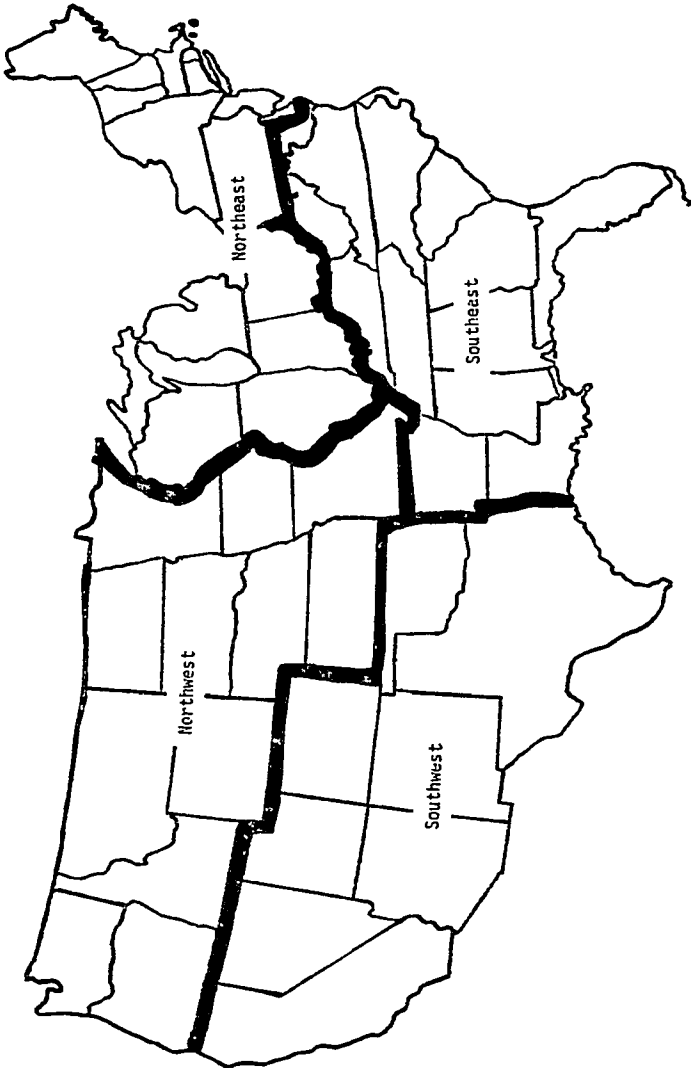
- c. Qualification Requirements. The Director of EEO and bureau directors are responsible for assigning qualified EEO officials. Bureau directors will review the qualifications of bureau officials against the GS-160 qualification standards published by the Civil Service Commission, will complete certification for all bureau EEO program officials on the form in Appendix 2-3, and will forward two copies of the form to the Director of Personnel and Training by October 15 each year. Bureau directors will complete certification of bureau EEO program officials in each of the four regions and submit two copies of the form for each region to the Director of Personnel and Training with the bureau plan of action submission on December 1 each year.
9. PROPOSING ACTION ITEMS. Although staff responsibility for preparing EEO plans of action may vary among organizations within the Department, provisions must be made to consider suggestions and action item proposals from all levels within the organization. Contributions from bureau EEO officers and counselors, Federal Women's Program Committee representatives, personnel specialists, employees and labor organizations must be considered in preparing plans of action.

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Appendix 2-1

APPENDIX 2-1. DEPARTMENT OF JUSTICE EEO REGIONS



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Appendix 2-2

APPENDIX 2-2. ALLOCATION OF PERSONNEL AND RESOURCES FOR EEO

1. Bureau \_\_\_\_\_

2. Geographic area covered (circle one).

bureau-wide      NE      SE      NW      SW

3. EEO program personnel. Figures in this section should be projected as of January 1 each year.

A. Headquarters (for bureau-wide reports only).

Total number of employees in headquarters office \_\_\_\_\_

	Full-time	Part-time
EEO Officer(s)	_____	_____
EEO Counselor(s)	_____	_____
EEO complaint investigators	_____	_____
Federal Women's Program Committee representatives or coordinators	_____	_____
Sixteen-Point Program Coordinator(s)	_____	_____
Other EEO office staff	_____	_____
Others	_____	_____

B. Field (for bureau-wide and regional reports).

Total number of field employees \_\_\_\_\_

	Full-time	Part-time
EEO Officer(s)	_____	_____
EEO Counselor(s)	_____	_____
EEO complaint investigators	_____	_____
Federal Women's Program Committee representatives	_____	_____

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Sixteen-Point Program Coordinator(s)	_____	_____
Other EEO office staff	_____	_____
Others	_____	_____

4. Personnel and Fiscal Resources. Include dollar cost of salaries, benefits, travel, transcripts, reimbursement fees for investigators and complaint examiners. Figures in this section should be projected as of January 1 each year.

A. Headquarters (for bureau-wide reports only).

	Man-years	Dollars
EEO Counseling	_____	_____
Complaint Processing	_____	_____
EEO Program Administration	_____	_____
EEO Subject-Matter Training	_____	_____
Remarks: _____		
_____		
_____		

B. Field (for bureau-wide and regional reports).

	Man-years	Dollars
EEO Counseling	_____	_____
Complaint Processing	_____	_____
EEO Program Administration	_____	_____
EEO Subject Matter Training	_____	_____
Remarks: _____		
_____		
_____		

5. Signature of Bureau Director \_\_\_\_\_

6. Date \_\_\_\_\_

November 6, 1972

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Appendix 2-3APPENDIX 2-3. CERTIFICATION OF QUALIFICATIONS  
OF EEO PROGRAM OFFICIALS

1. Bureau \_\_\_\_\_

2. Geographic area covered (circle one).

bureau-wide          NE          SE          NW          SW

3. Certification of qualifications. Information is required on all part-time and full-time program officials. Regional certificates should cover only EEO program officials in the activities located in that region. Bureau-wide certificates should cover all bureau EEO program officials.

I certify that I have reviewed the qualifications of the following EEO program officials and that they meet the standards outlined in Qualifications Standards Handbook X-118 under "Equal Opportunity Specialist GS-160" or "Qualifications Guide For Collateral Assignments Involving Equal Employment Opportunity Duties."

(List EEO program officials covered; i.e., EEO officer, EEO counselor, Federal Women's Program Committee representatives or coordinators, Sixteen-Point Program Coordinators, EEO investigators, EEO staff, others).

4. Signature of Bureau Director

\_\_\_\_\_

5. Date \_\_\_\_\_

6. Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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## CHAPTER 3. PROCESSING COMPLAINTS OF DISCRIMINATION.

10. GENERAL. This chapter applies to all allegations of discrimination in employment matters because of race, color, religion, sex, or national origin raised against the Department of Justice by employees, applicants or interested third parties. The information in this chapter supplements Civil Service Commission regulations found in Part 713 of the Federal Personnel Manual.
11. PROCEDURES. While all allegations of discrimination may be processed entirely under this regulation, many employee and applicant problems which include an allegation of discrimination are appropriate for processing under other procedures. Although Department officials are prohibited from advising complainants not to pursue a complaint under this regulation, complainants may be advised that other appeal procedures appear to be more appropriate and that processing a complaint under this regulation will usually mean that appeal rights under other procedures will lapse.
  - a. The procedures in this regulation apply exclusively to the following:
    - (1) Individual complaints of discrimination from Department employees or applicants. These may involve issues which, except for the allegation of discrimination, would be processed as employee grievances as defined in Department of Justice Order 1771.1.
    - (2) Complaints from an organization or other third party on behalf of and with the written consent of an individual employee(s) or qualified applicant(s).
    - (3) General allegations of discrimination unrelated to individual complaints will be processed in accordance with paragraph 23 of this regulation.
    - (4) Allegations of reprisal, coercion or intimidation in connection with seeking EEO counseling, filing a complaint or participating in the processing of an allegation of discrimination will be investigated in accordance with paragraph 22 of this regulation.
    - (5) Allegations in connection with an adverse action being processed under Department or bureau administrative appeal procedures as defined in Department of Justice Order 1771.1 may be filed at any one of three stages and will be processed as follows:

- (a) Answer to a Notice of Proposed Adverse Action. When an employee alleges discrimination in answer to a notice of proposed action, the complaint is accepted, but held without investigation. If a hearing on the proposed action is scheduled, the complaint is processed in accordance with (b), below. If, for any reason, no hearing is scheduled, the complaint is held until after the original decision on the action is made, and processed in accordance with (c), below.
  - (b) During a Hearing on Proposed Action. When an employee raises the issue of discrimination during the hearing on a proposed action, the hearing is broadened to include evidence and testimony on the allegation. No investigation is undertaken. The original decision on the adverse action will include all evidence and testimony developed during the hearing. If the employee appeals the original decision, the complaint is investigated at that time and a second hearing held at the discretion of the bureau EEO officer or the Director of EEO. The Complaint Adjudication Officer's decision will be incorporated into the decision on the appeal.
  - (c) After the Original Decision on the Action. When the original decision on the action is unfavorable to the employee and the employee raises the issue of discrimination in appealing to a higher level within the Department, the complaint is processed under the procedures of this regulation. The Complaint Adjudication Officer's decision will be incorporated into the decision on the appeal. When the original decision on the action is favorable to the employee but the employee alleges discrimination was involved in proposing the action in the first place, the complaint will be processed under the procedures of this regulation.
- b. The procedures governing the following situations include an appeal to the Civil Service Commission and may be elected by the complainant in lieu of this regulation even though the issues include an allegation of discrimination:
- (1) Adverse action appeals, DJ Order 1771.1.
  - (2) Job classification, see DJ Order 1511.1A.
  - (3) Annual performance rating, see FPM Chapter 430.



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- (4) Reduction-In-Force, see FPM Chapter 772.
  - (5) Termination during probationary or trial period, see FPM Chapter 315.
12. REPRESENTATION. Complainants have the right to be accompanied, represented and advised at any stage in the complaint procedures, by a representative. If an employee of the Department agrees to serve as representative, he or she will be allowed a reasonable amount of official time to present the complaint. Complainants who are employees of the Department will also be allowed a reasonable amount of official time to present their case. Complainants, witnesses and/or representatives shall be free from restraint, coercion, interference or reprisal during or because of a complaint of discrimination.
13. PAYMENT OF COSTS. Travel and per diem expenses for officially assigned EEO counselors, investigators of discrimination complaints and complaints examiners of EEO cases will be paid by the organization in which the complaint arose. The bureau, division or office to be charged will issue a travel authorization, obligate funds and approve the travel voucher.
14. PRE-COMPLAINT COUNSELING.
- a. Who May Request Counseling. Before a formal complaint may be filed, employees or applicants for employment in the Department who feel they have been discriminated against must bring the matter to the attention of the EEO counselor serving the organization against which the question arose within 30 calendar days after the action in question. Continuing problems may be discussed at any time. General complaints, those unrelated to an individual complaint, will be submitted directly to the EEO officer for investigation.
  - b. The EEO Counselor's Role. The EEO counselor, within 21 calendar days of receipt of a request for counseling, will:
    - (1) Discuss the questions and problems with the complainant and the complainant's representative (if any) and identify the issues involved.
    - (2) Assure the complainant's anonymity, if permission is not given to use the name. The complainant must be advised that if a formal complaint is filed, the name must be used.

- (3) Ascertain the facts surrounding each question. This includes reviewing records and regulations, interviewing supervisors and personnel officers, etc.
  - (4) Exercise authority delegated by the bureau director to resolve problems informally. Conscientious and responsive counseling can often solve employee problems before it becomes necessary to file a formal complaint.
  - (5) Document the case, including issues raised and attempted resolution, if any, on the form in Appendix 3-1.
  - (6) Notify the complainant in writing of the final counseling interview and of the right to file a formal complaint within 15 days and the appropriate officials with whom to file a complaint. The counselor shall not attempt in any way to restrain a person from filing a formal complaint.
  - (7) If counseling has not been completed within 21 days, notify the complainant in writing on the 21st day of the complainant's option to file a formal complaint within 15 days even though counseling is not complete or to continue counseling. If the complainant elects to continue counseling, the counselor will inform the complainant in writing of the final counseling interview as described in (6) above.
  - (8) Keep a record of counseling activities. The EEO counselor's files shall not be open to review by anyone except the Director of EEO, the EEO officer and the complaints examiner without specific permission of the Director of EEO.
  - (9) Assist in preparing formal complaints of discrimination, including providing typing support.
15. DISCRIMINATION COMPLAINTS. If the complainant is not satisfied with an informal resolution of the problem, a formal complaint of discrimination may be filed. The EEO Act of 1972 requires that processing of discrimination complaints, from receipt through the Department's final decision, must be completed within 180 days. This does not include time spent in pre-complaint counseling.
- a. How to File Discrimination Complaints. Complainants must provide information requested on the form in Appendix 3-2. This form must be signed by the complainant or an officer of the organization in the case of complaints filed by an organization or other third party and filed within the prescribed time limits. Complaints

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may be submitted in person or by mail, to the Attorney General the Director of EEO, Federal Women's Program Coordinators, bureau EEO officers, or the heads of field installations. Complaints received by any of the above must be forwarded immediately to the EEO officer serving the organization against which the complaint is filed. A complaint shall be deemed filed on the date it is received, if delivered to an appropriate official, or on the date postmarked if addressed to an appropriate official designated to receive complaints.

b. The Bureau EEO Officer's Role. The EEO officer will:

- (1) Assist in completion of the complaint, including typing support, if requested by the complainant to do so and assure that all necessary information is submitted with the complaint and that the complaint is signed.
- (2) Provide the complainant with written acknowledgment of receipt of the complaint including the date received. The letter will also inform the complainant of all administrative rights and of the right to file a civil action if the Department has not reached a final decision within 180 days of filing. The Department will continue to process a complaint even if the complainant files a civil action appealing a delay in processing.
- (3) Accept and assign for investigation formal complaints of discrimination filed within the bureau, or, if appropriate, recommend to the Director of EEO rejection of unacceptable complaints.
- (4) Provide the chief of the organization in which the complaint arose notification of receipt of the complaint.
- (5) Furnish the Director of Personnel and Training with two copies of the signed complaint together with the date of acceptance, the date it was assigned for investigation and the tentative date the investigation will be completed. At least, an original and three copies of the complaint file must be maintained. One copy each will go to the complainant, management, Director of EEO, and the remaining copy will be required by the Civil Service Commission if the complainant requests a hearing or appeals to the Board of Appeals and Review. The complaint file will contain all letters, forms, notices, memoranda, reports, transcripts, affidavits, or support documents used in connection with the initiation, investigation, hearing, decision and closing of a complaint at any point in the processing. All information in the Director of EEO's copy must also be included in the complainant's copy.

16. REJECTING, WITHDRAWING OR TERMINATING DISCRIMINATION COMPLAINTS.

- a. Rejecting Complaints. The bureau EEO officer may reject a complaint of discrimination only with the approval of the Director of EEO. The reasons for rejection must be specified in writing to the complainant together with notification that the complainant has the right to appeal the decision to the Civil Service Commission or to file a civil action, and the appropriate time limits. Complaints may be rejected because:
- (1) The complainant fails to meet the time limits for filing a complaint.
  - (2) The complainant refuses to submit a written, signed complaint of discrimination because of race, color, religion, sex or national origin or the complaint does not allege discrimination because of race, color, religion, sex or national origin.
  - (3) The issues of the complaint center around matters not entirely within the control of the Department of Justice.
  - (4) The issues of the complaint are identical to those contained in a previous complaint filed by the same complainant which is pending or has been processed to completion.
- b. Withdrawing Complaints. The complainant may withdraw the complaint in writing at any time.
- c. Terminating Complaints. The bureau EEO officer, with the prior approval of the Director of EEO, may terminate the complaint when the complainant fails to prosecute the complaint. The terminating reasons must be specified in writing to the complainant together with notification that the complainant has the right to appeal the termination to the Civil Service Commission or to file a civil action and the appropriate time limits.

17. INVESTIGATIONS. Investigations are for the basic purpose of determining whether discrimination because of race, color, religion, sex or national origin is involved (and if possible to what degree) in the issues complained of. It is important therefore that investigations never be conducted by anyone in the organization being complained against. Complaints alleging discrimination within the bureau director's office or offices of principal subordinates will be assigned for investigation by the Director of EEO. The bureau EEO officer's responsibilities include:

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- a. Assuring that an on-site investigation is begun within 10 days of filing of the complaint and that the investigation, informal adjustment and offer of hearing are completed within 60 days of filing.
- b. Personally investigating complaints against a subordinate organization within the bureau, or assigning an investigator employed at the bureau headquarters, or:
  - (1) The Bureau of Prisons EEO officer will assign an investigator from an institution other than the one in which the complaint arose.
  - (2) The Immigration and Naturalization Service EEO officer will assign an investigator from an INS district or sector other than the district or sector in which the complaint arose.
  - (3) The Federal Bureau of Investigation and the Bureau of Narcotics and Dangerous Drugs EEO officers will assign investigators from the Inspection Division or the Office of Inspection.
  - (4) The legal and administrative activities EEO officer will assign an investigator from an organization other than the one in which the complaint arose.
- c. Providing the investigator with written authorization to conduct the investigation as specified in part 713 of the Civil Service Commission regulations including authority to administer oaths, to secure the cooperation of all employees and to require employees having any knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.
- d. Assuring that the investigator gathers and organizes all pertinent facts relative to each issue involved in the complaint whether listed by the complainant or brought out during the investigation, including consulting with the personnel office on policies, regulations, records and employment data as well as securing affidavits of employees having knowledge of the matter. Specific information concerning employees or applicants other than the complainant will not be made part of the investigative file. Information such as that found in performance evaluations, promotion appraisals, notices of disciplinary action, etc., will be summarized or otherwise disguised to avoid identifying persons other than the complainant.

e. Documenting the reason for delays in investigations which may exceed 60 calendar days from the date the complaint was filed and furnishing copies to the Director of EEO and the complainant, and including copies in each copy of the complaint file. Reasons for delay must be approved by the Director of EEO not later than 45 days after the complaint was filed. The Director of EEO or his designee will review the processing of each case 45 days after it is filed to assure completion of the investigation and informal adjustment within 60 days.

18. INFORMAL ADJUSTMENT AND OFFER OF HEARING. The bureau EEO officer will furnish the complainant or the representative and management a copy of the investigative file promptly after receiving it from the investigator and provide an opportunity for the complainant to discuss the file with appropriate officials and arrive at a mutually acceptable informal resolution. If an agreement is reached, the terms of the informal adjustment will be reduced to writing and made part of each copy of the complaint file, with a copy provided the complainant. If an agreement is not reached, the attempt at an informal adjustment will be documented and made part of each copy of the complaint file. Whether or not an informal adjustment is reached, the bureau EEO officer will:

a. Furnish the complainant with a copy of the entire complaint file including the written terms of the informal adjustment, if any, the recommended findings, and the optional courses of action open to the complainant and the appropriate time limits. Informal adjustment may include remedial action with the approval of the bureau director, see paragraph 21. The optional courses of action are:

- (1) If the findings and informal adjustment are acceptable to the complainant, the complaint may be withdrawn in writing by the complainant and the case closed.
- (2) If the findings and informal adjustment are not acceptable to the complainant, the complainant may request a hearing after which a final decision will be rendered for the Department by the Complaint Adjudication Officer. The request must be submitted in writing to the Director of EEO or the bureau EEO officer within 15 calendar days of receipt of the complaint file and the terms of the informal adjustment.
- (3) If the findings and informal adjustment are unacceptable to the complainant and the complainant fails to request a hearing, or if the complainant requests, a decision will be rendered by the Complaint Adjudication Officer.

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- b. When a hearing is not requested, forward the original and one copy of the complaint file to the Director of EEO together with the bureau EEO officer's request for a decision by the Complaint Adjudication Officer.
- c. When a hearing is requested, forward the original and one copy of the complaint file to the Director of EEO together with the bureau EEO officer's comments on the investigation and the complainant's request for a hearing.
- d. If the bureau does not carry out, or rescinds, any action specified by the terms of the adjustment for any reason not attributable to acts or conduct of the complainant, the bureau EEO officer shall, upon the complainant's written request, reinstate the complaint for further processing from the point processing ceased under the terms of the adjustment.

19. HEARINGS.

- a. A hearing will be conducted when requested in writing by the complainant within the time limits allowed. When a hearing is requested, the Director of EEO will review the complaint file to assure that the investigation is complete.
- b. The Director of Personnel and Training will request the Civil Service Commission to provide a complaints examiner. The Civil Service Commission will be provided a copy of the complaint file, and the name, address, and telephone number of the bureau EEO officer who will provide administrative support for the hearing. The bureau EEO officer will assist the examiner appointed to conduct the hearing. This includes arranging for reimbursing the examiner's travel and per diem, securing facilities, court report, clerical support, and the availability of witnesses. The responsibilities of the complaints examiner are described in part 713 of the Civil Service Commission regulations.
- c. EEO program officials will not represent management or the complainant during the hearing. EEO program officials should not testify on behalf of management or the complainant.

20. DEPARTMENT OF JUSTICE FINAL DECISION.

- a. The Complaint Adjudication Officer serves to render a fair and impartial decision after the investigation, when no hearing is held, or after the hearing is complete and to direct appropriate remedial action, with or without back pay, if discrimination is found. When there is a finding of discrimination, the decision will also include the merits of the matter complained about. This involves reviewing the entire complaint file including the

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- e. The bureau EEO officer advises the bureau director relative to remedial action directed as a result of the decision. This includes follow up to assure that remedial action is completed.
21. REMEDIAL ACTIONS. The EEO Act of 1972 and the Civil Service Commission regulations provide a full range of remedial actions designed to make the complainant whole when a finding of discrimination has been made. The bureau EEO officer, with prior approval of the bureau director, or, for the legal and administrative activities, the head of a division, service, office or board, is responsible for ordering remedial action indicated by the investigation. See paragraph 18 of this regulation. The Complaint Adjudication Officer is solely responsible for ordering remedial action as part of the Department's final decision. See paragraph 20 of this regulation. A discussion of appropriate remedial actions is contained in part 713 of the Civil Service Commission regulations. Questions concerning remedial action should be directed to the Director of EEO or the Director of Personnel and Training.
  22. ALLEGATIONS OF REPRISAL. An employee or applicant who alleges restraint, interference, coercion, discrimination, or reprisal in connection with raising a question, filing a formal complaint, or acting as representative or witness may file an individual complaint of discrimination to be processed under this order or, within 15 days of the alleged discriminatory occurrence, file a charge of reprisal to be processed as follows:
    - a. The bureau EEO officer, or alternate bureau EEO officer, shall personally undertake an inquiry into such a charge and shall forward to the Director of EEO, the charging party and the Civil Service Commission, within 15 days of the date of its receipt, a copy of the charge and report of the action taken.
    - b. When the bureau EEO officer has not completed an appropriate inquiry within 15 calendar days of receipt of such a charge, the charging party may submit a written statement with all pertinent facts to the Office of Federal Equal Employment Opportunity of the Civil Service Commission, and the Civil Service Commission shall require the Department to take whatever action it appropriate.
  23. THIRD PARTY COMPLAINTS. Third party or general allegations of discrimination unrelated to individual complaints will be thoroughly investigated and documented. The bureau EEO officer will furnish the complainant and management with copies of the investigative file and recommendations and shall attempt to adjust the complaint. The complainant and management shall have 15 calendar days from receipt of the investigative file in which to submit written comments on the adequacy of the corrective action. In correcting discriminatory practices, management must separately fulfill existing obligations under



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EO 11491 to consult or negotiate with labor unions before agreeing to change policies and practices affecting working conditions. A copy of the entire file will be forwarded to the Complaint Adjudication Officer for final decision.

24. APPEALS FROM THE DEPARTMENT'S FINAL DECISION. Final decisions include notices of rejection and termination as well as the decision rendered by the Complaint Adjudication Officer. Complainants will be notified in the letter of decision to reject or terminate a complaint and the letter of final decision from the Complaint Adjudication Officer of the complainant's right to:
- a. File an appeal with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415 within 15 calendar days after receipt of the decision.
  - b. File a civil action within 30 calendar days after receipt of the decision.
25. REVIEW OF TIME LIMITS.
- a. Pre-Complaint Counseling.
    - (1) An employee or applicant has 30 calendar days to seek counseling.
    - (2) The EEO counselor has 21 calendar days to ascertain the facts in the case and attempt a resolution.
  - b. Filing a Formal Complaint. A complainant has 15 calendar days from the final counseling interview to file a formal complaint.
  - c. Investigation. The bureau has 60 calendar days to complete the investigation, attempt an informal adjustment and offer a hearing, if appropriate.
  - d. Hearing. The complainant has 15 calendar days from receipt of the investigation and informal adjustment to submit a written request for a hearing.
  - e. Final Decision. The Complaint Adjudication Officer has 30 calendar days to render a final decision for the Department.
  - f. Appeals from the Department's Final Decision.
    - (1) The complainant has 15 calendar days to appeal the Department's final decision to the Board of Appeals and Review, Civil Service Commission.
    - (2) The complainant has 30 days to file a civil action appealing the Department's final decision.

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- g. Appealing Delay in Processing. If the Department has not rendered a final decision within 180 days after the complaint was filed, the complainant has 30 additional days to file a civil action appealing the delay.
  - h. Allegations of Reprisal.
    - (1) An employee or applicant involved in a discrimination complaint as complainant, representative or witness, has 15 calendar days after the incident to file a charge of reprisal with the bureau EEO officer.
    - (2) The bureau EEO officer has 15 calendar days after the charge is filed to complete an inquiry into an allegation of reprisal.
26. REVIEW OF NOTIFICATION REQUIREMENTS. Complainants must be notified of their rights and options at each stage of the complaint procedures. The attachments to FPM Letter 713-17 are examples of notices that can be used in the following situations:
- a. Pre-Complaint Counseling.
    - (1) The counselor will notify the employee or applicant in writing of the final counseling interview and of the right to file a discrimination complaint, names and addresses of officials with whom to file a complaint and the time limits.
    - (2) The counselor will notify the employee or applicant in writing of the right to file a discrimination complaint 21 days after the first counseling interview, whether or not counseling has been completed. The notice will include the names and addresses of officials with whom to file a complaint and the time limits.
  - b. Receipt of Discrimination Complaint. The bureau EEO officer will acknowledge receipt of a formal complaint in writing, including the date the complaint is deemed filed, description of the complaint procedures and notification of the right to file a civil action if the Department has not rendered a final decision within 180 days.
  - c. Proposed Disposition and Offer of Hearing. The EEO officer will furnish the complainant with a copy of the entire complaint file together with the terms of the proposed disposition of the complaint or documentation of an attempted resolution. The notice will also include an offer of a hearing and/or a final decision and the appropriate time limits.

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- d. Final Department Decision. When the final decision is to reject or terminate the complaint, the EEO officer will notify the complainant of the reasons for rejection or termination, the complainant's appeal rights and time limits. When a final decision is rendered by the Complaint Adjudication Officer, the Complaint Adjudication Officer will notify the complainant of the decision, the complainant's appeal rights and time limits. The Complaint Adjudication Officer will also notify management of the final decision.

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Appendix 3-1

## APPENDIX 3-1. COUNSELING CHECK LIST

Equal Employment Opportunity  
COUNSELING CHECK LIST

EMPLOYEE OR APPLICANT'S NAME		Kind of Allegation <input type="checkbox"/> Race or Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex-Female	<input type="checkbox"/> Sex-Male <input type="checkbox"/> National Origin
ORGANIZATION	Phone		

QUESTIONS, PROBLEMS OR ITEMS OF CONCERN\*

Employee gives permission to use name (If NO, employee's name must be deleted and information summarized to insure concealment of identity before distribution)

 YES  NO

Answers and information obtained from Office of Primary Responsibility (OPR). (If EEO Counselor personally developed information his name should be shown below):

NAME	ORGANIZATION
TITLE	DATE

ANSWERS AND RESULTS\*

Matter was informally resolved with employee or applicant without necessity for further management involvement. (If YES, explain.)

 YES  NO

It is the EEO Counselor's opinion that the information provided is acceptable to the employee or applicant.

 YES  NO

EEO Counselor's recommendation:

 No further action necessary Other \_\_\_\_\_

If a discrimination complaint is to be filed, employee or applicant was advised it must be submitted in writing to the bureau EEO Officer not later than \_\_\_\_\_.

 YES  NO

DISTRIBUTION.

Original to Employee or Applicant  
1 copy to EEO Officer  
1 copy to OPR  
1 copy retained by EEO Counselor

SIGNATURE OF EEO COUNSELOR

DATE

\* Additional sheets and attachments may be included.  
Local reproduction of this form is authorized.

DJ FORM - 201b (Rev. 1-29-72)

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Appendix 3-2

APPENDIX 3-2. DISCRIMINATION COMPLAINT FORM

COMPLAINT OF DISCRIMINATION IN THE DEPARTMENT OF JUSTICE BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN			
1. COMPLAINANT'S FULL NAME		2. YOUR TELEPHONE NUMBER, INCLUDING AREA CODE, IF KNOWN	
STREET ADDRESS, RD NUMBER, OR POST OFFICE BOX NUMBER		HOME PHONE	
CITY STATE ZIP CODE		WORK PHONE	
3. WHICH DEPARTMENT OF JUSTICE OFFICE DO YOU BELIEVE DISCRIMINATED AGAINST YOU? (Prepare separate complaint for each office.)		4. ARE YOU NOW WORKING FOR THE DEPT. OF JUSTICE <input type="checkbox"/> YES (ANSWER A, B, C AND D BELOW. <input type="checkbox"/> NO (CONTINUE WITH QUESTION 5)	
A. NAME OF OFFICE WHICH YOU BELIEVE DISCRIMINATED AGAINST YOU.		A. NAME OF AGENCY WHERE YOU WORK	
B. STREET ADDRESS OF OFFICE		B. STREET ADDRESS OF YOUR AGENCY	
C. CITY STATE ZIP CODE		C. CITY STATE ZIP CODE	
D. NAME AND TITLE OF PERSON(S) YOU BELIEVE DISCRIMINATED AGAINST YOU (if known)		D. TITLE AND GRADE OF YOUR JOB	
5. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE  MONTH DAY YEAR		6. CHECK BELOW WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST. BECAUSE OF YOUR <input type="checkbox"/> RACE OR COLOR. IF SO, INDICATE YOUR RACE OR COLOR _____ <input type="checkbox"/> RELIGION. IF SO, INDICATE YOUR RELIGION _____ <input type="checkbox"/> NATIONAL ORIGIN. IF SO, INDICATE YOUR NATIONAL ORIGIN _____ <input type="checkbox"/> SEX YOU ARE <input type="checkbox"/> FEMALE <input type="checkbox"/> MALE	
7. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR APPLICANTS) BECAUSE OF YOUR RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN. (You may continue your answer on another sheet of paper if you need more space.)			
8. WHAT CORRECTIVE ACTION DO YOU WANT TAKEN ON YOUR COMPLAINT?			
9. DATE OF THIS COMPLAINT MONTH DAY YEAR		10. SIGNATURE OF COMPLAINANT	

LOCAL REPRODUCTION OF THIS FORM IS AUTHORIZED

FORM DJ-201\*  
Ed. 7-1-69

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## CHAPTER 4. REPORTS

27. POSITIVE ACTION PROGRAMS.

- a. National Plan of Action. The Director of EEO will submit to the Civil Service Commission with each Department national plan of action a report of accomplishment of objectives in the previous year's plan.
- b. Regional Plans of Action. The official responsible for submitting regional plans will submit to the appropriate Civil Service Commission regional office with each regional plan a report of accomplishment of objectives in the previous year's plans.
- c. Federal Women's Program. The Federal Women's Program Committee will submit to the Director of EEO by October 1 each year an evaluation of the Federal Women's Program in the Department, including analysis of employment statistics, report of actions initiated by the Committee during the previous year and proposals for the following year.

28. COMPLAINTS OF DISCRIMINATION.

- a. Monthly Report on Pre-Complaint Counseling. Bureau EEO officers will provide information on the form in Attachment 1 to FPM Letter 713-19 and submit it to the Director of Personnel and Training by the 5th of each month. The Director of Personnel and Training will compile the Department-wide report and submit it to the Civil Service Commission by the 15th of each month.
- b. Monthly Report on Complaint Processing. Bureau EEO officers will provide information required on the form in Attachment 2 to FPM Letter 713-19 and submit it to the Director of Personnel and Training by the 5th of each month. The Director of Personnel and Training will compile the Department-wide report and submit it to the Civil Service Commission by the 15th of each month.
- c. Disposition of Complaints. The Director of Personnel and Training will complete the form in Attachment 3 to FPM Letter 713-19 for each closed complaint and will submit it to the Civil Service Commission within 10 days of the close of the complaint.

29. STATISTICAL REPORTS. Statistical data on the employment of minorities and women will be developed by the Director of Personnel and Training as needed for action plan objectives, special reports and as required by the Civil Service Commission.

*Exhibit No. 8*UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

8 JAN 1979

CO 1249-C

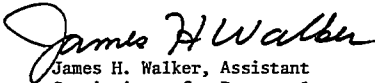
Mr. Nicasio Dimas, Jr., Assistant  
General Counsel  
U. S. Commission on Civil Rights  
1121 Vermont Avenue, N. W.  
Room 600  
Washington, D. C. 20525

Dear Mr. Dimas:

This is in response to your letter dated December 22, 1978, which requests the Immigration and Naturalization Service (I&NS) to provide information on the number of direct hires, a definition of direct hire authority and the number of I&NS examiners, inspectors and criminal investigators by minority group, ethnicity, race and sex.

This information is provided on the enclosures, pages 1, 2 and 3. If there is any clarification or additional information needed regarding this response, please feel free to call me at 376-8416.

Sincerely,

  
James H. Walker, Assistant  
Commissioner for Personnel

Enclosures (3)

Request: 1. The number of I&NS direct hires as of September 30, 1978, cross-classified by minority group, ethnicity, race, and sex.

Response:

	<u>White</u>		<u>Hispanic</u>		<u>Asian American</u>	
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
Schedule C*	2	0	1	2	0	1
Schedule A*	9	5	1	1	1	0

\* For period January 1, 1978 through September 30, 1978.



Request: 2. A definition of I&NS "direct hire authority", and a description of the constraints placed on this authority by the Civil Service Commission.

Response: The term "direct hire" may be somewhat misleading when used in reference to I&NS personnel practices. Essentially in clerical hiring for clerk-typists and clerk-stenographers in the Washington, D.C. area and the Border Patrol Agent trainees hires, the Service has direct access to applicants who have been tested and found qualified by the U. S. Civil Service Commission for these specific job occupations. For example, in clerk-typist and clerk-stenographer positions in the Washington, D. C. area, the Service may hire any person who has passed the CSC examination without having a register of eligibles from the CSC. In the hiring process for the Border Patrol Agent trainee, the Service receives a register of eligible applicants in rank order of their examination score plus veteran points and points for bilingual ability in Spanish. This register contains only eligible applicants who are interested in the Border Patrol Agent trainee positions and, to a limited degree, applicants who are interested in Customs Patrol Agent trainee positions. (The Customs Service uses this register for the selection of a few Customs Patrol Agent trainees.) Once the Service requests a register of eligible Border Patrol Agent candidates, selections are made, using the rule of three, from this register.

Also, the Service has direct hire authority for Schedule C and Schedule A appointments once the candidate is certified by the Civil Service Commission as meeting the minimum qualifications for the position for which the person is being considered.

Request: 3. The number of I&NS examiners, inspectors, and criminal investigators, cross-classified by minority group, ethnicity, race and sex.

Response:

	<u>Inspectors*</u>	<u>Investigators</u>
<u>Total In Series</u>	2259	1083
Black	121 (5.4%)	43 (4.0%)
Hispanic	265 (11.7%)	80 (7.4%)
Asian American	50 (2.2%)	4 (.4%)
Native American	4 (.2%)	1 (.1%)
<u>Female</u>		
Black	73 (3.2%)	5 (.5%)
Hispanic	58 (2.6%)	1 (.1%)
Asian American	29 (1.3%)	1 (.1%)
Native American	1 (.0%)	0 —
White	355 (15.7%)	38 (3.5%)
All	516 (22.8%)	45 (4.2%)

Note: All statistics are as of 9/30/78

\* Statistics for Immigration Examiners are included in this category. The Immigration and Naturalization Service does not maintain separate statistics for Immigration Examiners.

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*Exhibit No. 9*

ANNUAL REPORT

1977

OFFICE OF PROFESSIONAL RESPONSIBILITY

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ANNUAL REPORT TO THE ATTORNEY GENERAL  
OFFICE OF PROFESSIONAL RESPONSIBILITY

I. OFFICE DUTIES

The Office of Professional Responsibility was created in December 1975 "to ensure that Departmental employees continue to perform their duties in accordance with the professional standards expected of the nation's principal law enforcement agency". The Office was designed to oversee and, if necessary, investigate "conduct by a Department employee that may be in violation of law, of Department regulations or orders, or of applicable standards of conduct". 28 C.F.R. §0.39 et seq. (1976).

This is the second annual report submitted to the Attorney General for the purpose of "reviewing and evaluating the activities of internal inspection units or, where there are no such units, the discharge of comparable duties within the Department". 28 C.F.R. §0.39a(f)(4).

II. INVESTIGATIONS CONDUCTED OR MONITORED  
BY THE OFFICE

A. Complaints Reviewed and Other  
Matters Handled by the Office

In 1977 the Office received 319 complaints or other requests for investigations of Departmental employees. More than half of these complaints came from private citizens and were sent either directly to the Department or were referred by Members of Congress. Requests for investigation also came from the various components of the Department and from federal judges.

During 1977 we closed 299 inquiries and had 70 matters pending at the end of the year.

The complaints we reviewed most frequently involved allegations of abuses of investigative or prosecutorial authority. We also received several allegations of unauthorized disclosures of information, either to the

- 2 -

news media or to other persons outside the government. The third kind of allegation we received most frequently concerned real or apparent conflicts of interest on the part of Departmental employees.

In addition, we issued the Task Force report on the FBI's security and assassination investigations of Dr. Martin Luther King, Jr., completed the Department's COINTELPRO Notification Program, and completed the U.S. Recording Company investigation and issued a public report concerning it. We also improved the system by which allegations of misconduct are reported to this Office, thereby insuring better coordination of all investigations of Departmental employees.<sup>1/</sup> We now receive monthly reports of all significant internal investigations conducted by the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the United States Marshals Service and have been in closer contact with the various United States Attorneys regarding allegations made against Departmental employees in their districts. We also began the preliminary stages of an audit to evaluate the efficacy and efficiency of the internal investigation program throughout the Department.

#### B. Serious Misconduct

Following is a list of serious misconduct which was investigated and substantiated by the internal inspection units and monitored by this Office during 1977.

##### 1. Drug Enforcement Administration

(a) An agent and a former agent were indicted by a federal grand jury for smuggling drugs and for conspiring to steal and sell information from DEA's computer. Both were convicted following a jury trial and are awaiting sentencing.

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<sup>1/</sup> The Attorney General's memorandum of May 9, 1977, to the heads of all Department components and all United States Attorneys was very helpful in this regard.

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(b) An agent was arrested for attempting to sell narcotics which he had stolen from the Regional Office Evidence Room. He resigned from DEA, pleaded guilty to the charge, and was sentenced to serve four years in prison.

(c) Two agents knew of an informant's kidnapping plot but did not report it to federal authorities. The kidnapping did not take place and no overt acts were committed so the United States Attorney declined prosecution. One agent resigned and the other agent was fired.

(d) An employee provided information concerning a narcotics investigation to a long time friend who was also a potential defendant. The United States Attorney declined prosecution and the employee resigned.

(e) A defendant in a criminal narcotics case robbed, tied up, and threatened to kill two agents. After being rescued the agents beat up the defendant. The United States Attorney declined prosecution and each agent was suspended for a short period of time.

(f) A group supervisor was suspended for 10 days for back dating a debriefing report involving an informant. Criminal charges against a defendant were dismissed because the report had been back dated.

(g) A compliance investigator was arrested by local authorities for illegal possession and discharge of a handgun. The employee resigned.

(h) A compliance investigator was arrested by local authorities for shoplifting. The employee resigned.

(i) A laboratory evidence technician notified his supervisor that he was being blackmailed by a woman who threatened to disclose that the technician had given her marijuana and had smoked it with her. The United States Attorney declined prosecution because the amount of marijuana was small and the employee retired.

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2. Federal Bureau of Investigation

(a) An agent was arrested by local authorities for shoplifting a bottle of liquor. He was fired.

(b) An agent was operating a personal business without Bureau approval and conducting personal business during government time. He was fired.

(c) An agent was arrested by local authorities for shoplifting phonograph records from a department store. He resigned.

(d) An agent became involved with a prostitute during the course of an investigation. While this matter was being investigated the agent furnished false records and information. He was censured, placed on probation and given a disciplinary transfer.

(e) An agent shot at a youth who had used the agent's driveway to turn his car around. He was fired.

(f) An agent pulled his service revolver during a dispute with a parking lot attendant. He was censured and placed on probation.

(g) An agent was prosecuted by local authorities after neighbors reported that he had beaten his five-year old child. He resigned from the FBI.

(h) An agent failed to pay numerous traffic citations which he had received. He resigned.

(i) A Special Agent in Charge of a field office used his Bureau automobile to pull over two private citizens and question them concerning property damage which he believed them to have caused. He was censured and placed on probation for six months.



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### 3. United States Marshals Service

(a) An employee was indicted for embezzling government funds from the witness security program. The employee was fired.

(b) An employee deserted his assigned post at a sensitive location. He was suspended for fourteen days without pay.

(c) An employee improperly established a personal relationship with a juror. He was suspended for thirty days without pay.

(d) An employee was indicted for trafficking in controlled substances and stealing \$4,080 of government witness security funds. He was fired.

(e) An employee was investigated by a federal grand jury for narcotics trafficking. He resigned before administrative action could be taken. The criminal investigation continues.

(f) An employee made a false claim for \$136 for service of legal process. He resigned.

(g) An employee lodged a number of protected witnesses at government expense in rental property owned by his relatives. He resigned before a determination could be made about administrative action.

(h) An employee socialized with a prisoner's relatives and granted them access to prosecutive information during the defendant's trial. He resigned.

### 4. Bureau of Prisons

(a) A correctional officer provided liquor and money to inmates. He was fired.

(b) An employee discharged his revolver after becoming involved in a tavern quarrel. He was fired.

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(c) A correctional officer supervisor stood by while an inmate was dragged downstairs. He also kicked the inmate. He was fired.

(d) A correction officer choked a handcuffed inmate. He was fired.

(e) A correctional officer became romantically involved with an inmate and permitted him to escape. She was fired.

(f) A correctional officer allowed a maximum security inmate to escape. She was fired.

5. Immigration and Naturalization Service

(a) A supervisory criminal investigator was arrested by local officials for alleged participation in teenage prostitution after he was found in a motel room with a seventeen year old female. He used a government vehicle to drive her to the motel and was supposed to be on duty when he registered there. The employee resigned.

(b) A detention officer took a \$965.81 cashier's check from an alien under his custody. The officer cashed the check and kept the money. The employee pled guilty to violating 18 U.S.C. 654 and resigned.

(c) A border patrol agent knowingly employed an illegal alien as a household domestic. He was fired.

(d) A border patrol agent filed a false income statement with local school authorities in order to qualify his children for a subsidized lunch program. He was fired.

(e) An inspector aided the entry of an undocumented alien into the United States. After he pled guilty to violating 8 U.S.C. 1324(a)(3) and 18 U.S.C. 2, he was fired.

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### III. CONTINUING DIFFICULTIES ENCOUNTERED

The kinds of problems we encountered in 1976 were also present in 1977. One of the most difficult was to determine how to investigate a complaint against a federal prosecutor or investigator when the complainant was the target of a pending federal criminal investigation. The dilemma arises in making a preliminary determination: if the prosecutor or investigator is indeed abusing his authority, that abuse must be stopped immediately; the countervailing consideration is that, if the prosecutor or investigator is forced to spend time responding to allegations that are meritless, his time is taken away from the criminal investigation and his status is in doubt, as long as the inquiry is pending. We have tried to resolve this problem by interviewing the prosecutor or investigator who is the subject of the complaint as quickly as possible and by promptly reviewing all relevant documents such as grand jury transcripts. Despite these efforts, headlines have appeared saying "U.S. Attorney Under Investigation" and this undoubtedly has hurt law enforcement efforts even though the media subsequently reported that the allegations were meritless.

Another problem concerns the best way to investigate allegations of abuse of authority by federal agents. Allegations of this sort are usually made by persons who have been arrested or are under investigation, or by persons who are reluctant to cooperate with federal investigations. They are usually couched in terms of "harassment" by the federal investigators. In the great majority of cases these allegations are meritless. In a few instances, however, the complainant's allegations are sufficiently detailed to appear credible or are at least partially corroborated by other evidence. In no instance, however, has a federal investigator admitted to harassing a witness or defendant, nor is it common for fellow investigators to acknowledge that an agent was overzealous in pursuing a particular investigation. Because of this, most harassment complaints are necessarily resolved in favor of the investigator, simply because there is no way to resolve the conflicting statements of the complainant and investigator.

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A third problem concerns allegations of improper disclosures to the news media. We frequently receive complaints that Department attorneys or investigators "leaked" damaging information about individuals to reporters. Usually coupled with the complaints are newspaper stories about pending criminal investigations which quote anonymous "federal sources" or "sources close to the investigation". Our two primary concerns about this problem are that if we investigated every news leak ourselves, we would have little time to do anything else. To overcome this we have declined to investigate any "leak" unless requested to do so by the Attorney General or a federal judge, and have told components of the Department which have requested us to investigate leaks that they have the primary responsibility for preventing their employees from making improper disclosures and for investigating those disclosures which do occur. Our second concern is how to investigate those "leaks" which the Attorney General or federal judges request us to investigate. In the past we either have asked the FBI to interview all employees who had access to the information which was disclosed or we have asked each employee to submit an affidavit describing any conversations he has had with reporters about the investigation in question. We have never asked a reporter to identify his sources. Neither approach allowed us to say with certainty who was responsible for a particular disclosure.

We have been criticized for not subpoenaing a reporter who printed a story concerning secret grand jury deliberations. We have also been criticized for asking employees to submit affidavits about their conversations with reporters. In short, there will always be differences of opinion concerning which news leaks should be investigated and how they should be investigated.

#### IV. AUDIT OF THE INTERNAL INSPECTION UNIT OF THE IMMIGRATION AND NATURALIZATION SERVICE

In December 1977, the Internal Audit Staff of the Office of Management and Finance (OMF) completed a report on the internal investigations program of the Immigration and Naturalization Service (INS). The six month survey was

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initiated at this Office's request as the first phase of a planned audit to evaluate the effectiveness and efficiency of the internal investigation program throughout the Department.<sup>2/</sup>

The Audit Staff interviewed personnel at the INS Central, the Southern Regional, and Dallas District Office and made the following observations:

1. Management and internal controls over internal investigations were inadequate. The Audit Staff found it difficult to identify the internal investigative responsibilities of the central, district and regional offices, respectively. There was some confusion over which offices had responsibility for investigating, for reporting, and for monitoring misconduct cases.

2. Many cases which should have been closed remained in open status. As of July 1, 1977, the central office had 202 open allegations. The Audit Staff reported that of these "107 were over 1 year old and a number of them were 2 and 3 years old".

3. Many cases which had been reported to the FBI had not been adequately monitored by the district, regional or central office and some of them had become too old to investigate properly.

4. INS needs to adopt written policies and procedures to provide internal investigators with guidance on when and how to investigate misconduct allegations. For example, some of the officials interviewed asserted that all misconduct allegations be investigated; others said that anonymous complaints should not be pursued.

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<sup>2/</sup> Survey of the Internal Investigations Program of the Immigration and Naturalization Service, Memorandum from Kevin D. Rooney, Assistant Attorney General for Administration to Leonel J. Castillo, Commissioner, Immigration and Naturalization Service, December 3, 1977.

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5. The INS internal reporting and accounting system was found to be inadequate. Regional offices did not follow any standard procedures in reporting misconduct allegations to the central office and top management at INS was not regularly informed of allegations referred to the FBI.

6. After reviewing misconduct allegations, INS officials did not assign the most experienced investigators to handle the complex and serious cases.

7. INS officials were not reporting all allegations of serious misconduct to the Attorney General's Office of Professional Responsibility, as required under 28 C.F.R. §0.39 et seq. (1976).<sup>3/</sup>

INS Deputy Commissioner Mario Noto has already begun to act on the Internal Audit Staff survey and recommendations and will have substantially restructured the internal investigative program and rewritten INS operating instructions in fiscal year 1978.

## V. CONCLUSIONS

A review of our work during 1977 has led us to three conclusions. We necessarily devoted a large percentage of our time to the internal inspection units of the FBI and DEA; as a result, we were not able to spend sufficient time on the inspection units of the Immigration and Naturalization Service, the U.S. Marshals Service, and the Bureau of Prisons. Nor have we been able to analyze LEAA's internal inspection methods.

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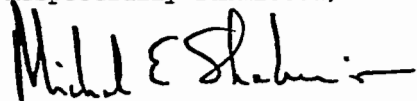
<sup>3/</sup> For example, the following are representative of matters which should have been reported to us, but were not: an INS clerk was arrested and bound over to a grand jury, charged with four counts of forgery in one case and two counts of forgery in another case; two immigration inspectors were alleged to be allowing loads of marijuana to pass from Mexico to the United States for an undetermined amount of money (this allegation has now been referred to, and is being investigated by, the Drug Enforcement Administration); and, a letter from an identified U.S. citizen alleged that an unknown INS official was receiving bribes for adjusting the status of aliens.

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Our second conclusion is that, because we have focused our attention primarily on insuring the adequacy of investigations of allegations of misconduct, we have not sufficiently considered the systems for imposing discipline when allegations are substantiated. Our preliminary perception is that some components of the Department take much too long in deciding what the penalty should be for particular misconduct and that these penalties are often too lenient. In 1978 we intend to determine whether our perception is correct and, if it is, to recommend suggestions for improvement.

Our third conclusion is that we do not spend enough time considering what changes may need to be made in this Office's operational methods and approaches as a whole. In 1978 we intend to do a comprehensive analysis and evaluation of changes which appear to be desirable so that the Attorney General may consider various options for improving the operational mechanisms of both this Office and the Department.

Respectfully submitted,



MICHAEL E. SHAHEEN, JR.  
Counsel, Office of Professional  
Responsibility

*Exhibit No. 10*

OPTIONAL FORM NO. 10  
JULY 1973 EDITION  
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

# *Memorandum*

**TO :** Phyllis Fong  
Attorney U.S. Civil Rights Commission

**FROM :** Paul V. Kirby, Director  
Office of Professional Integrity

**SUBJECT:** Fiscal Year 1978 Workloads

CO 287.3C  
**DATE:** October 31, 1978

Attached is a copy of the OPI 1978 Fiscal Year Workloads.



5010-110

*Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan*



OPI WORKLOADS, FY 78 (To September 30, 1978 )

	CENTRAL OFFICE		OTHER AGENCIES	WESTERN REGION		EASTERN REGION		SOUTHERN REGION		NORTHERN REGION		GRAND TOTAL
	Cat. I	Cat. II		Cat. I	Cat. II	Cat. I	Cat. II	Cat. I	Cat. II	Cat. I	Cat. II	
Cases Received During FY 78	83	21	67	95	6	17	4	44	8	12	11	368
Cases Opened And Closed in FY 78	39	15	18	81	3	11	4	26	7	10	5	219
Cases Closed in FY 78 Including Cases Opened Before 10/1/77	86	25	55	169	24	23	15	31	9	23	4	464

*Exhibit No. 11*

UNITED STATES DEPARTMENT OF JUSTICE  
 IMMIGRATION AND NATURALIZATION SERVICE  
 WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

January 18, 1979

AND REFER TO THIS FILE NO.

CO 287.3-C

Mr. Nicasio Dimas, Jr.  
 Assistant General Counsel  
 United States Commission on  
 Civil Rights  
 1121 Vermont Avenue, N. W.  
 Washington, DC 20425

Dear Mr. Dimas:

I trust that this information will comply with your requests as well as that previously furnished Ms. Phyllis Fong of the Commission.

We have been diligently digging out the types of complainants and the ethnicity and sex of the investigators from the case files.

In my request for minority statistics concerning investigators, I was afforded the following information from our Personnel Records as of September 23, 1978.

INVESTIGATORS

Total in series 1,076

All minority	130
Black	44
Hispanic	81
Asian American	4
Native American	1
White	946
Males	1030
Females	46

SUPERVISORY INVESTIGATORS

Total in series 115

All minority	8
Black	5
Hispanic	3
Female	0

- 2 -

A review of all the cases of the Fiscal Year revealed that fifteen (15) Hispanics and seven (7) females investigated cases for OPR.

It appeared from the review conducted and to the best of our knowledge that the remainder of the investigations were conducted by white males.

Categories of allegations to be reported under the Operations Instruction 287.10 are as follows:

CATEGORY I

- a) Violations of Criminal Law (e.g. federal, state and local statutes or other laws relating to bribery, graft, conflicts of interests and other offenses.
- b) Violations of Criminal Statutes and Laws administered by and under jurisdiction of the Service.
- c) Unauthorized disclosure under the Privacy Act.
- d) Violations of the Federal Civil Rights Act.

CATEGORY II

- a) Violations of Executive Orders, Civil Service Commission, Departmental or Service Regulations, Policies, Rules and Procedures.
- b) Non-criminal Violations of Departmental or Service Standards of conduct and those administrative and disciplinary offenses set out in Administrative Manuals.
- c) Non-criminal on-or-off duty behavior which adversely affects the efficiency and the reputation of the Government Service.

During Fiscal Year 1978 this office opened 354 cases of misconduct. A breakdown of these cases is as follows:

- 121 allegations were closed after preliminary inquiry as either being without merit and not warranting further investigation or the allegation was deemed to be unfounded.
- 107 allegations were not sustained.
- 59 allegations were sustained by investigations.
- 67 allegations are still open and being actively investigated.
- 304 allegations were in Category I.
- 50 allegations were in Category II.
- 49 allegations were referred to other agencies.

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The following is a list of the types of complainants in our cases:

- 24 From anonymous sources.
- 45 From other agencies (Federal, state and local).
- 70 From U. S. citizens
- 139 From aliens.
- 63 From INS Service employees
- 13 Other sources (newspaper, informants, etc.)

The following is a list of sustained cases for Fiscal Year 1978:

1. Employee assisted alien smuggler - refused to testify on two occasions - terminated.
2. Employee purchased and resold for profit alien's autos - disciplinary action pending.
3. Employee forced alien to run even though exhausted - disciplinary action pending.
4. Employee showed discourtesy and unprofessional behavior - disciplinary action pending. (Removal proposed).
5. Employee assaulted U. S. citizen - disciplinary action pending.
6. Employee failed to report escape of alien - received oral admonishment.
7. Employee used excessive force and was rude and abusive - received 1 day suspension.
8. Employee withheld record of deportable alien - received 10 day suspension.
9. Employee alleged to have possession of U. S. Government Identification cards - exonerated. See next listing.
10. Employee arrested for the theft of U. S. Government payroll checks and identification cards - resigned.
11. Employee completed and signed supervisor's name to a performance appraisal and submitted it to another agency - removed from Service - Appeal filed with Civil Service Commission, hearing pending.

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12. Seventeen (17) employees let fourteen (14) detainees escape. Letters of admonishment to each officer.
13. Employee attempted to visit inmate in Reformatory while in possession of marijuana. No arrest made by FBI and AUSA declined prosecution.
14. Employee misused Government vehicle - letter to employee absolving him. Received written reprimand.
15. FBI confiscated Border Patrol Badge from a civilian - Badge deemed a counterfeit and not employees.
16. Employee arrested by NYC Police and charged with grand larceny and fraud. Employee receiving welfare while employed by the Service - disciplinary action pending.
17. Employee stole money from another employee. Money returned. Employee refused to testify in non-criminal case - disciplinary action pending.
18. Employee allegedly physically abused another employee - charged with insubordination - disciplinary action pending.
19. Employee arrested by NYCPD - charged with rape, assault with weapon and resisting arrest - subject terminated.
20. Employee involved with ring smuggling motorcycles to Mexico. Sustained but no action by state officials.
21. Employee employed illegal alien as maid - removed from Service.
22. Employee indicted for sale of fraudulent documents - resigned.
23. Employee drinking on duty/conduct unbecoming an officer - Subject presently on leave - no decision as to disciplinary action taken to date.
24. Employee indicted for misuse of union funds - resigned.
25. Employee arrested for traffic violation and drug possession - resigned.
26. Employee arrested for making obscene phone call and plead guilty to a lesser charge - removed.
27. Employee driving government vehicle while intoxicated - Mandatory retirement statute became effective.

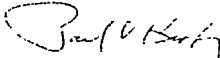
- 5 -

28. Employee accused of theft of \$400 from alien - resigned.
29. Employee convicted of theft from parking meters - no disciplinary action taken.
30. Employee wrote threatening letters to employee - resigned.
31. Employee let illegal alien drive investigator's vehicle containing Service equipment - disciplinary action pending.
32. Employee vouched for female who was carrying cocaine - resigned.
33. Employee falsified hunting license application - no disciplinary action.
34. Employee arrested for drunk driving in government vehicle - received 5 day suspension.
35. Employee gave fraudulent statements on hunting license - no disciplinary action.
36. Employee alerted alien when safe to cross border - resigned.
37. Employee hid Service file - resigned.
38. Employee assaulted and pulled gun on citizen - disciplinary action pending.
39. Employee physically abused an alien - 30 day suspension.
40. Employee arrested for driving while intoxicated; displayed badge; carried loaded weapon - disciplinary action pending.
41. Employee contacted witness in harboring case while on duty in government auto and necked with witness - to WRO as Management problem.
42. Employee hired out of status alien to perform yard work - 30 day suspension.
43. Employee collected fares from aliens being removed - resigned.
44. Employee assaulted another employee - disciplinary action pending.
45. Employees received gifts from visiting officials - pending Management action.
46. Employee arrested for possession of dangerous weapon and had Service weapon off duty - terminated.
47. Employee arrested for soliciting prostitution - received Letter of Reprimand.

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48. Employee physically abused an alien - no disciplinary action taken. Proposing official deemed evidence insufficient.
49. Employee shot civilian - separated.
50. Employee furnished file information to newspaper - resigned.
51. Employee physically abused an alien - resigned.
52. Employee wounded alien by shooting - resigned.
53. Employee had aliens properties in locker - no disciplinary action taken.
54. Employee did not admit shooting on government employment application - terminated.
55. Employee made bribe solicitation - terminated.
56. Employee in off duty fight with citizens - disciplinary action pending.
57. Employee verbally and physically abused alien - disciplinary action pending.
58. Employees fired shots at vehicle fleeing inspection - disciplinary action pending.
59. Employee was in non-compliance with standards and policies of instructions issued by Service - received Letter of Reprimand.

Sincerely,

  
Paul V. Kirby, Director  
Office of Professional  
Responsibility

ALLEGATIONS OF PHYSICAL ABUSES OF ALIENS RECEIVED IN OPI  
August 1, 1978 to November 9, 1978

1. (W) Received 11/7/78 Two BPA's - Beat up smuggler of aliens. Preliminary Inquiry indicates investigation warranted as alien displayed bruise on shin. Awaiting report of Preliminary Inquiry.
2. (E) Received 11/3/78 Detention Officer - Unspecific allegation that Detention Officers regularly beat and abuse detained aliens. OPI to conduct Preliminary Inquiry.
3. (N) Received 11/2/78 Two Criminal Investigators & One Detention Officer - Chased vehicle resulting in crash of alien's car; un-American treatment of aliens (like animals). OPI investigation ongoing.
4. (W) Received 10/26/78 One BPA - Two female aliens claim fondled when arrested about one week earlier. Preliminary Inquiry being conducted.
5. (W) Received 10/24/78 Three BPA's - Alien claims beaten. Alien failed polygraph exam. Description of BPA's alleged to have assaulted alien did not match officers on duty at that time. Unfounded.
6. (W) Received 10/24/78 One BPA - Shot alien in chest. San Diego Police investigating. Reported to FBI. AUSA monitoring police investigation as is Civil Rights Division. Their investigation continues.
7. (W) Received 10/16/78 One Detention Officer - Slapped detainee breaking dentures. Allegation sustained and forwarded to regional personnel for action. Civil Rights Division declined in favor of Administrative action.
8. (S) Received 10/11/78 Unknown BPA - Assaulted alien in custody. OPI conducting Preliminary Inquiry to identify employee involved.
9. (W) Received 10/16/78 One BPA - Shot alien running back to Mexico. FBI accepted jurisdiction. Their investigation ongoing.



10. (W) Received 10/10/78 One BPA - Assaulted aliens in custody. Civil Rights accepted jurisdiction with investigation to be conducted by INS. AUSA has subpoenaed BPA for lineup. Grand Jury to hear case.
11. (N) Received 10/3/78 One Immigration Examiner - Assaulted alien. Complaint withdrawn. Unfounded.
12. (S) Received 9/27/78 One BPA - Forced female alien to perform sex act. Complaint made to and under investigation by local District Attorney. Matter presented to Grand Jury which has not returned findings, as complainant withdrew charges. FBI investigated and submitted report to Civil Rights Div. of Dept. Civil Rights approved of administrative investigation by OPI. Possible obstruction of justice determined by OPI investigation. Civil Rights now requests OPI withhold further inquiry until new evidence reviewed by them.
13. (S) Received 9/13/78 Two BPA's - Two (2) smuggled aliens claim beaten, two (2) claimed lives threatened. Aliens did not wish to pursue complaint when investigation determined no physical injuries. AUSA declined and Civil Rights did not wish to pursue. Investigation closed as unfounded.
14. (W) Received 9/11/78 One Detention Officer - Stopped USC's vehicle, verbally abused him, taking his drivers license, searched and then released him. Allegation sustained and report of investigation forwarded to regional personnel to consider administrative action.
15. (W) Received 9/11/78 One BPA - Stepped on aliens foot during interrogation and hit in stomach with handcuffs. Civil Rights Division declined to pursue in favor of administrative action. Matter currently under investigation.
16. (W) Received 9/7/78 One BPA - Kicked alien arrested by Deputy Sheriff. Inquiry established Deputy Sheriff twisted alien's leg during arrest for drunk and disorderly conduct. Unfounded.
17. (W) Received 8/23/78 One BPA - Shot alien with shotgun. FBI investigated allegation. Unfounded.

18. (W) Received 8/22/78 One BPA - Alien claimed shoulder separated by arresting officer. OPI investigation established by medical records that shoulder separation chronic and several years old. Allegation unfounded.
19. (W) Received 8/18/78 One BPA - Vehicle ran over alien hiding in grass. Alien later died. FBI assumed jurisdiction along with San Diego Police. Civil Rights Division requested full inquiry by FBI. Their inquiry continues.
20. (N) Received 8/16/78 Two Criminal Investigators - Used unnecessary force in effecting arrest, aliens jaw broken and no medical treatment given. No indication of alleged injury. Alien prosecuted for willfully and forcibly assaulting, resisting and impeding a criminal investigator in the performance of his duties. Alien has absconded and bench warrant issued. OPI has matter under investigation.
21. (W) Received 8/15/78 Unk BPA - Shot alien, wounding him. Allegation second-hand. No wounded alien found nor reported by Mexican Consul or police. Unfounded.

SUSTAINED ALLEGATIONS OF PHYSICAL ABUSES OF ALIENS  
IN WHICH DISCIPLINARY ACTIONS HAVE BEEN TAKEN

1. (W) Received 11/6/75 Detention Officer - Beat alien in custody - terminated.
2. (W) Received 2/24/76 BPA - Chased and threw female alien to ground; hit her with a nightstick - admonished.
3. (W) Received 3/16/76 BPA - Shot alien with shotgun - terminated.
4. (W) Received 4/19/76 Detention Officer - Struck detained alien on head and legs - resigned.
5. (W) Received 6/1/76 Two BPA's - Beat alien - 1) oral admonishment, 2) three day suspension (Later vacated by appeal).
6. (S) Received 7/30/76 Two BPA's - Struck alien with nightstick - 20 and 30 day suspension respectively.
7. (S) Received 2/10/77 BPA - Struck and kicked three aliens in custody - 30 day suspension.
8. (W) Received 3/17/77 Criminal Investigator - Placed waste basket over head of alien and pounded on basket - 5 day suspension.
9. (S) Received 9/2/77 BPA - Hit alien on head with radio - 60 day suspension.
10. (S) Received 10/4/77 BPA - Hit alien on head with firearm - 45 day suspension.
11. (W) Received 2/4/78 BPA - Beat alien - 30 day suspension.
12. (S) Received 3/3/78 BPA - Struck alien during interrogation - written reprimand.
13. (W) Received 4/4/78 BPA - Pushed elderly man and used abusive language - three day suspension.
14. (E) Received Unknown Criminal Investigator - Fired two shots at alien - reprimand and 90 day suspension of promotion.

*Exhibit No. 12*



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

November 29, 1978

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 287.3-C

Ms. Phyllis Fong  
Attorney  
Civil Rights Commission  
1121 Vermont Ave., N. W.  
Washington, DC 20425

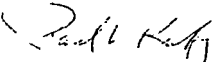
Dear Ms. Fong:

I am submitting a copy of our report to the Office of Professional Responsibility of the Department of Justice concerning the Department's Internal Audit of OPI. This report was requested by the Commission in my testimony on November 14, 1978.

I would appreciate a copy of my testimony of the 14th of November, 1978 or at least an opportunity to have a member of my staff review the testimony so that I might accurately supply the answers to all questions posed.

Hoping to hear from you at your earliest convenience.

Sincerely,

  
Paul V. Kirby, Director  
Office of Professional Integrity

Attachment

Michael E. Shaheen, Jr.  
Counsel, Office of Professional Responsibility

Mario T. Noto  
Deputy Commissioner, INS

Your request for action taken in response to Internal Audit's Survey of the Internal Investigations Unit

ATTN: Deputy Counsel Richard Rogers

The internal Audit's examination and evaluation of existing procedures of the Internal Investigation Unit revealed deficient administrative direction, a lack of established lines of authority as well as ill defined managerial responsibility.

Organizational responsibilities had not been clearly defined or understood. Guidelines policy and procedural instructions were vague. The reporting and accounting system were inadequate. The best use of available manpower was not made. The monitoring of cases were inadequate and reporting to OPR was not complete. The Operations Instruction O.I. 287.10 was found to be incomplete.

After the Survey, the Operations Instruction was rewritten and approved on April 9, 1978, and the following actions were taken:

a. The internal investigations unit has been changed in name to the Office of Professional Integrity and has been internally restructured to provide a coordinator for each of the Service's four regional offices. This staff coordinator receives and processes all allegations for that region to which he is assigned. These coordinators review all investigations of alleged misconduct assigned in their regions. They also lend their expertise to field investigators. Each regional commissioner has been requested to furnish to OPI a list of all field investigators to be used in personnel investigations. These investigators will be advised that OPI is available for advice and guidance in conducting their investigations. In August 1978, all these investigators will receive formalized training from OPI in conducting personnel investigations. These regional coordinators have been designated to assure continual liaison with regional staffs and to closely monitor investigative progress.

b. A "Case Control System" has been initiated. This control system provides a mechanism for timely follow up of cases, identifies individual OPI caseloads and those cases assigned for investigation to regional offices or referred to other agencies. It is also a source of statistical information.

Michael E. Shaheen, Jr.

2

c. In the past, when a matter was referred to another agency, there were inadequate provisions for call ups. Under the new Operations Instruction, OPI must maintain control of allegations referred to Federal, State or Local agencies. OPI refers the matter in writing and indicates OPI's control log. OPI requests a letter of acceptance and the other agency is also requested to furnish further correspondence or reports to OPI. OPI will request status reports from the different agencies with call ups.

d. The concept of the preliminary inquiry prior to conducting a full field investigation of an allegation of employee misconduct has been initiated. Before this change was introduced virtually all allegations received were fully investigated. The Director, Office of Professional Integrity may direct that an investigation be conducted whenever the results of the preliminary inquiry indicate that the allegation has merit and substance.

e. Under the new Operations Instruction, allegations of employee misconduct required to be reported under the Professional Integrity Program are spelled out as well as the responsibilities of all Service employees for their cooperation with the Office of Professional Integrity.

f. The new Operations Instruction provides for the use of an internal reporting Form G-632, a copy of which is to be furnished monthly to the Department's Office of Professional Responsibility. This Form provides a Tracking System which will assure that OPR and the Attorney General are receiving and being informed of all violations or potential violations by INS employees.

The new Operations Instruction is a step in the right direction in an approach to organize our integrity program. We will continue to examine and revise our program to make it more effective and responsive to the needs of the Service.

Attached is a copy of the New Operations Instruction 287.10. Also attached is a memorandum dated March 13, 1978, concerning the Assistance of the Internal Audit Staff in revising the Operations Instruction relating to internal investigations.

2 Attachments

cc: OPI Log

COOPI:PKIRBY:lbn:7/7/78

## OPERATIONS INSTRUCTION

287.10 THE SERVICE PROFESSIONAL INTEGRITY PROGRAM -- (a) POLICY. It is the policy of the Immigration and Naturalization Service that each employee shall be made aware of and strictly adhere to Service and Departmental standards of conduct which fully reflect the intentions of the President and the Congress of the United States. Employees must maintain a high standard of behavior in all of their personal and official activities and at all times avoid taking any action or making any decision which results in or creates the appearance of (a) using public office for private gain, (b) giving preferential treatment to any person, (c) impeding Government efficiency or economy, (d) losing complete independence or impartiality, (e) making a Government decision outside official channels, (f) abuse of official authority, or, (g) adversely affecting the confidence of the public in the integrity of the Government.

(b) PURPOSE AND FUNCTION OF THE OFFICE OF PROFESSIONAL INTEGRITY. The Office of Professional Integrity (OPI) is established to (1) plan, direct and manage the Service's investigative program concerning allegations or information of criminal, or other misconduct by Service employees; (2) coordinate this program with other Service operations and also with related functions of other agencies such as the Department of Justice's Office of Professional Responsibility.

(c) DEFINITION OF ALLEGATION. An allegation is information from any source that a known or unknown Service employee has violated any law, Federal, State or Local, Departmental or Service regulation or any of the standards of conduct set forth in

- (1) Officer's Handbook, Form M-68
- (2) Conduct of Employees, Form M-141
- (3) Conduct of Employees, AM 2234
- (4) AM 2235, exhibit 1, appendix 1, pages 35-46, Schedule of Disciplinary Offenses and Penalties
- (5) AM 2235, exhibit 10, Types of Administrative Offenses
- (6) AM 2427.01, Personal Use of Government Property
- (7) AM 2503.11, Misuse of Government Automobile or Aircraft
- (8) AM 2503.12 (e) and (f), (1), (2) and (3), Use of Government Transportation
- (9) AM 2780.01 paragraph 2, Removal or Copying of Records
- (10) AM 2785.01 paragraph 2, Disposition of Records
- (11) Federal Personnel Manual, Chapter 735
- (12) Title 28, CFR, Part 45, Departmental Standards of Conduct

(d) CATEGORIES OF ALLEGATIONS TO BE REPORTED UNDER THE PROFESSIONAL INTEGRITY PROGRAM. Allegations of employee misconduct required to be reported under the Professional Integrity Program fall into the following two categories:

CATEGORY I

- (i) Violations of Criminal laws (e.g. federal, state and local statutes or other laws relating to bribery, graft, conflicts of interest, and other similar offenses.)
- (ii) Violations of criminal statutes and laws administered by and under jurisdiction of the Service.
- (iii) Unauthorized disclosure under the Privacy Act.
- (iv) Violations of the Federal Civil Rights Act.

CATEGORY II

- (i) Violations of Executive Orders, Civil Service Commission, Departmental or Service Regulations, Policies, Rules and procedures.
- (ii) Non-criminal violation of Departmental or Service standards of conduct and those administrative and disciplinary offenses set out in AM 2234 and AM 2235 exhibits 1 and 10.
- (iii) Non-criminal on-or-off duty behavior which adversely affects the efficiency and the reputation of the Government service.
- (e) RESPONSIBILITIES OF SERVICE EMPLOYEES UNDER THE PROGRAM
  - (1) All employees - are responsible for reporting immediately when learned allegations of misconduct by other employees and assisting in the professional integrity program functions when necessary.
  - (2) District Directors and Chief Patrol Agents - have the responsibility to receive and report allegations of misconduct to the Director, OPI or Regional Commissioners (or their designee) as provided in this instruction. These officers shall also assist the Director, OPI and the Regional Commissioners in implementing the professional integrity program as required.
  - (3) Associate Commissioner, Management and Associate Regional Commissioners, Management - have the responsibility to insure that appropriate corrective or disciplinary actions are taken when warranted by findings made in reports of investigation supporting allegations of misconduct by employees within their jurisdiction.



- (4) Regional Commissioners. Regional Commissioners are responsible for:
- (i) managing that aspect of the professional integrity program relating to allegations of misconduct under Category II against nonsupervisory employees and Non-Officer Corps Supervisory Employees, except Attorneys, Special Inquiry  and Law Clerks.  
OFFICERS
  - (ii) implementing procedures necessary to carry out their responsibilities within the professional integrity program consistent with this instruction.
  - (iii) delegating responsibility to the Associate Regional Commissioners, Enforcement to conduct those fact-finding portions of the professional integrity program and to maintain pertinent records.
  - (iv) furnishing the Director, OPI with periodic reports on the status of all investigations of allegations of employee misconduct under their jurisdiction.
  - (v) aiding the Director of OPI in carrying out his program responsibilities by assigning necessary personnel and support when requested.
  - (vi) referring to the Associate Regional Commissioners, Management reports of investigation supporting allegations of administrative misconduct by employees.
- (5) The Office of Performance Review will conduct periodic surveys of the functioning of the professional integrity program as administered by the OPI, regions and districts to determine that this instruction is being properly implemented.
- (6) The Director of the Office of Professional Integrity is responsible for:
- (i) the management, planning, execution and coordination of the Professional Integrity Program throughout the Service.
  - (ii) receiving, recording and investigating all allegations of employee misconduct within Category I for all employees.

- (iii) receiving and investigating allegations of employee misconduct under Category II relating to all supervisory Officer Corps or managerial employees, Attorneys, Special Inquiry Officers and Law Clerks, Service-wide.
- (iv) referring to the Director of the Department's Office of Professional Responsibility, reports of investigation sustaining criminal or administrative misconduct involving attorneys, Special Inquiry Officers, Law Clerks, or employees in general schedule grades GS-16 through GS-18.
- (v) controlling and monitoring investigations relating to allegations of misconduct by employees in the Central Office, Regional Offices and of Service Personnel assigned or detailed to the Federal Law Enforcement Training Center, Glynco, Ga.
- (vi) furnishing periodic and special reports on the status of investigations of employee misconduct to the Deputy Commissioner and Office of Professional Responsibility of the Department of Justice.
- (vii) referring to those agencies having jurisdiction to investigate or having official interest, all matters relative to allegations of criminal or administrative misconduct not enforced by Service.
- (viii) initiating an immediate administrative investigation into alleged civil rights violations only when there has been no personal injury reported or there has been no aggravated denial of constitutional rights. Otherwise, the matter will be referred to the FBI.
- (ix) referring to appropriate U. S. Attorneys reports of investigation supporting allegations of violations by Service employees of those criminal statutes enforced by the Service.
- (x) maintaining control of allegations referred for criminal investigation to federal, state or local authorities and to take appropriate actions, if warranted, when such cases or the results of their investigation are returned to the Service.
- (xi) referring to the Associate Commissioner, Management for appropriate administrative action, reports of investigation completed by OPI supporting allegations of misconduct by Service employees.

(xii) reviewing Regionally assigned cases for sufficiency of the investigation.

(7) The Deputy Commissioner is responsible for the overall management and direction of the Professional Integrity Program of the Service. He has delegated his authority to the Director, OPI for program development and to Regional Commissioners and the Director, OPI for the implementation of the program within their respective areas of jurisdiction.

(f) MANNER AND PLACE TO WHICH ALLEGATIONS ARE TO BE REPORTED

- (1) All allegations of criminal misconduct under Category I and only those allegations of misconduct under Category II involving supervisory Officer Corps or managerial employees of the Service, Attorneys, Special Inquiry Officers and Law Clerks shall be reported to the OPI, Central Office.
- (2) Allegations of misconduct under Category II relating to non-supervisory employees and non-Officer Corps supervisory employees shall be reported to Regional Commissioners (or their designee), who will assume control of the matter and thereafter follow the guidelines contained in this instruction. If in the judgement of the Regional Commissioner, District Director, Officer in Charge, or Chief Patrol Agent an allegation reported under this subparagraph becomes notorious or is of interest to public media, the facts shall be reported to the Director, OPI.
- (3) All allegations under this instruction will be reported immediately by telephone and confirmed by memorandum. The telephone number for the OPI Central Office is 376-8321 (FTS), or 202-376-8321 (Commercial). After normal business hours the Central Office OPI can be reached at 376-8324 (FTS), or 202-376-8324 (Commercial). Telephone numbers for regional and district offices and border patrol sector headquarters are published in section 2015 of the Administrative Manual.
- (4) The original of letters or memoranda received setting out or referring to alleged misconduct will be forwarded by certified mail to OPI or to the Regional Commissioner (or their designee) under whose jurisdiction the alleged misconduct occurred. After forwarding the original of letters or memoranda setting out alleged misconduct, District Directors or Chief Patrol Agents will maintain a copy, appropriately safeguarded, for 30 days thereafter. At the end of this period these copies shall be destroyed. No copies are to be maintained in other than the case file created by the OPI or by Regional Commissioners. Any pertinent materials subsequently received will be forwarded as before.

Employees reporting allegations will not discuss such matters with other employees, except as necessary for the completion of the preliminary inquiry or any subsequent investigation.

- (5) Whenever an allegation is made by, on behalf of, or involves an alien, no action will be taken to enforce the departure from the United States of either the alien or of any witnesses involved until a preliminary inquiry or an investigation of the matter has been completed.
- (6) Employees may report allegations of misconduct directly to the Office of Professional Integrity or to Regional Commissioners (or their designees) whenever, for good cause, they do not wish to make such reports to their supervisor, District Director, Chief Patrol Agent or Officer in Charge. These reports may be made by telephone or in writing. Anonymity is not encouraged as confidentiality will be respected.

(g) FAILURE TO REPORT. Failing to report or delay in reporting allegations in compliance with this operations instruction may result in disciplinary action against employees.

(h) TRANSMISSION OF MATERIALS RELATING TO ALLEGATIONS, PRELIMINARY INQUIRY REPORTS AND REPORTS OF INVESTIGATION. Materials relating to allegations of employee misconduct reported either to or from OPI or the regions shall be enclosed in double envelopes. The instruction, "DO NOT OPEN IN MAIL ROOM" must be printed or stamped on both sides of the inner envelope. All materials will be transmitted by Certified Mail.

(i) ACTION TO BE TAKEN UPON RECEIPT OF ALLEGATIONS. On the same date, or first work day thereafter, an allegation of misconduct received in the Office of Professional Integrity or a regional office will be processed as follows:

- (1) A case control number will be assigned and recorded in the case control log.
  - (a) In the Central Office the case control number shall consist of a sequential number, the alphabetical location code of office at which the alleged misconduct occurred, and the fiscal year (e.g. 48-NYC-78).
  - (b) Case control number assigned in the region will consist of the alphabetical location code of the office in which the alleged misconduct occurred and a sequential number (e. g. NYC-52).

- (2) Determination shall be made as to whether or not the alleged offense is prima facie misconduct and whether or not a Service employee is or may be involved. If it is determined that the allegation:
- (a) does not involve misconduct, no further investigative action will be taken and the case control log so noted.
  - (b) does involve misconduct by an employee of another agency, the matter will be referred to OPI Central Office. Only the Director of OPI is authorized to refer or to direct the referral of a matter to another agency.
  - (c) does involve misconduct by a Service employee. The Director, OPI or Regional Commissioner (or their designee) will:
    - (i) create a case file identified by the previously assigned case control number; case files and all relating materials are to be considered administratively confidential and available for review only on a "need-to-know" basis to be determined by Director, OPI or Regional Commissioner (or their designee). A chargeout record will be maintained for all case files released for review outside OPI or the Office of Associate Regional Commissioners, Enforcement.
    - (ii) direct that a preliminary inquiry be conducted.
    - (iii) control the preliminary inquiry and any subsequent investigation by use of Form G-600, Investigations Control Card.
- (3) The case control log will reflect, in addition to the case control number, the date received, the name, position and title of the accused employee, if known, and a brief description of the alleged misconduct. A space will be reserved to record subsequent actions of significance, e.g., date assigned for preliminary inquiry, and investigation and closing or final actions.

(j) PRELIMINARY INQUIRY--(1) Definition. A preliminary inquiry shall be a fact finding effort to determine whether an allegation of misconduct involving a Service employee warrants further investigation.

(2) Selection of employee to conduct preliminary inquiry. The Director of OPI or Regional Commissioners (or their designee) will select an employee to conduct a preliminary inquiry. That employee will be personally contacted by telephone and furnished pertinent information concerning the allegation and given direction for expeditiously conducting and completing the inquiry. The employee selected to conduct the preliminary inquiry if not a

supervisory employee must not be from the same district or sector as the involved employee. Supervisory employees shall not be from the same operating branch as the accused employee.

(3) Completion of preliminary inquiry reports - maintaining confidentiality

- (i) The preliminary inquiry must be completed and a memorandum report submitted to the Director of OPI, the Regional Commissioner (or their designee) by certified mail within ten working days from the date assigned. All investigators' notes shall also be forwarded. Appropriate call-ups will be maintained.
- (ii) To maintain confidentiality, one copy only of such reports will be retained for 30 days following transmittal by the person conducting the preliminary inquiry. At the end of the 30 day period the copy shall be destroyed. The allegation and the outcome of the preliminary inquiry shall not be discussed with other employees, except as necessary to conduct the inquiry.

(k) ACTION TO BE TAKEN UPON RECEIPT OF PRELIMINARY INQUIRY REPORTS. The Director of OPI or Regional Commissioner (or their designee) will review preliminary inquiry reports to determine whether further investigation is warranted.

- (1) When the facts developed in the preliminary inquiry do not support the allegation of misconduct, no further investigation will be conducted. The case control log will be noted and the case file closed. The involved employee(s) will be advised in writing of the allegation and of the negative results of the preliminary inquiry and that the matter is closed. The employee shall also be advised that no copy of the letter will be made a part of his official Personnel folder.

This notice to the employee will be prepared by the office assigning the preliminary inquiry, OPI or the Region, for the signature of the Deputy Commissioner or the Regional Commissioner. It will be transmitted to the employee through their District Director or Chief Patrol Agent, whichever is appropriate.

- (2) When the facts developed in the preliminary inquiry reasonably support the allegation of misconduct, the following steps will be taken:

(i) Category I, Violations of Title 8, United States Code. The Director, OPI will immediately assign an officer from his staff to conduct an investigation of the alleged offense. Whenever a staff officer will not be immediately available, the matter may be referred to the Regional Commissioner having jurisdiction over the location at which the offense is alleged to have occurred.

(ii) Violations of local, state or federal criminal law (other than Title 8 of the United States Code). The Director, OPI will refer the matter in writing to the agency having jurisdiction and note the OPI case control log. In the referral memorandum, the other agency shall be requested to furnish future correspondence or reports on the matter to the Director, OPI, indicating our case control number in the title or first paragraph of such correspondence or reports. OPI shall maintain a call-up on referred cases in accordance with that agency's schedule for the completion of such matters so as to determine the current status.

(iii) Category II, Violations by supervisory Officer Corps employees or managers.

(See (i) above)

(iv) Category II violations by supervisory non-Officer Corps employees or non-supervisory employees.

Regional Commissioners will assign a regional or field officer to conduct an investigation of the alleged offense as soon as possible.

(v) Allegations returned by other agencies. When an allegation is returned to the Service by another agency, the Director, OPI will take whatever action is warranted by that agency's findings. Whenever such an allegation appears to be complex, to cross regional lines, is international in scope, or the allegation involves a supervisory Officer Corps or managerial employee, the matter may be assigned for investigation by the Director, OPI to an officer on his staff. Other returned matters may be referred to Regional Commissioners at the discretion of the Director, OPI.

(1) SUBMISSION AND REVIEW OF REPORTS OF INVESTIGATION--(1) Deadline completion. All investigations of alleged misconduct not pending with another agency must be completed and reports written and submitted within 60 days of the date assigned. Each case shall be called up 45 days from the date of assignment to assure timely completion of the investigation.

ADD AS LAST SENTENCE TO SUB-PARAGRAPH (i), PAGE 9

Officers selected by the Regional Commissioner, or their designee, will be in conformity with sub-paragraph (iv) of this part.

ADD AS LAST SENTENCE TO SUB-PARAGRAPH (iv), PAGE 9

The officer selected, if not a supervisory employee, must not be from the same District or Sector as the involved employee. Supervisory employees selected shall not be from the same operating branch as the accused employee.



- (2) Extension of time to complete. If additional time is necessary to complete an investigation, the case investigator shall submit a memorandum to the Director, OPI or Regional Commissioner (or their designee) detailing the reason(s) why the extension is necessary. If the reason(s) is compelling, the extension may be granted. Thereafter, 30-day call-ups will be maintained to determine the status of the investigation.
- (3) Review of reports of investigation. All reports of investigation will be reviewed for sufficiency of the investigation and approved by the Director, OPI or by Regional Commissioners (or their designee).

(m) PREPARATION AND DISPOSITION OF REPORTS OF INVESTIGATION--(1) Sustained allegations. Where the facts established reasonably support the allegation of misconduct, the report should be processed as follows:

(i) Category I Matters - The report will be written as a prosecution report on Form G-166 and submitted in original and two copies to the Director, OPI. The original with all exhibits will be forwarded by OPI to the U.S. Attorney having jurisdiction over the matter. Duplicates will be placed in the relating case file. OPI shall maintain a periodic call-up until such time as the U. S. Attorney accepts or declines prosecution. An appropriately constructed report will be furnished other jurisdictions in accordance with their requirements.

AS A C-166

UNOFFICIAL REPORT

(ii) Category II Matters - Completed reports of investigation will be submitted, [REDACTED] in original and two copies and furnished the Director, OPI or the Regional Commissioner (or their designee) whichever is appropriate. The report will contain, on the administrative page, a conclusion as to whether the facts support the allegation(s). Following supervisory review and approval of the investigative report, the original with exhibits will be submitted to the Associate Commissioner, Management, or the Associate Regional Commissioner, Management to assure appropriate corrective action as warranted by designated officials. Duplicate reports will be filed in the relating case file. The Associate Commissioner, Management and Associate Regional Commissioners, Management will furnish the Director, OPI a report of the final action taken in each case referred to them.

(2) Allegations not sustained.

(i) Investigations conducted by OPI Central Office. Where a report of an investigation conducted by OPI in a Category I or II matter fails to substantiate the allegation of misconduct, the Director, OPI will prepare a letter for the signature of the Deputy Commissioner to be furnished the involved employee, through channels, advising:

- (a) of the allegation made
- (b) that the investigation did not sustain the allegation
- (c) that the matter is closed and that no information relating to the matter will be placed in the employee's OPF.

A copy of the letter will be filed in the relating case file and considered the closing action in the case.

- (ii) Investigations conducted within the region. When the report of an investigation assigned by the region fails to substantiate the allegation, a letter, as provided above, will be prepared for the signature of the Regional Commissioner and furnished the involved employee through channels.

(n) REPORTS TO THE OFFICE OF PROFESSIONAL RESPONSIBILITY OF THE DEPARTMENT OF JUSTICE. All allegations of misconduct received in the Office of Professional Integrity, Central Office, will be reported monthly to the Department of Justice's Office of Professional Responsibility on revised Form G-632. Regional Commissioners or their designee will similarly submit such reports to the Director, OPI, for transmission to the Deputy Commissioner and OPR. Allegations previously reported shall be updated as changes occur.

(o) FILES-RETENTION AND DISPOSITION. All files, materials, reports, correspondence, index cards or any other material relevant to or resulting from allegations will be safeguarded in a locking file cabinet. Such materials unless otherwise covered in this instruction shall be destroyed by either shredding or burning during the month which follows the second year anniversary date of (1) the completion of the investigation when the allegation was not sustained; (2) the date of the last action indicated when the allegation was sustained and disciplinary action taken; (3) following sentencing if convicted of a criminal violation or (4) conclusion of appeals procedures in connection with two and three above. All files from which a lawful Privacy Act or Freedom of Information Act disclosure has been made must be retained for five years from the date the requested material was furnished. The file jacket will be noted to indicate "(PRIVACY ACT DISCLOSURE)" and the date when destruction may be accomplished. Copies of the letter of transmittal and copies of material furnished must be retained for two years.

(p) TIME ACCOUNTABILITY. Employees assigned to conduct preliminary inquiries or investigations of alleged misconduct shall charge their time to Activity 7100. Time spent by Field employees in conducting such matters shall be reported by memorandum to accompany the preliminary inquiry report and/or report of investigation. Regional Commissioners will report these hours monthly to the Director, OPI, who will similarly report field employee time to Regional Commissioners. OPI will maintain a compilation of these statistics for Review.

(q) DEPARTMENTAL JURISDICTION. Nothing in this operations instruction shall be construed in any manner as inconsistent with the interests of provisions of any order of the Department of Justice establishing policy and procedures for the administration of standards of conduct within the department. Should there be any such inconsistency, the intent and provisions of the Departmental order shall be governing as though incorporated in this operations instruction.

UNITED STATES GOVERNMENT

*Memorandum*

TO : Mario Noto, Deputy Commissioner  
 Immigration and Naturalization Service  
 Director of the I&N  
 COMMISSIONER

FROM : Glen E. Pommerening, Director  
 Internal Audit Staff

DATE: March 13, 1978

SUBJECT: Professional Integrity Program, Operating Instructions

At your request, Internal Audit Staff personnel have assisted INS personnel in revising the Operation Instructions relating to internal investigations. We have reviewed the final draft, and we believe that the proposed instructions are a significant step forward and, if followed, will provide the guidelines necessary to assure the efficient and effective functioning of the internal investigation responsibility. You are certainly to be commended for the interest and leadership you have given to this undertaking.

We appreciate the opportunity to have been of assistance to you and your staff.

Acting Director  
Internal Investigations Unit  
Deputy Commissioner

CO 287.3-C

17 JUN 1977

**Report of Internal Investigations Unit (IU) Administration and Operation Activity**

Please refer to our discussions on June 1 and June 7, 1977, concerning the administration and operation of IU, and the INS Anti-corruption Program outline dated May 23, 1977, reflecting details thereof, which you submitted.

As I advised you, for me to assess the effectiveness of IU, I require the following data:

1. List of cases received, completed, and pending in the Unit.
2. Personnel, by title and grade, assigned to the Unit, and an estimate of case and other work productivity of the staff.
3. Justification for two investigators and two clerks located at San Pedro, California, with a statement of their current and projected case workload.
4. Explanation of the relationship and procedures between Regions and Central Office IU, with emphasis upon possible duplication or conflict of effort.
5. Explanation of the methodology, processing, and techniques of investigation used, and disposition actions taken upon affirmative or negative findings in cases.
6. Concise individual report on each case now pending or under investigation under direct supervision of IU, reflecting the following:
  - a. Identity of individual or subject matter of the investigation, with relating data as to grade, location, and similarly pertinent data.

- b. Basis for the investigation conducted or contemplated, with specific allegations, information, or data which constitute such basis, date received and initiated, and proposed completion.
- c. Succinct summary of progress of investigation to date.
- d. Summary of further action required for completion.

You will recall that I indicated reservation with respect to your request to amend OI 267.10, to discontinue referring certain cases to the FBI. For your consideration, I suggested that upon receipt of any information, data, or allegation indicating that there has been conduct or activity on the part of any Service employee which could be construed to be in violation of law, regulation, ethical conduct, or which could result in either criminal or civil liability or administrative action, IIU should conduct preliminary inquiry to determine whether there is any merit or substance for such inquiry. If upon completion of the preliminary inquiry, IIU determines there is a possibility of such infraction or violation, the matter will be referred to the Deputy Commissioner for approval to conduct further inquiry to resolve the issue. If, however, preliminary inquiry by IIU concludes that no further action or inquiry is warranted, the inquiry may be concluded without referral to the Deputy Commissioner. In short, whether any affirmative action is pursued will be the responsibility of the Deputy Commissioner.

My current reaction is to retain or initiate procedures which require referral of any allegation to the FBI when preliminary IIU inquiry determines that violation of criminal laws may be involved which are under the primary jurisdiction of the Bureau.

I would appreciate your expediting the foregoing information, in order that we may resolve whether revisions, either in substance or procedures, may be necessary or desirable to effectuate INS responsibilities as required by the Department.



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

JAN 15 1979

AND REFER TO THIS FILE NO.

CO 287.3-C

Ms. Phyllis Fong  
Attorney  
Civil Rights Commission  
1121 Vermont Ave., N. W.  
Washington, DC 20425

Dear Ms. Fong:

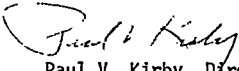
Pursuant to my commitment to the U. S. commission on Civil Rights, we have listed some examples of "one-on-one" cases of alleged abuse of aliens by INS officers.

- A. An alien alleged that when he was arrested by a Border Patrol Agent, the agent struck him with a "walkie-talkie" sustaining a 2 1/2" cut which required sutures. We did a preliminary inquiry and took a statement from the alien. We referred the matter to the Federal Bureau of Investigation.
- B. A Border Patrol Agent allegedly shot at and wounded an alien fleeing into Mexico. After the alien went to a doctor, an unidentified individual told the alien to report the incident. Supervisory Border Patrol Agent took statement from the alien and photos of what appeared to be shotgun wounds. FBI took over the case.
- C. Alien in custody was allegedly punched in stomach by an INS Criminal Investigator. Alien gave a statement to a Supervisory Criminal Investigator. A medical examination was given to the alien and no bruises or contusions were shown. The Department of Justice Civil Rights Division was advised of this matter and prosecution was denied.

The Commission had requested only 3 or 4 "one-on-one" situations, however, it is my understanding that over the years cases of this nature have been reported to various consulates and to local authorities who in turn have referred the cases to the Immigration and Naturalization Service.

The Commission's request for the ethnicity and sex of the OPI investigators has presented us with a problem. We have many cases where the preliminary inquiry was conducted by one investigator and further inquiry in the same case by another investigator. We are doing our utmost to obtain this information from the files and will report our findings to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul V. Kirby".

Paul V. Kirby, Director  
Office of Professional Integrity



*Exhibit No. 14*CALIFORNIA STATE UNIVERSITY  
LONG BEACH

Office of the President

November 18, 1978

MEMORANDUM FOR MR. NICASIO DIMAS, JR., STAFF ATTORNEY,  
OFFICE OF GENERAL COUNSEL, UNITED STATES  
COMMISSION ON CIVIL RIGHTSRE: ARTICLES FROM LOS ANGELES TIMES FOR INCLUSION  
IN HEARING RECORD ON IMMIGRATION OF UNDOCUMENTED  
WORKERS

I have enclosed two articles from the Los Angeles Times for November 11, 1978 for inclusion in the hearing record on undocumented workers. You will recall that I secured their addition to the record during the course of our recent hearings. They are: Harry Bernstein, "Illegal Aliens--Where to Draw the Line," Los Angeles Times (November 11, 1978), and Bob Williams, "Castillo has Hamstrung Them, INS Agents Say," Los Angeles Times (November 11, 1978).

I am sharing copies with each of the Commissioners.



SH:jn

Enclosure

cc: Commissioners Flemming, Freeman, Ruiz, and Saltzman

## POLICY BATTLE

# Illegal Aliens —Where to Draw the Line

BY HARRY BERNSTEIN  
Times Labor Writer

An unusual combination of usually feuding forces has helped create the most lenient attitude the United States ever has had toward illegal aliens.

This developed despite the fact that there are more illegal aliens pouring into the United States than ever before. And, even as the numbers increase, prospects decrease for any early congressional action to deal with the problem.

Most Washington experts predict it will be 1980 or later before Congress votes on any proposals.

The combination of divergent forces behind the new approach toward illegal aliens includes employers seeking cheap, docile foreign workers, some unions, militant Chicanos, civil libertarians and some key Carter Administration officials.

The various groups are not working together in a formal coalition, but each has contributed its strength to the same goal—a softer government attitude toward illegal aliens and little, if any, new legislation to stop their migration into this country.

Arrayed on the opposing side are minority rights organizations and others worried about poor anglos, blacks and Mexican-Americans who must compete with illegal aliens for low-wage jobs.

This less successful but equally unlikely combination of forces also includes environmentalists, most labor unions, high Carter Administration officials and anti-Mexican racists.

The long-range outcome could have a profound impact on the future of this country's economy and demography as well as on the economy of Mexico, which for decades has used the United States as an escape valve for its many unemployed and underemployed.

The pivotal point in the long-range debate almost certainly will be Sen. Edward M. Kennedy (D-Mass.), who next year will become chairman of the powerful Senate Judiciary Committee, where all past attempts to deal with the illegal alien issue have been buried by its outgoing chairman, Mississippi's Sen. James Eastland.

As of now, Kennedy sits squarely on the fence in the argument. But he will not start playing his crucial role for several months at least. And in the meantime, two other players in the highly emotional drama are front and center on the stage.

One, the most visible architect of the government's changed attitude, is Leonel Castillo, head of the Immigration and Naturalization Service and the man primarily responsible for enforcing the nation's immigration laws.

The other, Secretary of Labor F. Ray Marshall, is the most outspoken advocate of early legislative action to stem the unprecedented tide of illegal aliens, saying:

"Unless we can deal with this crucial problem, everything we do about our own unemployment problem could be swamped by the influx of illegal workers from foreign countries."

Castillo acknowledges a problem, but he is unsure of its size or seriousness and does not believe it significantly affects U.S. unemployment.

Marshall never has spoken out against the new attitude the INS has adopted toward illegal aliens.

But when Castillo told *The Times* that, "There is really no (political) constituency for legislative action in this area," Marshall, in a separate interview, replied sarcastically:

"None, perhaps, except the overwhelming majority of Americans who have said repeatedly in many public opinion polls that they do want legislation on this question."

Marshall eventually may have a more decisive voice than Castillo in the Carter Administration in fighting over illegal aliens. But by the time the Administration agrees on a new legislative program and Congress acts, if it does, the estimated 6 to 8 million illegal aliens already here will have added substantially to their ranks.

Both Marshall and Castillo are liberal Southern Democrats who have fought for years on behalf of blacks, Mexican-Americans and other minorities. Officially they are still supporting the now-dead legislative program Carter offered in August, 1977, to deal with the illegal alien issue. But while they both agreed to the Carter plan, it was a compromise neither man really liked.

The President proposed punishing employers who knowingly and repeatedly hire illegal aliens, doubling the size of the Border Patrol, vaguely promising to help Mexico and other countries and offering amnesty to millions of illegals already here.

"That plan is now dead and we are back at Ground Zero," one Carter Administration leader conceded.

And in the meantime, the policies of Castillo are prevailing.

He outlined his basic policies in an interview with *The Times* during which he noted he had been "picketed more than anyone else in the Carter Administration and primarily by the groups I worked with, the Chicano groups."

That fact, he feels, puts him in the middle ground of the argument over illegal aliens and shields him from the ac-

**Castillo denies telling anyone to make it easy on illegals in U.S.**

cusation by some of his own subordinates that he is a spokesman for militant Chicanos who want no barriers to Mexican workers coming to this country.

In the past, he insisted, INS was primarily a law enforcement agency, and that was the dominant motivating factor in the lives of the country's immigration officers.

"Under his administration, Castillo said, "We have become more even-handed, and while we continue law enforcement and apprehensions, our officers are expected to stress service to both foreigners and to U.S. citizens who need help finding their way through the maze of immigration laws."

By rapid modernization of INS clerical work, Castillo has substantially reduced the once giant backlog of paperwork, and, with the help of new computers, he expects to eliminate the backlog entirely and be able to process immigration papers without long, bureaucratic delays.

"All in all our service has improved substantially, and in some ways law enforcement through apprehension of undocumented aliens also is more effective than in the past," he said.

But interviews with lower echelon INS officers around the country indicate the majority of them believes the message coming from Washington, via Castillo, these days is this:

"Leave undocumented aliens (illegals) alone as much as possible once they get safely past the U.S.-Mexican border."

The anger of many INS officers was summed up by one ranking official who, when promised his name would not be used, said:

"The truth is that 90% of this country's immigration officers today believe the service is going to hell!"

Castillo denies telling anyone to "take it easy" on illegals once they get inside the United States.

But some of his remarks in his interview were illustrative both of his personal views about illegal aliens and of the indirect orders many of his subordinates around the country say they hear.

Asked to describe his feelings about his job as chief of the agency which last year apprehended more than a million illegal aliens, Castillo said:

"I feel like a ---. How else, when you realize that many of these people walk many, many miles through burning deserts, go without food for days, spend what little money they have, risk arrest, all just to get an opportunity to work in the United States.

"It makes me feel terrible sometimes, but it is the law and we do it."

Castillo presumably was referring mostly to illegal aliens caught well inside the U.S. borders, since he later told of his satisfaction with increased apprehensions along the border itself, especially with the capture of "coyotes," the smugglers who bring illegals here for prices ranging up to \$1,500.

His supporters say his viewpoint reflects the sensitivities of a compassionate human being, a Mexican-American who almost inevitably identifies himself with natives of his ancestral home, and yet a man ready to enforce this nation's immigration laws regardless of his personal feelings.

When asked whether illegal aliens really displace any significant number of American citizens or legal aliens, Castillo likes to recall a recent experience of his own in Washington.

"It was a very cold morning, about 6, and I went on a raid (by INS officers) in a produce market.

"Inside were undocumented aliens who had been there working hard throughout the very cold night. Their boss, a woman of Greek origin, I think, said they were wonderful, hard-working people.

"Then I went outside again and saw some men, presumably American citizens, standing around a fire burning in a metal barrel, warming their bottoms.

"I asked one if he would take the job of the men who had worked all night inside the market, and he replied, 'I wouldn't touch that job with a 10-foot pole.'

"I persisted, and said to another, 'Look fella, what do you think about the work those men inside were doing?' and he told me, 'I can't tell you 'cause I don't work (at all).'"

Castillo couldn't explain why the men were standing outside the produce market in downtown Washington in the cold predawn, but he presumed "They just do that. A lot of them are on welfare, I guess, and figure they can make more money easier that way than taking the jobs inside the market."

The story is an echo of the most frequently heard contention of those who say illegal aliens do the dirty, hard jobs Americans and legal immigrants won't do.

Labor Secretary Marshall says that in almost all cases, "domestic workers would take those jobs" if there were not a nearly inexhaustible supply of foreign labor to keep wages below the level which attracts even poor U.S. workers and legal aliens.

This argument is bolstered by figures coming out of the "bracero" program under which the U.S. government once brought in up to 400,000 Mexican nationals a year to do farm jobs, mostly in the Southwest.

The program lasted from 1941 to 1964, and when Congress killed it, growers predicted disaster due to unharvested crops.

Instead, the farm economy thrived. Legal immigrants helped fill the gap, and nearly 90,000 more U.S. workers were employed on farms during the 1965 seasonal peak than in similar periods during the height of the bracero program.

The unemployment rate for U.S. farm workers dropped from 6.5% to 4.8% soon after the bracero program ended. Farm wages in 1965 went up 5.6% compared to a 2.9% annual increase from 1955 to 1964.

But Castillo insisted the contention that illegal aliens are taking jobs from or depressing wages of U.S. citizens and legal aliens "just cannot be substantiated."

Castillo also disputed the charge of some of his officers that apprehension of illegals in the interior of the United States has dropped during his administration.

"There is more money and manpower going into enforcement than ever before, both on the border and in the interior," Castillo said.

Yet Phillip Smith, chief enforcement officer of the INS in the Los Angeles-Orange Counties area, said that here, at least, enforcement and apprehension of illegal aliens have taken a major drop in recent months.

"Even with the recent addition of 26 trainees to replace officers we lost, I will still be able to field only about 130 officers compared to the 152 we had last year," Smith said.

Because of less manpower and shifting priorities from enforcement to service, total manpower used to apprehend

illegals at work dropped 58.1% from fiscal year 1977 to fiscal 1978, he said.

Apprehensions here plummeted from 77,863 in fiscal 1977 to 40,866 in fiscal 1978, which means that with the number of illegal aliens in this area estimated variously from a low of 500,000 to a high of 1.5 million, the number of apprehensions is relatively small.

Figures supplied by INS in Washington show that along the nation's borders, apprehensions did increase from 812,541 in fiscal 1977 to 862,217 in 1978.

But in the interior, apprehensions by INS officers dropped from 220,866 to 185,470, a 16% decline.

Castillo didn't directly challenge the figures which seem to show that illegal aliens who have crossed the border stand less of a risk than ever of being caught.

And the risk was never very high. Some experts in INS figure that once a foreigner gets into the country illegally, there is less than one chance in 40 of being apprehended.

Castillo stressed the increase in apprehensions along the border. He maintained that is important because "if we can stop just one smuggler who brings in 500 people a month, it is a lot better than going to some mom and pop store in Seattle and finding a few undocumented workers at a time."

But his critics say that without at least a strong show of strength in the interior, the flow of illegal aliens will increase faster than ever because more and more foreign workers will realize they will be relatively safe once they do make it past the border area.

And employers, it is argued, will feel more comfortable knowing their workers are less likely than before to be apprehended and exploited, at least as long as there is no law against the employment of illegals.

Chicano activists, civil libertarians and others who oppose almost all legislation aimed at dealing with the problem say Castillo's predecessor, Leonard Chapman, created a nearly hysterical anti-alien attitude in this country by exaggerating the dangers of illegals in order to get Congress to act.

And they often put U.S. trade unions on their "enemy list" for also demanding strong legislation, especially a law to punish employers who knowingly hire illegal aliens.

But now some unions have joined the foes of tough enforcement of immigration, creating a major new problem for INS.

One union here is distributing leaflets, in Spanish, appealing to workers to, "Unite with us! Forget your fears and join the union! Help us stop La Migra (INS)!"

Phil Russo, chief International Ladies' Garment Worker Union organizer in this region, said:

"We now concentrate on organizing all workers, including illegal aliens, because the illegals make up something like 70% of the garment industry here."

In the past, Russo said, "The smartest thing an employer could do to avoid unionization was to hire more and more undocumented workers."

"When a boss would get wind a union organizing campaign was being started because his workers were sick of being exploited, he would threaten to have them deported, and, if that didn't work, he would call immigration and have our picket line arrested."

"Well, that isn't going to work anymore. Undocumented workers are getting some guts. They are beginning to realize that if they stick together, they can improve their situation right here in the U.S. by joining the union."

Russo said the ILGWU has "three strikes going on in Los Angeles right now, with almost 100% illegal aliens in two of them. One of the companies managed to hire about a dozen new undocumented workers as scabs, but 118 people, mostly undocumented, are on strike and holding firm."

INS officers say they are not unhappy about the union's organizing campaign among illegals. And Castillo said he would favor more communications between U.S. and Mexican unions to encourage unionization of immigrants to prevent illegals from depressing wages in this country.

But the union did deliver a major legal blow to the INS enforcement procedures when it won a court order drastically reducing the agency's ability to get search warrants to enter plants suspected of employing illegals.

The order, on appeal, requires INS to name the individuals they suspect to be here illegally before going into the plant to apprehend them. This is a requirement INS agents say is almost impossible to meet since illegals are seldom known by name to the INS.

The ILGWU is using its legal action as evidence to show illegal aliens that the union is really on their side.

Employers with union contracts have been told in a letter from the ILGWU that, "We demand you turn away any immigration and naturalization agents who come to your premises without a warrant."

That letter to employers is also being widely distributed among illegal aliens as further evidence that that union wants to protect the rights of all workers, not just illegals, Russo said.

The ILGWU contends that immigration officers question workers only when their racial appearance indicates they are of Latin origin, so "we believe our court action helps protect both legal and illegal workers from harassment by immigration," he said.

Like many others opposed to legislation aimed at stopping illegals, the union talks of its own "honored tradition of a union built, founded and sustained by immigrants and newcomers."

"The union does not mention the fact that its founders were here legally."

While making a strong appeal to Latinos, the union nevertheless still calls for "strong measures to deal with unscrupulous employers who knowingly employ illegal aliens," a key proposal of those who want to try to stop illegals from coming here and one which Chicano activists oppose.

But offsetting that is a demand by the union for "full, permanent amnesty to all undocumented aliens now in this country," which is an obvious goal of all illegals now here.

Nationally, the AFL-CIO still supports legislation to impose penalties on employers who hire illegals, increase border patrols and provide all workers with a counterfeit-resistant identification card showing their status as citizens. Most advocates of an identification card suggest using Social Security cards, which all workers must now have anyway.

But Tom Donahue, executive assistant to AFL-CIO



**EASY ACCESS**—Two Mexican youths crawl through opening in fence along border near San Ysidro

Times photo

President George Meany, said, "I guess you could say it is not a top priority item with us on the Hill (in Congress) these days."

One reason, he said, is the "highly emotional response from the Hispanic community to all legislative proposals made so far."

Most Chicano activists have raised strong objections to almost all legislative proposals, and end up insisting the only way to deal with the illegal alien question is for the United States to help make the economy of Mexico and other "sending countries" so prosperous that the citizens of those nations will not be attracted by jobs here.

Raul Yzaguirre, director of the National Council of La Raza, said that in addition to helping other countries, especially Mexico, Chicano activists also want amnesty for aliens now here illegally.

Yzaguirre said Chicanos are pleased with the efforts of Castillo to "take some of the emotion and hate out of this issue by, for example, not using unproved, exaggerated figures and by not using the words 'illegal aliens' to describe undocumented workers."

But, "We were badly disappointed when Castillo supported President Carter's legislative program, which is a bad one."

Yzaguirre said he also was surprised by Castillo's position because, "While he (Castillo) was on our executive board as vice president of the Council of La Raza, we had no such basic disagreements. He changed after he took the INS job."

Castillo was an officer of La Raza until his appointment as INS chief by Carter 16 months ago.

"People like Marshall help create the feeling that undocumented workers are a threat to this country. And because they are brown, this leaves the impression that brown people are a threat to this country," Yzaguirre said.

All efforts made so far in legislative terms would end up causing discrimination against anyone with a Latino appearance, he said.

He conceded, however, that aside from the problem of possible discrimination stemming from the proposed laws, "We do have a feeling of brotherhood with the people of Mexico."

Another view was expressed by an officer of the Mexican-American Legal Defense and Education Fund

(MALDEF). He told *The Atlantic* magazine, "More Mexican-Americans mean more political power for us. Time is on our side. Yes, we fear the backlash which may come as a result of illegal immigration, but we believe that on balance the migration is in our interest."

At some point, it is widely believed that millions of illegals will be granted citizenship, and become Mexican-Americans with the right to vote.

Castillo is given substantial credit among many Chicanos for helping ease pressures against illegal aliens by ordering his officers to stop using the term "illegal aliens" to describe aliens who come here illegally.

Now INS and most other government agencies use "undocumented aliens," which Castillo says is a "less offensive term."

Other INS officers, however, says it is yet another example of the new, sympathetic attitude the government has adopted toward illegal aliens.

And, Castillo critics point out, the word "undocumented" is properly used to describe all aliens here without papers, even those who have a legal right to be here but who, for various reasons, have not yet received the documents to prove that right.

The primary battle today is over the degree of INS enforcement of present laws, but in January, Congress will start all over again to study the issues with an eye to passing legislation, probably in 1980 or later.

Some advocates of early congressional action fear lengthy delays because Congress has just created a select commission to look into all aspects of the nation's immigration problems.

The 16-member commission, which has not yet been appointed, does not have to issue a final report until September 1980.

But Kennedy, in whose Judiciary Committee the fate of the legislation will rest, told *The Times* that while he will work with the new commission, "We will also pursue independently and vigorously those immigration reforms that can no longer wait and for which there is already a large degree of support and a demonstrated need."

He called the problem of illegal aliens, and the "growing migration pressures in the western hemisphere an urgent domestic and foreign problem too long neglected by the Congress."

# Castillo Has Hamstrung Them, INS Agents Say

BY BOB WILLIAMS  
Times Staff Writer

Immigration Commissioner Leonel Castillo has "virtually ended" the government's efforts to apprehend and remove illegal aliens from Southern California's cities, according to officials in the Los Angeles district headquarters of the U.S. Immigration and Naturalization Service.

"Mr. Castillo may say he wants our law enforcement efforts to continue," said Noel Doran, a deportation supervisor, "but he is sending a different message to the troops in the field.

"We are being told loud and clear that we must stop picking on the undocumented workers—as we're supposed to call them—and start working harder to help them get settled in this country.

"While Congress continues to ignore the problem, the commissioner has, in effect, gone ahead and granted his own amnesty," Doran said.

Doran and more than a dozen other INS officials interviewed by The Times said the "message to the troops" has come in the form of new rules and regulations handed down from Washington.

"These rules and policies," Doran said, "seem designed to ensure that no person residing unlawfully in the United States can be expelled if anyone can find any conceivable excuse for delaying that person's departure."

The INS officers, who said they reflected the views of "over 90%" of about 500 district employes, all declined at first to be quoted by name if their comments were critical of Castillo's policies.

They said they did not want to risk their jobs and careers by getting in trouble with the boss in Washington.

However, at the last minute, Doran called The Times and said he "wanted to speak out and let the chips fall where they may."

"My basic duty is to the people of the United States," he said. "If I don't speak out, there will be one less voice to counter the vocal groups who are

agitating for a total end to immigration controls."

A Roper Poll last year indicated that 91% of the public favors strict enforcement of immigration laws, Doran said, "but apparently our politicians, our judges and some of our highest officials feel that the wishes of the majority and the rule of law mean nothing if a loftier goal is to be achieved."

The result, he said, has been a growing disrespect for the nation's laws and a "loss of faith in our form of government."

Doran, 53, is scheduled to retire next September after 25 years in the immigration service. In reaching the decision to express publicly his "personal opinions as a citizen," Doran said he had abandoned plans to apply for an opening as deputy district director in Portland, Ore.

Acting District Director Omer Sewell and other senior officials acknowledged a "serious morale problem" in INS ranks. One official attributed it to the "strain and frustration of working for so many years in a no-win situation."

Tensions at the INS office in the Federal Building have been heightened in recent months by uncertainty over who would be picked to succeed Joseph Sureck, the former district director who was reassigned to the INS station in Hong Kong last August.

(In an interview before his departure, Sureck warned that the government is making only a "token effort" to control illegal immigration and called on the news media to "confront the public with the fact that there has been a breakdown in our system.")

The Sureck vacancy has been announced four times by the INS office in Washington, each time with new qualifications that some officials claim are designed to "eliminate anyone who might be out of step with Castillo's policies."

Limited law enforcement has created "home-free zones" for illegal aliens in Orange County and most other areas in the Los Angeles district, agents in the investigations section said.

"We're kept so busy shuffling paper that we don't have much time to get out on the street," one agent said.

The federal agents scoffed at official claims that increased numbers of apprehensions show that enforcement efforts have not slackened.

"It's become a numbers game," an agent said. "We fill out apprehension forms on anyone we locate—but most of these people are never deported."

"If we do deport an alien, he's back on the job the next day after going through that revolving door at the border."

He said people trying to cross the border may be caught and counted several times before making it through to one of the "home-free zones" in the interior.

None of the officers expressed a personal animosity toward Castillo, viewing him instead as a symbol of "front man" for larger political and social "forces."

In discussing these forces, they pictured a fortress agency besieged on all sides by "radical lawyers," inundated with paperwork generated by aliens trying to forestall deportation and undermined by court decisions.

The older officers seemed perplexed and upset most by the rapid disappearance of the world in which their values and traditions had been rooted.

"To serve one's country faithfully is not the thing it once was," a veteran officer sighed. "And who even dares mention patriotism anymore!"

One official expressed an apparently racist view, asserting that he "could tell an illegal (Mexican alien) just by his looks."

Other officers strongly rejected such views, but one young agent conceded that appearance is a factor in apprehending some illegals.

"We would be running around like blind men," he said, "if we completely ignored appearance—clothes, hairstyles, the shoes they wear, their manner.

Doran, who is married to a Mexican-American, suggested that compassion alone could not solve the country's immigration problems.

What is lacking, he said, is leadership in addressing basic questions:

"What is our real national interest? How many more people can we take in? How much can or should we do to help the countries that are sending us these people?

"Where is this unplanned, uncontrolled and unlawful experiment leading us?"

*Exhibit No. 15*

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

December 6, 1978

AND REFER TO THIS FILE NO.

CO 1249-C

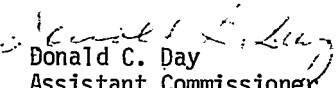
Mr. Richard Baca  
U.S. Civil Rights Commission  
1121 Vermont Avenue, N.W.  
Room 600  
Washington, D.C. 20425

Dear Mr. Baca:

During the time the Immigration and Naturalization Service Enforcement Division was giving testimony before your Commission, the question arose as to what percentage of the illegal entrants are repeat violators.

I am attaching, herewith, statistics reflecting the number of deportable aliens apprehended by the Border Patrol during FY 1974 to FY 1978, along with an indication of the percentage of those illegal entrants who were repeat violators.

Sincerely,

  
Donald C. Day  
Assistant Commissioner  
Border Patrol

Attachment



BORDER PATROL  
5 Year Apprehension Comparison

	<u>Deportable Aliens Located</u>	<u>Repeat * Violators</u>	<u>% of Total</u>
FY 74	634,777	182,351	29%
FY 75	596,796	184,610	31%
FY 76	696,039	186,861	27%
FY 77	812,541	241,108	30%
FY 78	862,211	266,808	31%

\* Repeat violator statistics are compiled through verbal admissions made to Service officers by deportable aliens at the time of location and processing.

261

*Exhibit No. 16*

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

24 JAN 1979

AND REFER TO THIS FILE NO.

CO 1320

Dear Mr. Dimas:

Per your request of December 22, 1978, I am enclosing tables showing budgetary data covering the years 1971 through 1980. Also included are two copies of maps showing the proposed location of border fencing in Chula Vista, California and El Paso, Texas which was funded in the FY 1978 budget.

If I may be of further assistance, please let me know.

Sincerely,

  
Leonel J. Castillo  
Commissioner

Enclosures

Mr. Nicasio Dimas, Jr.  
Assistant General Counsel  
United States Commission on  
Civil Rights  
1121 Vermont Avenue, NW  
Washington, DC 20425

[Map on file, U.S. Commission on Civil Rights]

IMMIGRATION AND NATURALIZATION SERVICE  
BUDGET HISTORY FY 1974 - FY 1978  
(Dollars in millions)

	INSPECTIONS		ADJUDICATIONS		DEPORTATION AND		NATURALIZATION		BORDER PATROL		INVESTIGATIONS		IAMS RECORDS		GENERAL ADMINISTRATION		TOTALS		BUDGET ENACTED		ADJUSTMENTS TO ENACTED BUDGET				
	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	DOLLARS	DOLLARS	DOLLARS	REMARKS	
FY 1971 Base (Note 1)	1,718	28.20			668	11.90	393	5.80	1,843	28.50	1,100	17.40	883	8.30	415	5.70	6,920	105.80							
To DOJ	237	3.60			34	3.10	88	1.10	611	8.90	411	2.90	47	1.10	3	.10	989	20.80							
To OMB	80	1.40			21	3.60	26	.50	165	5.40	70	1.00	29	.90	32	.40	423	11.60							
To Congress	80	8.00			21	2.60	26	.50	77	3.40	47	.50	29	.80	30	.20	310	8.50							
From Congress (Note 2)	178	2.23			128	1.86	75	.84	427	34	19.13	49	1.21	38	.58	310	12.42			7,230	111.48	6.75	Transfer Pay Increase		
FY 1972 Base	1,846	30.43			578	13.76	428	6.24	1,859	32.77	1,134	19.13	932	9.51	453	6.28	7,230	118.22							
To DOJ	96	1.37			62	.11	-	-.01	640	9.89	336	1.79	40	.10	6	.09	1,065	18.20							
To OMB	88	.77			42	(.51)	-	-	471	4.55	122	1.27	40	(.14)	8	.10	960	13.12							
To Congress	88	.86			42	(.97)	-	-	160	1.71	122	1.43	40	(.11)	-	.01	763	9.95							
From Congress	47	2.18			63	(.74)	(8)	(.13)	117	6.08	101	1.14	34	.15	44	1.16	452	2.93			7,682	130.58	(.01)	Transfer Reserved	
FY 1973 Base	1,893	32.69			641	13.02	420	6.21	2,030	38.80	1,235	20.27	956	9.66	497	7.44	7,682	127.99							
To DOJ	129	1.67			122	3.09	-	-.01	578	10.71	179	2.29	51	.44	6	.09	1,065	18.20							
To OMB	88	.90			69	3.50	-	-.01	379	5.26	82	.93	33	.15	5	.04	456	10.19							
To Congress	88	.88			29	.10	-	-	25	.43	-	.43	-	.08	-	-	175	1.75							
From Congress	17	2.49			17	.69	5	.69	(25)	(1.57)	(16)	(2.38)	(8)	.76	17	.62	-	7.08			7,882	* 135.08	(.01)	Transfer	
FY 1974 Base	1,910	35.08			651	13.73	425	6.90	2,005	38.23	1,219	22.65	958	10.42	514	8.06	7,682	125.07							
To DOJ	232	3.02			138	5.60	-	-.01	759	17.80	256	3.46	75	.61	8	.10	1,468	30.60							
To OMB	95	1.48			55	3.50	-	-	600	13.77	153	2.28	47	.46	-	.01	950	21.60							
To Congress	-	.66			-	.21	-	-.16	-	2.23	-	.44	-	-	-	-	-	2.23							
From Congress	-	.66			-	.21	-	-.16	-	2.24	-	.44	-	-	-	-	-	4.63			7,682	139.70	-	-	
FY 1974 Sup. Base	1,910	35.74			651	13.98	425	7.06	2,005	41.07	1,219	23.09	958	10.70	514	10.0	7,682	139.70							
To DOJ (Note 3)	-	.07			105	2.87	-	-.03	225	5.08	480	3.86	-	.09	-	.36	750	11.96							
To Congress (Note 4)	(22)	2.62			42	1.14	(12)	-.74	90	1.08	168	.83	14	1.26	3	1.29	300	18.61			7,982	143.30	(.03)	Transfer Pay Increase	
FY 1975 Base	1,888	37.70			687	15.93	413	7.64	2,122	46.00	1,383	25.38	972	11.68	517	9.35	7,982	153.68							
To DOJ (Note 5)	1,005	18.29			166	9.07	28	.23	876	19.93	600	7.94	328	.90	9	.44	2,610	50.80							
To OMB (Note 6)	308	6.19			154	4.87	86	1.85	586	10.70	432	6.46	128	1.09	-	.01	1,435	30.29							
To Congress (Note 6)	-	.32			72	2.93	13	.76	200	5.93	68	.32	78	.76	-	.01	350	33.18							
From Congress	35	8.94			(29)	(1.83)	(5)	(.76)	114	9.13	(64)	(3.74)	(42)	1.70	63	3.52	100	26.34			8,082	178.85	6.97	Recession Pay Increase	
FY 1976 Base (Note 7)	1,267	33.01			558	10.23	426	8.39	2,236	55.13	1,329	29.12	930	13.38	580	12.87	8,082	180.02							
To DOJ	643	9.61			337	8.18	90	.83	1,203	27.34	422	8.05	258	4.52	91	1.05	3,080	64.27							
To OMB	99	2.29			337	8.13	83	.46	413	11.78	334	3.02	180	4.09	93	.64	1,455	40.29							
To Congress	-	2.40			164	8.03	169	1.85	586	10.70	432	6.46	128	3.17	44	.53	750	22.93							
From Congress	124	3.27			129	8.14	177	7.95	47	1.73	198	9.40	(25)	2.37	127	6.36	(19)	750	33.59			8,832	208.00	6.61	Pay Increase
FY 1977 Base	1,491	38.28			658	15.46	427	10.12	2,434	64.53	1,304	31.49	1,057	17.74	561	12.15	8,832	213.61							
To DOJ (Note 8)	388	8.44			107	4.27	874	23.95	91	1.85	1,013	42.07	472	10.90	166	2.97	127	5.09							
To OMB	100	1.77			191	18.70	70	2.49	7	5.89	7	1.10	73	1.75	47	1.54	514	29.94							
To Congress	(131)	(12.00)			(125)	(11.20)	(10)	(.04)	(9)	(.17)	(200)	(12.71)	(259)	(4.31)	10	1.17	(911)	(7.39)							
From Congress	66	3.27			32	4.93	231	12.76	(7)	2.88	261	4.75	16	(12.00)	47	1.83	819	28.90			9,451	234.00	8.51	Pay Increase	
FY 1977 Sup. Base	1,547	39.55			717	20.39	1,058	38.60	476	10.68	2,427	67.33	1,545	36.24	1,073	16.54	9,451	242.51							
To DOJ	-	1.64			122	1.06	-	.64	-	.60	-	.71	-	.36	-	.07	122	6.02							
To Congress	-	1.20			22	.30	-	.40	-	.50	-	.40	-	-	-	-	22	2.00			9,473	244.51	-	-	
From Congress	-	1.20			22	.30	-	.40	-	.50	-	.40	-	-	-	-	22	2.00							
FY 1978 Base	1,547	40.85			739	20.69	1,058	38.60	476	11.08	2,427	67.33	1,545	36.24	1,073	16.54	8,473	244.51							
To DOJ (Note 8)	816	13.02			169	8.18	182	4.86	102	3.25	1,033	38.08	786	16.02	226	2.32	205	63.41							
To OMB	71	1.23			2	.05	13	(.71)	40	.28	28	13.72	2	.07	43	.67	24	1.68							
To Congress	70	1.24			-	-	-	-	-	-	3	7.00	-	.43	8	1.24	8	1.64							
From Congress	170	6.00			100	2.11	23	(2.98)	20	.66	153	10.78	36	3.33	88	1.28	8	1.86			10,071	266.45	-	-	
FY 1978 Enacted (Note 10)	1,717	45.85			839	20.62	1,061	35.62	496	11.64	2,560	78.11	1,561	39.57	1,161	17.82	8,161	15.04	10,071						

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NOTES:  
1. Base budget for the fiscal year reflects total resources available to IAMS for the previous fiscal year. Numbers are taken from the IAMS Congressional Budget Submission for the fiscal year being reviewed.  
2. The line "From Congress" reflects total change experienced in the fiscal year. It is the difference between budget base of year being reviewed and the base of the next fiscal year.  
3. There was no actual, formal submission to DOJ. Levels determined through discussion with Department.  
4. This line reflects total increases received for FY 1974, including the Budget Supplemental.  
5. Submission did not consider the FY 1974 Budget Supplemental Submission.  
6. Submission to OMB and Congress reflected anticipated results of the FY 1974 Budget Supplemental.  
7. Adjustments activity separated from inspections activity for the first time in the FY 1976 submission.  
8. Structure of submission to the Department changed in FY 1977. This line is adjusted to reflect the eight categories.  
9. Includes Carter Administration's Budget Amendment.  
10. New Budget Activity Structures developed for FY 1979. Refer to crosswalk chart in FY 1979 Congressional Request (page 5). Does not include FY 1978 pay increase.

IMMIGRATION AND NATURALIZATION SERVICE  
BUDGET HISTORY FY 1978 - FY 1980  
(Dollars in millions)

JANUARY 16, 1979

	PREVENTION		APPREHENSION		DETECTION AND DEPORTATION		INTELLIGENCE		SERVICE TO THE PUBLIC		SUPPORT OPERATIONS		PROGRAM DIRECTION		TOTALS		BUDGET ENACTED	
	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS	POSITIONS	DOLLARS
FY 1978 SUP # 1 BASE (Note 1) (Revised Structure)	4,250	109.57	1,156	26.96	1,097	37.88	32	.75	1,824	40.78	988	33.59	684	16.92	10,071	266.45		
To DOJ	529	9.64	119	1.39	0	0	8	.10	1,951	16.86	75	11.72	8	4.18	2,690	44.09		
To OMB	529	9.84	119	1.39	0	0	8	.10	1,951	16.86	75	11.72	8	4.18	2,690	44.09		
To Congress	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
From Congress	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		No submission to Congress
FY 1978 ENACTED (Revised Structure) (Note 2)	4,243	113.57	1,139	31.46	1,112	36.38	32	.75	1,831	32.78	1,020	31.09	694	20.42	10,071	266.45		
Adjustments:																		
Pay Increase	...	5.75	...	1.34	...	1.29	...	.01	...	2.15	...	1.48	...	.87	...	12.89	10,071	279.34
FY 1978 SUP # 2 BASE (Note 3)	4,243	119.32	1,139	32.80	1,112	37.67	32	.76	1,831	34.93	1,020	32.57	694	21.29	10,071	279.34		
To DOJ	0	.24	0	.30	0	.29	0	.01	100	2.87	0	.77	0	.18	100	5.66		
To OMB (Note 4)	0	.86	0	.23	0	.23	0	.01	0	2.07	0	.21	0	.14	0	3.75		
To Congress	0	.86	0	.23	0	.23	0	.01	0	2.07	0	.21	0	.14	0	3.75		
From Congress	0	.86	0	.23	0	.23	0	.01	0	2.07	0	.21	0	.14	0	3.75	10,071	283.09 (Note 4)
FY 1978 Available	4,243	120.18	1,139	33.03	1,112	37.90	32	.77	1,831	37.00	1,020	32.78	694	21.43	10,071	283.09		
Adjustments:																		
Non-hour Supplemental	...	(.86)	...	(.23)	...	(.23)	...	(.01)	...	(2.07)	...	(.21)	...	(.14)	...	(3.75)		
Uncontrollables (Net)	...	1.75	...	(.22)	...	(.22)	...	.02	...	1.14	...	(5.97)	...	.10	...	(3.40)		
FY 1979 BASE (Note 5)	4,243	121.07	1,139	32.58	1,112	37.45	32	.78	1,831	35.07	1,020	26.60	694	21.39	10,071	275.94		
To DOJ	1,853	56.71	443	13.95	95	2.32	10	.25	159	1.96	622	44.52	319	9.11	3,481	128.82		
To OMB	1,103	28.09	119	2.90	72	1.62	8	.23	1,097	38.93	378	28.77	94	2.97	1,771	96.85		
To Congress	648	12.05	0	0	0	0	8	.21	0	0	244	9.74	3	1.08	903	22.08		
From Congress	648	10.33	3	.41	4	.85	8	.21	9	.74	248	10.93	6	.37	926	23.41		
BUDGET ENACTED BY CONGRESS	4,891	131.40	1,142	32.99	1,116	37.90	40	.96	1,840	36.81	1,268	37.53	700	21.76	10,997	299.35	10,997	299.35
SUPPLEMENTAL #1																		
To DOJ	...	5.89	...	1.01	2	2.16	...	.04	...	2.59	...	3.63	...	3.06	2	18.38		No submission to OMB
To OMB	...	0	...	0	0	0	...	0	...	0	...	0	...	0	0	0		
Pay Increase	...	.65	...	.35	...	.95	...	.04	...	1.83	...	.81	...	1.37	...	6.00		
Reprogramming (Note 6)	(.76)	(12.10)	37	.68	(30)	(.29)	2	.10	99	8.93	(30)	(4.93)	102	7.21	...	...		
FY 1979 BUDGET AVAILABLE (EXEC. PLAN)	4,715	119.95	1,179	34.02	1,082	38.56	42	1.10	1,939	47.57	1,238	33.81	802	30.34	10,997	305.35		
Adjustments: Non-recurring +																		
Uncontrollables (Net)	...	10.30	...	1.61	...	1.02	...	.05	...	1.46	...	(3.16)	...	.92	...	12.20		
Reprogramming (Note 7)	...	(1.77)	...	.15	...	(.43)	...	...	...	(.25)	...	1.70	...	...	...	...		
FY 1980 BASE (Note 8)	4,715	129.08	1,179	35.78	1,082	39.15	42	1.15	1,939	48.78	1,238	32.35	802	31.26	10,997	317.55		
To DOJ	1,535	56.74	498	15.92	389	14.98	42	1.14	668	14.82	275	17.84	451	16.71	3,798	192.15		
To OMB (NOTE 9)	144	5.31	1	.03	1	.43	5	.25	6	.98	1	1.57	2	.61	261	7.73		
To Congress	(442)	(12.62)	(182)	(5.45)	(4)	(1.30)	5	.23	67	.25	(17)	.43	(1)	(.27)	(574)	(18.73)		
From Congress																		
BUDGET ANTICIPATED	4,273	116.46	997	30.33	1,078	37.85	47	1.38	2,006	49.03	1,221	32.78	801	30.99	10,423	298.82		

- NOTES:
- As reflected in FY 1978 Supplemental #1 presented to OMB, August 1977, for Presidential Initiatives; Prior to finalizing revised structure.
  - As reflected in FY 1979 Congressional Request, reflects limited reprogramming.
  - Supplemental for uncontrollables. Based on revised structure; reflects FY 1978 Anticipated Pay Increase;
  - As sent to OMB by DOJ FY 1978 Supplemental #2 became one-time costs, no increase to base.
  - As submitted to Congress in FY 1979 Budget Request.
  - This reprogramming reflects changes made by I&NS in development of both FY 1980 DOJ Spring Planning Submission and the FY 1979 Execution Plan.
  - Reflects return of one-time reprogrammings included in FY 1979 Execution Plan.
  - From FY 1980 Budget Request to Congress.
  - Reflects net changes from Current Services Level as shown in FY 1980 Spring Planning Submission, including DOJ-directed reprogrammings from ADIT (58 positions, \$1.284) and DETENTION (81.84), ADJUDICATIONS (56 positions, \$4.704) and EXECUTIVE DIRECTION (2 positions, \$1.094); base reduced by \$1.534.

Not received at time of publication.

*Exhibit No. 18*

UNITED STATES DEPARTMENT OF JUSTICE  
 IMMIGRATION AND NATURALIZATION SERVICE  
 WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 1249-C

21 DEC 1978

Mr. Richard Baca  
 1121 Vermont Avenue, N. W.  
 Washington, D. C. 20425

Dear Mr. Baca:

During testimony by the Immigration and Naturalization Service before the Commissioners of the U. S. Commission on Civil Rights on November 14, 1978, the Assistant Commissioner for Border Patrol was requested to provide Commissioner Ruiz with information regarding the Hispanic and Black Border Patrol Agents at Chula Vista Border Patrol Sector, Chula Vista, California. The following is the number and percentage of minority and female Border Patrol Agents at the above mentioned location as of September 30, 1978:

Chula Vista Border Patrol Sector

<u>Total</u> <u>Border Patrol Agents (BPA)</u>	<u>Total</u> <u>Black BPA</u>	<u>Percentage</u>	<u>Total</u> <u>Hispanic BPA</u>	<u>Percentage</u>
451	8	1.8%	64	14.2%
<u>Total Asian</u> <u>American BPA</u>	<u>Percentage</u>	<u>Total</u> <u>Female BPA</u>	<u>Percentage</u>	
3	.7%	8	1.8%	
<u>Total Black</u> <u>Female BPA</u>	<u>Percentage</u>	<u>Total Hispanic</u> <u>Female BPA</u>	<u>Percentage</u>	
1	.2%	2	.4%	

Sincerely,

*James H. Walker*  
 James H. Walker, Assistant  
 Commissioner for Personnel

*Exhibit No. 19*UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 1249-C

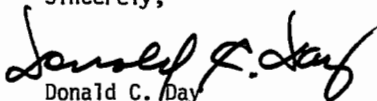
Mr. Nicasio Dimas, Jr.  
Assistant General Counsel  
United States Commission on Civil Rights  
Washington, DC 20425

Dear Mr. Dimas:

As you requested there is attached a copy of the curriculum used at the Border Patrol Academy and the table of offenses and penalties for officer misconduct.


The number of officers assigned to line duty is 2086, plus 112 who have executive duties. There are 424 with administrative duties for a total of 2622.

Sincerely,



Donald C. Day  
Assistant Commissioner  
Border Patrol

Attachments


U. S. BORDER PATROL ACADEMY
CURRICULUM

	Criminal Law .....	12	
	EMIC .....	1	
	Alien Processing .....	23	
	Registration and Indoctrination.....	3	
1	Orientation.....	1	
2	Spanish Placement Test.....	2	
3	Distribution of Study Materials.....	2	
4	Organization and Functions of I&NS.....	2	
5	Employee Services.....	2	
6	Officer Handbook.....	2	
7	Spanish Language.....	140	TOTAL
8	Spanish Lab.....	58	CURRICULUM
9	Latin American Culture.....	4	HOURS:
10	Nationality Law.....	29	648
11	Immigration Law.....	72	
12	Statutory Authority.....	28	
13	Operation of Patrol Vehicles.....	1	
14	Travel Regulations and Voucher Preparations.....	2	
15	Forms and Correspondence.....	10	
16	Fundamentals of Typing.....	13	
17	Role of OPI.....	1	
18	Document Frauds.....	3	
19	Service Intelligence.....	1	
20	Security.....	1	
21	ADIT Program.....	3	
22	Anti-Smuggling Program.....	1	
23	False Claims to USC.....	2	
24	City Scout.....	1	
25	Common Carrier Inspection.....	1	
26	Field Training - Linewatch.....	5	TOTAL
27	Field Training - Traffic Check.....	4	B. P.
28	Field Training - Sign Cutting.....	6	HOURS:
29	Field Training - Freight Train Inspection.....	4	442
30	Field Training - Farm and Ranch Check.....	2	
31	Field Training - Sensor Implantation, Oper. & Resp.....	4	
32	Operational Exams.....	4	
33a	Amnesty Program Orientation.....	2	
33b			
	<u>FLSTC COURSES</u>		
34	Orientation for Federal Law Enforcement Agency.....	2	
35	Constitutional Law and Civil Liberties.....	7	
36	Effective Writing.....	4	
37	Interviewing.....	6	TOTAL
38	Radio Communication.....	4	FLSTC
39	Detention and Arrest.....	4	HOURS:
40	Fingerprinting.....	4	206
41	Narcotics and Contraband.....	2	
42	Human Relations.....	24	
43	Driving Training .....	24	
44			
45	Physical Training and Self-Defense.....	61	
46	First Aid ( Red Cross )..... FT Dept.....	8	
47	Firearms Training.....	50	
48	Police Training Division Exams.....	2	
49			
50	Closeout and Graduation.....	4	



DOJ 1752.1  
Appendix 1APPENDIX 1. STANDARD SCHEDULE OF DISCIPLINARY OFFENSES  
AND PENALTIES FOR EMPLOYEES OF THE  
U. S. DEPARTMENT OF JUSTICE  
Dec. 8, 1975

## INSTRUCTIONS

1. This table is intended as a guide to be used in determining appropriate discipline to impose by type of offense committed. The offenses listed are not inclusive of all offenses. Also, the table does not cover discipline required by law. For instance, conviction for violation of 18 USC 1913, Lobbying with Appropriated Funds, requires removal of the employee so convicted. Chapter 735, Federal Personnel Manual, contains additional statutory and nonstatutory provisions relating to conduct of Federal Government employees. The Department of Justice Standards of Conduct contain further prohibitions.
2. Normally, penalties imposed should be within the range of penalties provided for an offense. In aggravated cases, a penalty outside the range of penalties may be imposed. For example, supervisors, because of their responsibility to demonstrate exemplary behavior, may be subject to a greater penalty than is provided in the range of penalties. When a more severe penalty than provided for in the range of penalties is proposed, the notice of proposed action must provide a reason for proposing a penalty beyond the range of penalties for an offense.
3. Many of the items listed in this schedule combine several offenses in one statement. When constructing a charge, use only those portions of the listed offense that specifically apply.
4. Depending upon the gravity of the offenses, removal proceedings may be instituted against an employee for any four, not necessarily related, infractions in any 24-month period.
5. Where appropriate, consideration may be given to change to lower grade in lieu of removal.
6. Suspension penalties on this schedule refer to calendar days. If the total period of the suspension exceeds 30 calendar days, procedures in FPM Chapter 752.2 (Part 752, Subpart B) apply.
7. Reckoning periods start with the date of the offense.
8. Chapter 3 of this order provides specific requirements for taking disciplinary and adverse actions.

Dec. 8, 1975

DOJ 1752.1

APPENDIX 1.  
STANDARD SCHEDULE OF DISCIPLINARY OFFENSES<sup>1</sup>  
AND PENALTIES FOR EMPLOYEES OF THE  
U. S. DEPARTMENT OF JUSTICE

9. Information concerning other offenses for which employees may be disciplined may be found in FPM Chapter 735.
10. Copies of this table must be provided to all employees presently on duty and to those who enter-on-duty and copies MUST be PERMANENTLY posted on bulletin boards, and other appropriate areas, in all Department of Justice installations covered by this order.

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
1. Unexcused or un-authorized absence of 8 hours or less.	Unauthorized absence of 8 hours or less, tardiness, leaving the job without permission.	Official reprimand to 1-day suspension.	Official reprimand to 5-day suspension.	Official reprimand to removal.	6 Months	
2. Unexcused or un-authorized absence of between 1 and 5 consecutive workdays.	Unauthorized absence of 8 to 40 hours.	Official reprimand to 5-day suspension.	5-day suspension to 15-day suspension.	15-day suspension to removal.	6 Months	
3. Excessive un-authorized absence.	Unauthorized absence of more than 5 consecutive workdays.	1-day suspension to removal.	3-day suspension to removal.	15-day suspension to removal.	1 Year	
4. Loafing, wasting time, sleeping on the job, or inattention to duty.	Potential danger to safety of persons and/or actual damage to property is a primary consideration in determining severity of the penalty.	Official reprimand to removal.	1-day suspension to removal.	15-day suspension to removal.	1 Year	

DOJ 1752.1  
Appendix 1.      APPENDIX 1.      Dec. 8, 1975  
STANDARD SCHEDULE OF DISCIPLINARY OFFENSES  
AND PENALTIES FOR EMPLOYEES OF THE  
U.S. DEPARTMENT OF JUSTICE

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
5. Careless workmanship or negligence resulting in spoilage or waste of materials or delay in work production.		Official reprimand to 5-day suspension.	3-day suspension to 10-day suspension.	10-day suspension to removal.	1 Year	
6. Failure or delay in carrying out orders, work assignments, or instructions of superiors.		Official reprimand to 5-day suspension.	3-day suspension to 10-day suspension.	10-day suspension to removal.	1 Year	
7. Disobedience to constituted authorities, or refusal to carry out a proper order from any supervisor or other official having responsibility for the work of the employee; insubordination.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	

Dec. 8, 1975  
 APPENDIX 1. STANDARD SCHEDULE OF DISCIPLINARY OFFENSES Appendix 1  
 AND PENALTIES FOR EMPLOYEES OF THE  
 U. S. DEPARTMENT OF JUSTICE  
 DOJ 1752.1

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
8. Failure to observe: (1) precautions for personal safety; (2) posted rules; (3) signs; (4) written or oral safety instructions, or failure to use protective clothing and equipment.		Official reprimand to 5-day suspension.	3-day suspension to 10-day suspension.	10-day suspension to removal.	1 Year	
9. Unauthorized possession of, use of, loss of, or damage to Government property or the property of others.	(NOTE: 31 USC, Section 683d(c), (2) provides a minimum of 30-day suspension for employee who willfully uses or authorizes the use of any Government-owned or leased motor vehicle or aircraft for other than official purpose.)	Official reprimand to removal.	5-day suspension to removal.	15-day suspension to removal.	1 Year	

DOJ 1752.1  
Appendix 1

APPENDIX 1. STANDARD SCHEDULE OF DISCIPLINARY OFFENSES  
AND PENALTIES FOR EMPLOYEES OF THE  
U. S. DEPARTMENT OF JUSTICE

Mar, 18, 1976

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
10. Failure to honor just debts without good cause.	A just financial obligation is one acknowledged by the employee to be valid or reduced to judgment by a court.	Official reprimand.	Official reprimand.	Reprimand to removal.	1 Year	
11. Gambling or unlawful betting on Government premises.		Official reprimand to 10-day suspension.	10-day suspension to removal.	15-day suspension to removal.	1 Year	
12. Promotion of gambling on Government premises.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	
13. Malicious damage to Government property or the property of others.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	
14. Endangering the safety of or causing injury to personnel through carelessness or failure to follow instructions.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years.	

Dec. 8, 1975  
 APPENDIX 1.  
 STANDARD SCHEDULE OF DISCIPLINARY OFFENSES Appendix 1  
 AND PENALTIES FOR EMPLOYEES OF THE  
 U. S. DEPARTMENT OF JUSTICE  
 DOJ 1752.1

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
15. Theft of Government property or the property of others.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	
16. Conversion of Government funds to personal use.	Includes travel advances, imprest funds, or amounts received as collections.	Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	
17. Disorderly conduct, fighting, threatening, or attempting to inflict bodily injury to another, engaging in dangerous horseplay.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	
18. Disrespectful conduct; use of insulting, abusive or obscene language to or about others.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	
19. Refusal to cooperate in an official Government inquiry.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years.	

DOJ 1752-1  
Appendix 1

APPENDIX 1.

Dec. 8, 1975  
STANDARD SCHEDULE OF DISCIPLINARY OFFENSES  
AND PENALTIES FOR EMPLOYEES OF THE  
U. S. DEPARTMENT OF JUSTICE

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
20. Reporting for duty or being on duty under the influence of intoxicants or other drugs; unauthorized possession of intoxicants or drugs on Government premises.		Official reprimand to removal.	15-day suspension to removal.	15-day suspension to removal.	2 Years	
21. Criminal, dishonest, infamous, or notoriously disgraceful conduct.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	
22. Falsification, misstatement, exaggeration or concealment of material fact in connection with employment, promotion, travel voucher, any record, investigation or other proper proceeding.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 Years	

Mar. 18, 1976  
Appendix 1.STANDARD SCHEDULE OF DISCIPLINARY OFFENSES  
AND PENALTIES FOR EMPLOYEES OF THE  
U. S. DEPARTMENT OF JUSTICEDOJ 1752.1 CHG 1  
Appendix 1

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
* 23. WITHDRAWN CHG 1. *						
24. Discrimination in official action against an employee or applicant because of race, age, color, religion, sex, or national origin, or any reprisal action taken against an employee for filing a discrimination complaint.		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 years.	
25. Use of Department of Justice identification to coerce, intimidate or deceive (includes DOJ credentials, ID cards, badges, various bureau credentials.)		Official reprimand to removal.	15-day suspension to removal.	Removal.	2 years.	



APPENDIX 1. STANDARD SCHEDULE OF DISCIPLINARY OFFENSES  
AND PENALTIES FOR EMPLOYEES OF THE  
U.S. DEPARTMENT OF JUSTICE

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
26. Failure to report accident or injury where other than personal injuries are involved, such as automobile accident.		1-day suspension to removal	5-day suspension to removal	10-day suspension to removal	2 Years	
27. Violation of traffic laws of any state or political subdivision while operating a Government motor vehicle.	Includes a vehicle rented or leased for official Government purposes	Official reprimand to removal	10-day suspension to removal	Removal	2 Years	I&NS SUPPLEMENT
28. Noncompliance with standards, policies, regulations or instructions issued by the Service.		Official reprimand to removal	5-day suspension to removal	10-day suspension to removal	2 Years	
29. Failure to carry out orders.	Failure or excessive delay in carrying out work assignments or instructions of supervisors thereby jeopardizing the security of the Service	5-day suspension to removal	10-day suspension to removal	Removal	2 Years	

APPENDIX 1. STANDARD SCHEDULE OF DISCIPLINARY OFFENSES  
AND PENALTIES FOR EMPLOYEES OF THE  
U. S. DEPARTMENT OF JUSTICE

I &amp; N SUPPLEMENT

NATURE OF OFFENSE	EXPLANATION	DISCIPLINE			RECKONING PERIOD	REMARKS
		First Offense	Second Offense	Third Offense		
30. Careless or deliberate mishandling of classified information.		Official reprimand to 5-day suspension	1-day suspension to 10-day suspension	5-day suspension to removal	2 Years	
31. Excessive use of intoxicants or drugs while off duty with disreputable effects.	Actions taken should be in conformance with prescribed programs relating to misuse of alcohol and drugs.	Official reprimand to 10-day suspension	5-day suspension to removal	20-day suspension to removal	2 Years	
32. Divulging information without proper authority.		2-day suspension to removal	Removal		2 Years	
33. Unhygienic personal habits which annoy or jeopardize the health of co-workers.		Official reprimand to 1-day suspension	Official reprimand to 5-day suspension	3-day suspension to removal	6 Months	

March 24, 1977

TM 771

*Exhibit No. 20*UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 1433

JAN 9 1979  
Nicasio Dimas, Jr.  
Assistant General Counsel  
United States Commission on Civil Rights  
Washington, D. C. 20425

Dear Mr. Dimas:

Enclosed please find the information requested in your letter of December 22, 1978. As a matter of convenience, I have responded to each item on a separate sheet of paper.

If I can be of assistance in providing you with further information in these or related areas, please do not hesitate to contact me or my office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mario T. Noto".

Mario T. Noto  
Deputy Commissioner

Enclosure

2. the type of job held, amount of salary earned, and geographical location of aliens apprehended by INS

Statistical sheets supplying the above information are attached. The figures are given nationally and by region. Also included for your information are employment figures for the ten (10) metropolitan areas where INS records statistics of this nature.

ILLEGAL ALIEN EMPLOYMENT  
NATION-WIDE FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	671	1,169	3,187	236	5,263
LIGHT INDUSTRY (LI)	1,461	6,733	43,774	10,308	62,276
AGRICULTURE (A)	270	1,570	57,777	43,068	102,685
CONSTRUCTION (C)	736	1,853	11,296	7,556	21,441
SERVICE (S)	1,105	3,271	17,153	12,524	34,053
GRAND TOTALS	4,243	14,596	133,187	73,692	225,718

ILLEGAL ALIEN EMPLOYMENT  
EASTERN REGION FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	130	163	234	11	538
LIGHT INDUSTRY (LI)	435	1349	5366	993	8143
AGRICULTURE (A)	20	29	482	168	699
CONSTRUCTION (C)	74	105	164	39	382
SERVICE (S)	541	1314	4501	1801	8157
<b>TOTAL</b>	<b>1200</b>	<b>2960</b>	<b>10,747</b>	<b>3012</b>	<b>17,919</b>

ILLEGAL ALIEN EMPLOYMENT  
SOUTHERN REGION FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	80	223	1713	106	2122
LIGHT INDUSTRY (LI)	171	908	12,807	6353	20,239
AGRICULTURE (A)	48	256	4001	28,328	32,633
CONSTRUCTION (C)	150	997	9832	7,331	18,310
SERVICE (S)	119	377	4665	7,037	12,198
TOTALS	568	2761	33,018	49,155	85,502

ILLEGAL ALIEN EMPLOYMENT  
NORTHERN REGION FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	340	513	708	63	1624
LIGHT INDUSTRY (LI)	396	1714	5208	578	7896
AGRICULTURE (A)	65	507	6108	1820	8500
CONSTRUCTION (C)	232	256	507	52	1047
SERVICE (S)	324	500	2125	920	3869
TOTALS	1357	3490	14,656	3433	22,936



ILLEGAL ALIEN EMPLOYMENT  
WESTERN REGION FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	121	270	532	56	979
LIGHT INDUSTRY (LI)	459	2762	20,393	2384	25,998
AGRICULTURE (A)	137	778	47,186	12,752	60,853
CONSTRUCTION (C)	280	495	793	134	1702
SERVICE (S)	121	1080	5862	2766	9829
TOTAL	1118	5385	74,766	18,092	99,361

ILLEGAL ALIEN EMPLOYMENT  
CHICAGO FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	92	147	190	6	435
LIGHT INDUSTRY (LI)	162	847	2685	124	3818
AGRICULTURE (A)	30	13	57	39	139
CONSTRUCTION (C)	54	17	36	2	109
SERVICE (S)	34	159	1044	283	1520
<b>TOTAL</b>	<b>372</b>	<b>1183</b>	<b>4012</b>	<b>454</b>	<b>6021</b>

ILLEGAL ALIEN EMPLOYMENT  
NEW YORK CITY FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (H)	74	55	164	6	299
LIGHT INDUSTRY (L)	235	761	2752	762	4510
AGRICULTURE (A)		4	24	11	39
CONSTRUCTION (C)	36	33	25	2	96
SERVICE (S)	264	830	2472	1107	4673
<b>TOTAL TOTALS</b>	<b>609</b>	<b>1683</b>	<b>5437</b>	<b>1888</b>	<b>9617</b>

ILLEGAL ALIEN EMPLOYMENT  
LOS ANGELES FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	81	171	259	16	527
LIGHT INDUSTRY (LI)	376	2168	15,851	965	19,360
AGRICULTURE (A)	17	76	1220	166	1479
CONSTRUCTION (C)	182	371	261	19	833
SERVICE (S)	75	632	2128	543	3378
<b>GRAND TOTALS</b>	<b>731</b>	<b>3418</b>	<b>19,719</b>	<b>1709</b>	<b>25,577</b>

ILLEGAL ALIEN EMPLOYMENT  
DALLAS      FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	6	35	1067	37	1145
LIGHT INDUSTRY (LI)	10	59	3606	513	4188
AGRICULTURE (A)	-	2	64	317	383
CONSTRUCTION (C)	13	89	3023	82	3207
SERVICE (S)	2	31	1136	412	1581
<b>GRAND TOTALS</b>	<b>31</b>	<b>216</b>	<b>8896</b>	<b>1361</b>	<b>10,504</b>

ILLEGAL ALIEN EMPLOYMENT  
HOUSTON FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	28	49	59	5	141
LIGHT INDUSTRY (LI)	65	396	808	52	1321
AGRICULTURE (A)	2	4	13	27	46
CONSTRUCTION (C)	84	529	1248	54	1915
SERVICE (S)	25	145	650	142	962
<b>GRAND TOTALS</b>	<b>204</b>	<b>1123</b>	<b>2778</b>	<b>280</b>	<b>4385</b>

ILLEGAL ALIEN EMPLOYMENT  
SAN FRANCISCO FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	9	38	97	12	156
LIGHT INDUSTRY (LI)	13	313	1443	418	2187
AGRICULTURE (A)	3	111	741	425	1280
CONSTRUCTION (C)	1	10	27	7	45
SERVICE (S)	6	296	1118	415	1835
GRAND TOTALS	32	768	3426	1277	5503

ILLEGAL ALIEN EMPLOYMENT  
PHILADELPHIA FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	11	31	15	2	59
LIGHT INDUSTRY (LI)	34	74	165	24	297
AGRICULTURE (A)	8	12	177	29	226
CONSTRUCTION (C)	3	6	3		12
SERVICE (S)	67	76	181	35	359
GRAND TOTALS	123	199	541	90	953



ILLEGAL ALIEN EMPLOYMENT  
NEWARK      FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	14	17	12		43
LIGHT INDUSTRY (LI)	33	232	1521	38	1824
AGRICULTURE (A)	-	1	55	3	59
CONSTRUCTION (C)	4	8	4		16
SERVICE (S)	17	76	319	60	472
GRAND TOTALS	68	334	1911	101	2414

ILLEGAL ALIEN EMPLOYMENT  
DETROIT FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	162	185	77	1	425
LIGHT INDUSTRY (LI)	86	176	163	49	474
AGRICULTURE (A)	-	1	6	5	12
CONSTRUCTION (C)	77	83	28	5	193
SERVICE (S)	185	162	162	103	612
<b>TOTALS</b>	<b>510</b>	<b>607</b>	<b>436</b>	<b>163</b>	<b>1716</b>

ILLEGAL ALIEN EMPLOYMENT  
MIAMI FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	7	11	34		52
LIGHT INDUSTRY (LI)	6	43	978	79	1106
AGRICULTURE (A)	1	7	149	62	219
CONSTRUCTION (C)	3	14	26		43
SERVICE (S)	19	42	854	155	1070
<b>GRAND TOTALS</b>	<b>36</b>	<b>117</b>	<b>2041</b>	<b>296</b>	<b>2490</b>

ILLEGAL ALIEN EMPLOYMENT  
NEW ORLEANS      FY 1978

CATEGORY OF EMPLOYMENT	\$6.50 & over	\$4.50-\$6.49	\$2.50-4.49	Less Than \$2.50	TOTAL NO. OF ALIENS
HEAVY INDUSTRY (HI)	1	6	7	2	16
LIGHT INDUSTRY (LI)	4	9	13	4	30
AGRICULTURE (A)	-	-	4	2	6
CONSTRUCTION (C)	-	10	15	1	26
SERVICE (S)	13	16	39	25	93
<b>GRAND TOTALS</b>	18	41	78	34	171

*Exhibit No. 21*

United States of America  
**Office of  
Personnel Management** Washington, D.C. 20415

In Reply, Refer To

Your Reference

2

Mr. Louis Nunez  
Acting Staff Director  
United States Commission  
on Civil Rights  
Washington, D.C. 20425

Dear Mr. Nunez:

This is in response to your letter of January 17, 1979, concerning the examination for Border Patrol Agent positions.

The Office of Personnel Management (OPM) is responsible for the following activities which directly impact on the staffing of Border Patrol Agent (BPA) positions:

1. Determination of the Qualification Standards. This includes an indepth study of the duties of the occupation to determine and define the knowledges, skills, abilities, and other characteristics (KSAO's) necessary to perform the duties of the jobs, and to select the most appropriate appraisal procedures for measuring these KSAO's. At the completion of this study, we issued qualification standards which provide the minimum experience and/or education, and related requirements necessary for performance of the duties of BPA positions.
2. Issuing and distributing the Examination Announcement. An examination announcement is issued notifying the general public of the qualifications required to work as a BPA, GS-5, and the terms under which applications are accepted. The announcement is distributed nationwide and special efforts are made to inform women and minority groups of the employment opportunities that will be available. Our regions work closely with each other to ensure that efforts to publicize employment needs and to attract quality candidates are effectively targeted.
3. Evaluation of applicants and establishment of list of eligibles. Candidates for these positions are rated based upon their performance on the written test. Additional points are assigned for proficiency in the

Spanish language and veteran's preference. The additional points for language proficiency are assigned because the ability to speak Spanish is a bona fide qualification requirement for BPA positions.

4. Referral of applicants and consideration of objections to eligibles. Eligibles are referred to the Immigration and Naturalization Service in score order and in conformance with any applicable laws and regulations. The appointing officer may select or nonselect in accordance with the Rule of Three. If the appointing official decides not to select from among the three highest available eligibles, the official must submit objections on the eligible to OPM for a determination.

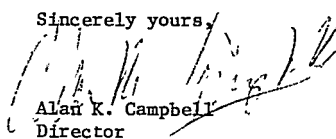
Periodically we review all occupations to determine if the examination plan used to fill the jobs is meeting the needs of the Federal service and if the qualification standards adequately relate to the major requirements of the jobs. The last review of the Border Patrol occupation was made in 1977. The review showed that the qualification requirements continued to reflect the major responsibilities of the positions.

Staff in our Personnel Research and Development Center (PRDC), Staffing Services, are conducting an adverse impact study on the overall examination and components of the process. This study will identify the number of persons who drop out after certification by race, ethnicity and sex categories and will assess the components of the examination for adverse impact. (These components are: minimum education and experience qualification, age, written test performance, language points, structured interview, suitability, medical, and veteran's preference and related Rule-of-Three considerations.) This study is planned for completion in late 1979.

We do not have figures available on the number and percentage of Border Patrol applicants who take other jobs or otherwise become unavailable after placement on the civil service list of eligibles but prior to completion of their background investigation by OPM. These statistics, however, will be available when the adverse impact study being conducted by PRDC is completed.

We appreciate the opportunity to be of assistance to you on your study on the enforcement and administration of the immigration laws.

Sincerely yours,



Alan K. Campbell  
Director

STATEMENT

OF

LEONEL J. CASTILLO, COMMISSIONER

IMMIGRATION AND NATURALIZATION SERVICE

BEFORE THE

U. S. CIVIL RIGHTS COMMISSION

ON

RESPONSIBILITIES AND ACHIEVEMENTS OF THE INS  
AS THEY RELATE TO CIVIL RIGHTS

WEDNESDAY, NOVEMBER 15, 1978

I AM PLEASED TO BE HERE TODAY TO TALK ABOUT THE RESPONSIBILITIES AND ACHIEVEMENTS OF THE INS AS THEY RELATE TO THE AREA OF CIVIL RIGHTS. UNDER THE IMMIGRATION AND NATIONALITY ACT, THE INS HAS TWO BASIC FUNCTIONS. ONE FUNCTION IS TO INSURE THAT PERSONS ENTERING INTO OR REMAINING IN THE UNITED STATES ARE ENTITLED TO DO SO. THE OTHER FUNCTION IS TO PROVIDE PUBLIC SERVICES IN THE FORM OF PROCESSING OF VARIOUS APPLICATIONS FOR BENEFITS UNDER THE IMMIGRATION AND NATIONALITY LAWS.

AS YOU KNOW FROM THE MATERIALS WHICH WERE SUBMITTED TO THE COMMISSIONER'S STAFF DURING EARLIER INTERVIEWS WITH INS PERSONNEL, SINCE I BECAME COMMISSIONER IN MAY 1977, WE HAVE TAKEN SEVERAL INITIATIVES TO MAKE THE ADMINISTRATION OF THE I&N ACT MORE EQUITABLE. AMONG THESE WERE THE FORMATION OF A POLICY REVIEW COMMITTEE TO REVIEW ALL OPERATING POLICIES FOR CONSISTENCY AND CONFORMITY TO ADMINISTRATION POLICY; A REVIEW OF DETENTION FACILITIES, POLICIES, AND PROCEDURES; MORE VIGOROUS ANTI-SMUGGLING EFFORTS TO DRIVE OUT OF BUSINESS THOSE WHO MAKE PROFITS FROM HUMAN MISERY; AND MORE EMPHASIS ON HUMAN RELATIONS AND CONSTITUTIONAL LAW IN OUR OFFICER TRAINING COURSES. ALL OF THESE MEASURES WILL BE DISCUSSED BY DEPUTY COMMISSIONER NOTO IN HIS TESTIMONY.

MR. CROSLAND, THE GENERAL COUNSEL, WILL BE DISCUSSING OUR PROPOSED NEW REGULATIONS WHICH WOULD PROVIDE INDIGENT ALIENS WITH NOTICE OF OPPORTUNITIES FOR FREE LEGAL SERVICES. WE HAVE ALSO PROPOSED A CHANGE IN THE REGULATIONS WHICH WOULD GIVE ALIENS SEEKING ASYLUM AT SEA OR AIRPORTS OF ENTRY A HEARING BEFORE AN IMMIGRATION JUDGE ON THE MERITS OF THEIR CLAIMS.



-2-

IN ADDITION TO THE FOREGOING ACTIONS, WE HAVE TAKEN STEPS TO IMPROVE THE AVAILABILITY AND THE EFFICIENCY OF OUR SERVICES TO THE PUBLIC. WE HAVE COMBINED INTO ONE FORM SEVERAL FORMS USED IN THE APPLICATION FOR LAWFUL PERMANENT RESIDENT ALIEN STATUS. THIS HAS ENABLED US TO ADJUST A QUALIFIED ALIEN'S STATUS TO THAT OF A LAWFUL PERMANENT RESIDENT ALIEN MORE QUICKLY AND WITH ONLY ONE INTERVIEW. WE HAVE ALSO OPENED SATELLITE OFFICES FOR THE PROCESSING OF APPLICATIONS FOR IMMIGRATION BENEFITS IN NEIGHBORHOOD LOCATIONS IN NEW YORK AND LOS ANGELES. OUR OUTREACH PROGRAMS WORK WITH COMMUNITY GROUPS TO DISSEMINATE INFORMATION ABOUT AVAILABLE OPPORTUNITIES FOR REGULARIZING IMMIGRATION STATUS AND OBTAINING IMMIGRATION BENEFITS FOR FAMILY MEMBERS.

I AM PROUD OF THE FACT THAT SINCE MAY 1977, THE INS HAS BEEN INVOLVED IN THREE PROGRAMS FOR THE PAROLE OF ADDITIONAL INDOCHINESE REFUGEES INTO THE UNITED STATES, AS WELL AS SEPARATE PROGRAMS FOR REFUGEES FROM EASTERN EUROPE AND SOUTH AMERICA. DESPITE THE TREMENDOUS WORKLOAD BURDENS ON THE ADJUDICATIONS SECTIONS OF SOME OF OUR DISTRICT OFFICES, WE HAVE ADJUSTED THE STATUS OF OVER 106,000 INDOCHINESE REFUGEES SINCE THE ENACTMENT OF THE INDOCHINESE REFUGEE ADJUSTMENT ACT IN OCTOBER 1977

FINALLY, I WOULD LIKE TO RE-EMPHASIZE THE SERVICE'S COMMITMENT TO EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAMS WHICH WERE DISCUSSED BY MR. WALKER, THE ASSISTANT COMMISSIONER FOR PERSONNEL; AND OTHER WITNESSES EARLIER. THE SERVICE HAS THE BEST

-3-

MINORITY HIRING PROFILE OF ANY COMPONENT OF THE DEPARTMENT OF JUSTICE. I HAVE ISSUED DIRECTIVES THAT WE MUST NOT ONLY CONTINUE OUR EFFORTS TO INCREASE MINORITY HIRING, BUT THAT WE MUST ALSO TAKE STEPS, THROUGH OUR UPWARD MOBILITY PROGRAM, TO INCREASE THE NUMBER OF MINORITY EMPLOYEES IN SUPERVISORY AND OTHER RESPONSIBLE POSITIONS.

ALTHOUGH THERE UNDOUBTEDLY CONTINUE TO BE AREAS OF CONCERN, I BELIEVE THAT THE SERVICE HAS MADE TREMENDOUS STRIDES TOWARDS THE GOAL OF COMBINING HUMANE ENFORCEMENT OF OUR IMMIGRATION LAWS WITH EFFICIENT SERVICE TO THE PUBLIC. I FEEL THAT OUR PERFORMANCE IN THESE AREAS WILL CONTINUE TO IMPROVE. I WILL NOW ANSWER QUESTIONS.

*Exhibit No. 23*

On file with the U.S. Commission on Civil Rights,  
1121 Vermont Avenue, N.W., Room 600, Washington,  
D.C. 20008.

95TH CONGRESS  
1st Session

S. 2252

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IN THE SENATE OF THE UNITED STATES

OCTOBER 28 (legislative day, OCTOBER 21), 1977

Mr. EASTLAND (for himself, Mr. KENNEDY, Mr. BENTSEN, and Mr. DeCONCINI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary:

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**A BILL**

To amend the Immigration and Nationality Act, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*  
 3        That this Act may be cited as the "Alien Adjustment and  
 4        Employment Act of 1977"

5        SEC. 2. (a) Section 249 of the Immigration and Na-  
 6        tionality Act (8 U.S.C. 1259) is amended to read as fol-  
 7        lows:

8        "(a) A record of lawful admission for permanent res-  
 9        idence may, in the discretion of the Attorney General and  
 under such regulations as he may prescribe, be made in the

## 2

1 case of any alien, as of the date of the approval of his appli-  
2 cation or, if entry occurred prior to July 1, 1924, as of the  
3 date of such entry, if no such record is otherwise available  
4 and such alien shall satisfy the Attorney General that he is  
5 not inadmissible under section 212 (a) insofar as it relates to  
6 criminals, procurers and other immoral persons, subversives,  
7 violators of the narcotic laws or smugglers of aliens, and he  
8 establishes that he—

9 “(1) entered the United States prior to January 1,  
10 1970; and

11 “(2) has had his residence in the United States  
12 continuously since such entry.

13 “(b) This section shall not apply to any alien who  
14 has assisted in the persecution of any person on account of  
15 race, religion, nationality, membership in a particular social  
16 group, or political opinion.”

17 (b) The title preceding section 249 of such Act is  
18 amended to read as follows: “RECORD OF ADMISSION FOR  
19 PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS  
20 WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924  
21 OR JANUARY 1, 1970”.

22 (c) The designation of section 249 in the table of con-  
23 tents (title II—Immigration, chapter 5) of such Act is  
24 amended to read as follows:

"Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924, or January 1, 1970."

1        SEC. 3. Section 201 (a) of the Immigration and Na-  
2        tionality Act (8 U.S.C. 1151 (a) ) is amended to read as  
3        follows:

4        " (a) Exclusive of special immigrants defined in section  
5        101 (a) (27), immediate relatives of United States citizens  
6        as specified in subsection (b) of this section, and of aliens  
7        in whose case a record of lawful admission for permanent  
8        residence is made pursuant to section 249, (1) the number  
9        of aliens born in any foreign state or dependent area located  
10       in the Eastern Hemisphere who may be issued immigrant  
      visas or who may otherwise acquire the status of an alien  
12       lawfully admitted to the United States for permanent res-  
13       idence, or who may, pursuant to section 203 (a) (7), enter  
14       conditionally, shall not in any of the first three quarters of any  
15       fiscal year exceed a total of forty-five thousand and shall not  
16       in any fiscal year exceed a total of one hundred and seventy  
17       thousand; and (2) the number of aliens born in any foreign  
18       state of the Western Hemisphere or in the Canal Zone, or  
19       in a dependent area located in the Western Hemisphere,  
20       who may be issued immigrant visas or who may otherwise  
21       acquire the status of an alien lawfully admitted to the United  
22       States for permanent residence, or who may, pursuant to  
23       section 203 (a) (7), enter conditionally, shall not in any

1 of the first three quarters of any fiscal year exceed a total of  
2 thirty-two thousand and shall not in any fiscal year exceed  
3 a total of one hundred and twenty thousand.”.

4       SEC. 4. (a) Notwithstanding any other provisions of  
5 law, any alien in the United States may, in the discretion  
6 of the Attorney General and under such regulations as he  
7 may prescribe, be permitted to reside in the United States  
8 temporarily until five years from the effective date of this  
9 Act, if such alien applies for such status within one year  
10 of the effective date of this Act and establishes to the satis-  
11 faction of the Attorney General that—

12               (1) entered the United States on or before January  
13       1, 1977;

14               (2) has had his residence in the United States  
15       continuously since such entry; and

16               (3) is not inadmissible under section 212 (a) insofar  
17       as it relates to criminals, procurers, and other immoral  
18       persons, subversives, violators of the narcotic laws, or  
19       smugglers of aliens.

20       (b) This section shall not apply to any alien who—

21               (1) on January 1, 1977, was a nonimmigrant  
22       whose authorized stay, including any extension of the  
23       period of original admission, had not expired; or

24               (2) immediately prior to losing lawful nonimmig-

1 grant status had the status of a nonimmigrant student;  
or

2 (3) was formerly a nonimmigrant exchange alien as  
3 defined in section 101 (a) (15) (J) of the Immigration  
4 and Nationality Act subject to the two-year foreign resi-  
5 dence requirement of section 212 (c) of the Act and has  
6 not fulfilled that requirement or received a waiver there-  
7 of; or

8 (4) has assisted in the persecution of any person  
9 or group of persons because of race, religion, nationality,  
10 membership in a particular social group, or political  
11 opinion.  
12

(c) An alien granted temporary resident alien status  
13 under this section shall be issued such documentation as the  
14 Attorney General may by regulation prescribe.  
15

(d) The Attorney General shall authorize the employ-  
16 ment of any alien who is granted temporary resident alien  
17 status under this section.  
18

(e) Notwithstanding sections 211 (a) and 21 (a) (20)  
19 of the Immigration and Nationality Act (8 U.S.C. 1181 (a)  
20 and 1182 (a) (20) ), the Attorney General may in his dis-  
21 cretion and under such regulations as he may prescribe, au-  
22 thorize the readmission into the United States of any alien  
23 who has temporary resident alien status pursuant to this sec-  
24 tion and who is returning to a residence in the United States  
25



b

1 from a temporary visit abroad, without requiring such alien  
2 to obtain a passport, immigrant visa, reentry permit, or  
3 other documentation. An alien who qualifies for readmission  
4 under this subparagraph shall not be subject to the require-  
5 ments of section 212 (a) (14) of the Immigration and Na-  
6 tionality Act (8 U.S.C. 1182 (a) (14) )

7 (f) If at any time after a person has obtained temporary  
8 resident alien status under this section, it shall appear to the  
9 satisfaction of the Attorney General that such person was  
10 not in fact eligible for such status, the Attorney General  
11 shall rescind the grant of temporary resident alien status  
12 to such person, and the person shall thereupon be subject  
13 to the provisions of the Immigration and Nationality Act to  
14 the same extent as if the grant of temporary resident alien  
15 status had never been made.

16 (g) Except as otherwise specifically provided in this  
17 section, nothing in this section shall be construed to give or  
18 confer upon an alien who is granted temporary resident  
19 alien status any privileges, rights, benefits, exemptions, or  
20 immunities under the Immigration and Nationality Act for  
21 which they would not otherwise be qualified.

22 (h) An alien who is granted temporary resident alien  
23 status under this section shall not be eligible to receive any  
24 benefits under any of the following provisions of law:

25 (1) grants to States for medical assistance pro-

1       grams under title XIX of the Social Security Act (42  
U.S.C. 1396 et seq.) ;

3           (2) aid to families with dependent children under  
4 title IV, part A, of the Social Security Act (42 U.S.C.  
5 601 et seq.) ;

6           (3) supplemental security income for the aged,  
7 blind, and disabled under title XVI of the Social Se-  
8 curity Act (42 U.S.C. 1381 et seq.) ; and

9           (4) Food Stamp Act of 1964, as amended (7  
10 U.S.C. 2011 et seq.)

11       SEC. 5. (a) Section 274 of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1324) is amended—

          (1) by inserting after subsection (b) the follow-  
11 ing new subsection:

15       “(c) (1) It shall be unlawful for any employer to  
16 employ aliens in the United States who have not been law-  
17 fully admitted to the United States for permanent residence,  
18 unless the employment of such aliens is authorized by the  
19 Attorney General.

20       “(2) Any employer who violates this subsection shall  
21 be subject to a civil penalty or not more than \$1,000 for  
22 each such alien in the employ of the employer on the effec-  
23 tive date of this subsection or who has thereafter been  
24 employed by the employer, except for such alien whose  
25 status was adjusted or application for adjustment was pend-

1 ing pursuant to the terms of section 2 or section 4 of the  
2 Alien Adjustment and Employment Act of 1977.

3 “(3) The United States district courts shall have juris-  
4 diction to enjoin violations of this subsection.

5 “(4) Upon determination that cause exists to believe  
6 that an employer has engaged in a pattern or practice of  
7 employing aliens in violation of this subsection, the Attorney  
8 General shall bring actions for both civil penalty and injunc-  
9 tive relief in the United States district court in any district  
10 in which the employer is alleged to have violated this sub-  
11 section, or in any district in which the employer is found or  
12 transacts business.

13 “(5) Proof by an employer with respect to any person  
14 employed by him that, prior to the person’s employment, or,  
15 in the case of a person hired prior to the effective date of  
16 this subsection, as soon as practicable but in any event within  
17 ninety days of such effective date, he saw such documentary  
18 evidence of eligibility to work in the United States as the  
19 Attorney General has by regulation designated for that pur-  
20 pose shall give rise to a rebuttable presumption that the  
21 employer has not violated this subsection with respect to that  
22 particular person.”;

23 (2) by inserting after new subsection (c) the fol-  
24 lowing new subsection:

1       “(d) Any person who knowingly and for gain assists an  
2 alien who is not authorized to work in the United States to  
3 obtain or retain employment in the United States, or who  
4 knowingly enters into a contractual or other arrangement to  
5 facilitate, for gain, the employment in the United States of  
6 an alien not authorized to work in the United States, shall be  
7 guilty of a felony, and upon conviction thereof shall be pun-  
8 ished by a fine not exceeding \$2,000 or by imprisonment not  
9 exceeding five years, or both, for each alien in respect to  
10 whom a violation of this subsection occurs.”;

11       (3) by inserting after new subsection (d) the  
12 following new subsection:

13       “(e) The provisions of this section are intended to  
14 preempt any State or local laws imposing civil or criminal  
15 sanctions upon those who employ, or facilitate the employ-  
16 ment, of aliens not authorized to work in the United States.”

17       (b) The title preceding section 274 of such Act is  
18 amended to read as follows: “BRINGING IN AND HARBORING  
19 CERTAIN ALIENS; RESTRICTION OF EMPLOYMENT OF  
20 ALIENS”.

21       (c) The designation of section 274 in the table of con-  
22 tents (title II—Immigration, chapter 8) of such Act is  
23 amended to read as follows:

## 10

"Sec. 274. Bringing in and harboring certain aliens; restriction of employment of aliens".

- 1       Sec. 6. The provisions of this Act shall become effective
- 2   sixty days after the date of its enactment.

## APENDICE NUMERO 14

### LEY GENERAL DE POBLACION

(Publicada en "Diario Oficial" de  
7 de enero de 1974.)

Presidencia de la República.

LUIS ECHEVERRIA ALVAREZ, Presidente Constitucional de los Estados Unidos Mexicanos, a sus habitantes, sabed:

Que el H. Congreso de la Unión se ha servido dirigirme el siguiente

#### CAPITULO III

##### Inmigración

ART. 32.—La Secretaría de Gobernación fijará, previos los estudios demográficos correspondientes, el número de extranjeros cuya internación podrá permitirse al país, ya sea por actividades o por zonas de residencia, y sujetará a las modalidades que juzgue pertinentes, la inmigración de extranjeros, según sean sus posibilidades de contribuir al progreso nacional.

ART. 33.—De conformidad con lo dispuesto por el artículo anterior, los permisos de internación se otorgarán preferentemente a los científicos y técnicos dedicados o que se hayan dedicado a la investigación o a la enseñanza en disciplinas no cubiertas o insuficientemente cubiertas por mexicanos, así como a los inversionistas a que se refiere el artículo 48, fracción II, de esta Ley. A los turistas se les proporcionarán facilidades para internarse en el país.

ART. 34.—La Secretaría de Gobernación podrá fijar a los extranjeros que se internen en el país las condiciones que estime convenientes respecto a las actividades a que habrán de dedicarse y al lugar o lugares de su residencia. Cuidará asimismo de que los inmigrantes sean elementos útiles para el país y de que cuenten con los ingresos necesarios para su subsistencia y en su caso, la de las personas que estén bajo su dependencia económica.

ART. 35.—Los extranjeros que sufran persecuciones políticas serán admitidos provisionalmente por las autoridades de Migración con la obligación de permanecer en el puerto de entrada mientras la Secretaría de Gobernación resuelve cada caso.

ART. 36.—La Secretaría de Gobernación tomará medidas necesarias para ofrecer condiciones que faciliten el arraigo y asimilación en México de investigadores, científicos y técnicos extranjeros.

ART. 37.—La Secretaría de Gobernación podrá negar a los extranjeros la entrada al país o el cambio de calidad o característica migratoria por cualesquiera de los siguientes motivos, cuando:

- I.—No exista reciprocidad internacional;
- II.—Lo exija el equilibrio demográfico nacional;
- III.—No lo permitan las cuotas a que se refiere el artículo 32 de esta Ley;
- IV.—Se estime lesivo para los intereses económicos de los nacionales;
- V.—Hayan observado mala conducta durante su estancia en el país o tengan malos antecedentes en el extranjero;
- VI.—Hayan infringido esta Ley o su Reglamento;
- VII.—No se encuentren física o mentalmente sanos a juicio de la autoridad sanitaria; o
- VIII.—Lo prevean otras disposiciones legales.

ART. 38.—Es facultad de la Secretaría de Gobernación, suspender o prohibir la admisión de extranjeros, cuando así lo determine el interés nacional.

ART. 39.—Cuando los extranjeros contraigan matrimonio con mexicanos o tengan hijos nacidos en el país, la Secretaría de Gobernación podrá autorizar su internación o permanencia legal en el mismo.

Si llegare a disolverse el vínculo matrimonial o dejare de cumplirse con las obligaciones que impone la legislación civil en materia de alimentos, se perderá la calidad migratoria que la Secretaría haya otorgado y se le señalará al interesado un plazo para que abandone el país, excepto si ha adquirido la calidad de inmigrado.

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Reimpresa 2a. vez por nueva Ley General de Población.—“Diario Oficial” de 7 de enero de 1974.—(Remesa número 1 de 1974.)

ART. 40.—Los mexicanos que por cualquier causa hayan perdido su nacionalidad, para entrar al país o para seguir residiendo en él, deberán cumplir con lo que la Ley establece para los extranjeros.

ART. 41.—Los extranjeros podrán internarse legalmente en el país de acuerdo con las siguientes calidades:

a).—No Inmigrante.

b).—Inmigrante.

ART. 42.—No Inmigrante es el extranjero que con permiso de la Secretaría de Gobernación se interna en el país temporalmente, dentro de alguna de las siguientes características:

I.—Turista.—Con fines de recreo o salud, para actividades artísticas, culturales o deportivas, no remuneradas ni lucrativas, con temporalidad máxima de seis meses improrrogables.

II.—Transmigrantes.—En tránsito hacia otro país y que podrá permanecer en territorio nacional hasta por treinta días.

III.—Visitantes.—Para dedicarse al ejercicio de alguna actividad lucrativa o no, siempre que sea lícita y honesta, con autorización para permanecer en el país hasta por seis meses, prorrogables por una sola vez por igual temporalidad, excepto si durante su estancia vive de sus depósitos traídos del extranjero, de las rentas que éstos produzcan o de cualquier ingreso proveniente del exterior, o para actividades científicas, técnicas, artísticas, deportivas o similares, en que podrán concederse dos prórrogas más.

IV.—Consejero.—Para asistir a asambleas o sesiones de consejo de administración de empresas o para prestarle asesoría y realizar temporalmente funciones propias de sus facultades. Esta autorización será hasta por seis meses improrrogables, con permiso de entradas y salidas múltiples, y la estancia dentro del país en cada ocasión sólo podrá ser hasta de treinta días improrrogables.

V.—Asilado político.—Para proteger su libertad o su vida de persecuciones políticas en su país de origen, autorizado por el tiempo que la Secretaría de Gobernación juzgue conveniente, atendiendo a las circunstancias que en cada caso concurran. Si el asilado político viola las leyes nacionales, sin perjuicio de las sanciones que por ello le sean aplicables, perderá su característica migratoria, y la misma Secretaría le podrá otorgar la calidad que juzgue conveniente para continuar su legal estancia en el país. Asimismo, si el asilado político se ausenta del país, perderá todo derecho a regresar en esta calidad migratoria, salvo que haya salido con permiso de la propia Dependencia.



VI.—Estudiante.—Para iniciar, completar o perfeccionar estudios en planteles educativos o instituciones oficiales o particulares incorporados o con autorización oficial, con prórrogas anuales y con autorización para permanecer en el país sólo el tiempo que duren sus estudios y el que sea necesario para obtener la documentación final escolar respectiva, pudiendo ausentarse del país, cada año, hasta por 120 días en total.

VII.—Visitante distinguido.—En casos especiales, de manera excepcional, podrán otorgarse permisos de cortesía para internarse y residir en el país, hasta por seis meses, a investigadores, científicos o humanistas de prestigio internacional, periodistas o a otras personas prominentes. La Secretaría de Gobernación podrá renovar esos permisos cuando lo estime pertinente.

VIII.—Visitantes locales.—Las autoridades de Migración podrán autorizar a los extranjeros a que visiten puertos marítimos o ciudades fronterizas sin que su permanencia exceda de tres días.

IX.—Visitante provisional.—La Secretaría de Gobernación podrá autorizar como excepción hasta por 30 días, el desembarco provisional de extranjeros que lleguen a puertos de mar o aeropuertos con servicio internacional, cuya documentación carezca de algún requisito secundario. En éstos casos deberán constituir depósito o fianza que garantice su regreso al país de procedencia, de su nacionalidad o de su origen, si no cumplen el requisito en el plazo concedido.

ART. 43.—La admisión al país de un extranjero lo obliga a cumplir estrictamente con las condiciones que se le fijen en el permiso de internación y las disposiciones que establecen las leyes respectivas.

ART. 44.—Inmigrante es el extranjero que se interna legalmente en el país con el propósito de radicarse en él, en tanto adquiera la calidad de Inmigrado.

ART. 45.—Los inmigrantes se aceptarán hasta por cinco años y tienen obligación de comprobar a satisfacción de la Secretaría de Gobernación, que están cumpliendo con las condiciones que les fueron señaladas al autorizar su internación y con las demás disposiciones migratorias aplicables a fin de que sea refrendada anualmente, si procede, su documentación migratoria.

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Reimpresa para corregir error tipográfico.—(Remesa número 6 de 1977).

ART. 46.—En caso de que durante la temporalidad concedida dejare de satisfacerse la condición a que está supeditada la estancia en el país de un Inmigrante, éste deberá comunicarlo a la Secretaría de Gobernación dentro de los quince días siguientes, a fin de que se proceda a la cancelación de su documentación migratoria y se le señale plazo para abandonar el país o se le conceda término para la regularización, a juicio de la propia Secretaría.

ART. 47.—El Inmigrante que permanezca fuera del país dieciocho meses en forma continua, o con intermitencias, perderá tal calidad, en la inteligencia de que durante los dos primeros años de su internación no podrá ausentarse de la República por más de noventa días cada año salvo lo que determine en casos excepcionales la Secretaría de Gobernación.

La propia Secretaría podrá autorizar la salida del país por la temporalidad y veces que juzgue convenientes, sin la aplicación de lo dispuesto en este artículo y el 56, a los inmigrantes que hayan solicitado su calidad de Inmigrado, mientras ésta no se resuelva.

ART. 48.—Las Características de Inmigrante son:

I.—Rentista.—Para vivir de sus recursos traídos del extranjero; de los intereses que le produzca la inversión de su capital en certificados, títulos y bonos del Estado o de las instituciones nacionales de crédito u otras que determine la Secretaría de Gobernación o de cualquier ingreso permanente que proceda del exterior. La Secretaría de Gobernación podrá autorizar a los rentistas para que presten servicios como profesores, científicos, investigadores científicos o técnicos, cuando estime que dichas actividades resulten benéficas para el país.

II.—Inversionistas.—Para invertir su capital en la industria, de conformidad con las leyes nacionales, y siempre que la inversión contribuya al desarrollo económico y social del país.

III.—Profesional.—Para ejercer una profesión sólo en casos excepcionales y previo registro del título ante la Secretaría de Educación Pública.

IV.—Cargos de confianza.—Para asumir cargos de dirección u otros de absoluta confianza en empresas o instituciones establecidas en la República, siempre que a juicio de la Secretaría de Gobernación no haya duplicidad de cargos y que el servicio de que se trate amerite la internación.

V.—Científico.—Para dirigir o realizar investigaciones científicas, para difundir sus conocimientos científicos, preparar investigadores

o realizar trabajos docentes, cuando estas actividades sean realizadas en interés del desarrollo nacional a juicio de la Secretaría de Gobernación, tomando en consideración la información general que al respecto le proporcionen las instituciones que estime conveniente consultar.

VI.—Técnico.—Para realizar investigación aplicada dentro de la producción o desempeñar funciones técnicas o especializadas que no puedan ser prestadas, a juicio de la Secretaría de Gobernación, por residentes en el país.

VII.—Familiares.—Para vivir bajo la dependencia económica del cónyuge o de un pariente consanguíneo, inmigrante, inmigrado o mexicano en línea recta sin límite de grado o transversal hasta el segundo

Los hijos y hermanos de los solicitantes sólo podrán admitirse dentro de esta característica cuando sean menores de edad, salvo que tengan impedimento debidamente comprobado para trabajar o estén estudiando en forma estable.

ART. 49.—La internación y permanencia en el país de científicos o técnicos extranjeros, se condicionará a que cada uno de éstos instruya en su especialidad a un mínimo de tres mexicanos.

ART. 50.—Todos los extranjeros que realicen en México investigaciones o estudios técnicos o científicos, entregarán a la Secretaría de Gobernación un ejemplar de dichos trabajos, aun cuando éstos se terminen, perfeccionen o impriman en el extranjero.

ART. 51.—La Secretaría de Gobernación en condiciones excepcionales, podrá dictar medidas para otorgar máximas facilidades en la admisión temporal de extranjeros.

ART. 52.—Inmigrado es el extranjero que adquiere derechos de residencia definitiva en el país.

ART. 53.—Los Inmigrantes con residencia legal en el país durante cinco años, podrán adquirir la calidad migratoria de Inmigrados, siempre que hayan observado las disposiciones de esta Ley y sus reglamentos y que sus actividades hayan sido honestas y positivas para la comunidad. En tanto no se resuelva la solicitud de la calidad de Inmigrado, a juicio de la Secretaría de Gobernación, el interesado seguirá conservando la de Inmigrante.

Reimpresión 2a. vez por nueva Ley General de Población.—“Diario Oficial” de 7 de enero de 1974.—(Remesa número 1 de 1974.)

Al Inmigrante que vencida su temporalidad de cinco años no solicite en los plazos que señale el Reglamento su calidad de Inmigrado o no se le concede ésta, se le cancelará su documentación migratoria, debiendo salir del país en el plazo que le señale para el efecto la Secretaría de Gobernación. En estos casos el extranjero podrá solicitar nueva calidad migratoria de acuerdo con la Ley.

**ART. 54.**—Para obtener la calidad de Inmigrado se requiere declaración expresa de la Secretaría de Gobernación.

**ART. 55.**—El Inmigrado podrá dedicarse a cualquier actividad lícita, con las limitaciones que imponga la Secretaría de Gobernación, de acuerdo con el Reglamento y con las demás disposiciones aplicables.

**ART. 56.**—El Inmigrado podrá salir del país y entrar al mismo libremente; pero si permaneciere en el extranjero dos años consecutivos, perderá su calidad migratoria, lo mismo que si en un lapso de diez años estuviere ausente más de cinco. Los períodos de diez años se computarán a partir de la fecha de la declaratoria de Inmigrado, en la forma y términos que establezca el Reglamento.

**ART. 57.**—Los diplomáticos y agentes consulares extranjeros acreditados en el país, así como otros funcionarios que se encuentren en la República por razones de representación oficial de sus Gobiernos, no adquirirán derechos de residencia por mera razón de tiempo. Si al cesar su representación desean seguir radicando en la República deberán llenar los requisitos ordinarios, quedando facultada la Secretaría de Gobernación para dar a dichos extranjeros, por razones de reciprocidad, las facilidades que en los países extranjeros correspondientes se otorguen en esta materia a los que hubieren sido representantes mexicanos.

**ART. 58.**—Ningún extranjero podrá tener dos calidades o características migratorias simultáneamente.

**ART. 59.**—No se cambiará calidad ni característica migratoria en el caso comprendido en la fracción II, del artículo 42. En los demás, queda a juicio de la Secretaría de Gobernación hacerlo cuanto se llenen los requisitos que esta Ley fija para la nueva calidad o característica migratoria que se pretenda adquirir y previo pago de los impuestos que determinen las leyes fiscales.

ART. 60.—Para que un extranjero pueda ejercer otras actividades, además de aquellas que le hayan sido expresamente autorizadas, requiere permiso de la Secretaría de Gobernación.

ART. 61.—Quienes tengan a su servicio o bajo su dependencia económica a extranjeros, están obligados a informar a la Secretaría de Gobernación en un término de quince días, sobre cualquier circunstancia que altere o pueda modificar las condiciones migratorias a las que éstos se encuentren sujetos. Además, quedarán obligadas a sufragar los gastos que origine la expulsión del extranjero cuando la Secretaría de Gobernación lo ordene.

ART. 62.—Para internarse en la República los extranjeros deberán cumplir los requisitos siguientes:

I.—Presentar certificado oficial de buena salud física y mental, expedido por las autoridades del país de donde procedan, en los casos que fije la Secretaría de Gobernación;

II.—Aprobar el examen que efectúen las autoridades sanitarias.

III.—Proporcionar a las autoridades de Migración, bajo protesta de decir verdad, los informes que les sean solicitados;

IV.—Identificarse por medio de documentos idóneos y auténticos y, en su caso, acreditar su calidad migratoria;

V.—Presentar certificado oficial de sus antecedentes, expedido por la autoridad del lugar donde hayan residido habitualmente, en los casos que fije la Secretaría de Gobernación; y

VI.—Llenar los requisitos que se señalen en sus permisos de internación.

ART. 63.—Los extranjeros que se internen al país en calidad de Inmigrantes y los No Inmigrantes a que se refieren las fracciones III—por lo que respecta a técnicos y científicos—, V y VI del artículo 42 de esta Ley, están obligados a inscribirse en el Registro Nacional de Extranjeros dentro de los treinta días siguientes a la fecha de su internación.

Reimpresa 2a. vez por nueva Ley General de Población.—“Diario Oficial” de 7 de enero de 1974.—(Remesa número 1 de 1974.)

ART. 64.—Los extranjeros, en el momento de registrarse, comprobarán su legal internación y permanencia y las actividades a que se dediquen; y cumplirán los demás requisitos que señalen esta Ley y sus reglamentos.

ART. 65.—Los extranjeros registrados, están obligados a informar al Registro Nacional de Extranjeros, de sus cambios de calidad o característica migratoria, nacionalidad, estado civil, domicilio y actividades a que se dediquen, dentro de los treinta días posteriores al cambio.

ART. 66.—Los extranjeros, por sí o mediante apoderado, sólo podrán celebrar actos relativos a la adquisición de bienes inmuebles, derechos reales sobre los mismos, acciones o partes sociales de empresas dedicadas en cualquier forma al comercio o tenencia de dichos bienes, previo permiso de la Secretaría de Gobernación, sin perjuicio de las autorizaciones que deban recabar conforme a otras disposiciones legales.

ART. 67.—Las autoridades de la República, sean federales, locales o municipales, así como los notarios públicos, los que substituyan a éstos o hagan sus veces, los contadores públicos y corredores de comercio, están obligados a exigir a los extranjeros que tramitan ante ellos asuntos de su competencia, que previamente les comprueben su legal residencia en el país y que sus condiciones y calidad migratoria les permiten realizar el acto o contrato de que se trate, o en su defecto, el permiso especial de la Secretaría de Gobernación y asentar en el instrumento respectivo tal comprobación. Excepcionalmente, en caso de urgencia, no se exigirá la comprobación mencionada en el otorgamiento de poderes o testamentos. En todos los casos, darán aviso a la expresada Secretaría en un plazo no mayor de quince días, a partir del acto o contrato celebrado ante ellas.

ART. 68.—Los jueces u oficiales del Registro Civil no celebrarán ningún acto del estado civil en que intervenga algún extranjero, sin la comprobación previa, por parte de éste, de su legal estancia en el país. Tratándose de matrimonios de extranjeros con mexicanos, deberán exigir además la autorización de la Secretaría de Gobernación.

En todos los casos deberán asentarse las comprobaciones a que se refiere este artículo y darse aviso a la Secretaría de Gobernación del acto celebrado.

NOTA.—Queda suprimida la hoja 438-1.

Not received at time of publication.

95TH CONGRESS  
2D SESSION

# H. R. 12443

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1978

Mr. EILBERG (for himself, Ms. HOLTZMAN, Mr. HARRIS, Mr. EVANS of Georgia, Mr. FISH, and Mr. SAWYER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend section 201 (a), 202 (c) and 203 (a) of the Immigration and Nationality Act, as amended, and to establish a Select Commission on Immigration and Refugee Policy.

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*  
 3        That section 201 (a) of the Immigration and Nationality Act  
 4        is amended to read as follows:  
 5        “SEC. 201. (a) Exclusive of special immigrants defined  
 6        in section 101 (a) (27), and immediate relatives of United  
 7        States citizens as specified in subsection (b) of this section,  
 8        the number of aliens born in any foreign state or dependent  
 9        area who may be issued immigrant visas or who may other-  
 10       wise acquire the status of an alien lawfully admitted to the



1 United States for permanent residence, or who may, pur-  
 2 suant to section 203 (a) (7), enter conditionally, shall not  
 3 in any of the first three quarters of any fiscal year exceed  
 4 a total of seventy-seven thousand and shall not in any fiscal  
 5 year exceed a total of two hundred and ninety thousand.”

77,000  
 290,000

6 SEC. 2. Section 202 (c) of the Immigration and Na-  
 7 tionality Act is amended to read as follows:

8 “(c) Any immigrant born in a colony or other com-  
 9 ponent or dependent area of a foreign state overseas from  
 10 the foreign state, other than a special immigrant, as defined  
 11 in section 101 (a) (27), or an immediate relative of a United  
 12 States citizen, as defined in section 201 (b), shall be charge-  
 13 able for the purpose of the limitation set forth in section 202  
 14 (a), to the foreign state, and the number of immigrant visas  
 15 available to each such colony or other component or depend-  
 16 ent area shall not exceed six hundred in any one fiscal year.”

600

17 SEC. 3. Section 203 (a) of the Immigration and Nation-  
 18 ality Act is amended to delete “201 (a) (1) or (2)” each  
 19 place it appears in paragraphs one through seven and by  
 20 substituting in lieu thereof “201 (a)”.

21 SEC. 4. (a) There is established a Select Commission  
 22 on Immigration and Refugee Policy (hereinafter in this  
 23 section referred to as the “Commission”) which shall be  
 24 composed of—

25 (1) four members appointed by the President, one

## 3

1 of whom shall be designated by the President as  
2 Chairman;

3 (2) the Secretary of State, the Attorney General,  
4 the Secretary of Labor, and the Secretary of Health,  
5 Education, and Welfare;

6 (3) four members appointed by the Speaker of the  
7 House of Representatives from the membership of the  
8 House Committee on the Judiciary; and

9 (4) four members appointed by the President pro  
10 tempore of the Senate from the membership of the  
11 Senate Committee on the Judiciary.

12 (b) (1) A majority of the Commission shall constitute  
13 a quorum for the transaction of its business, but the Com-  
14 mission may provide for the taking of testimony and the  
15 reception of evidence at meetings at which there are present  
16 not less than four members of the Commission.

17 (2) Each member of the Commission who is not other-  
18 wise in the service of the Government of the United States  
19 shall receive the sum of \$100 for each day spent in the  
20 work of the Commission, shall be paid actual travel expenses,  
21 and per diem in lieu of subsistence expenses, when away  
22 from his usual place of residence, in accordance with chapter  
23 57 of title 5, United States Code. Each member of the  
24 Commission who is otherwise in the service of the Govern-  
25 ment of the United States shall serve without compensation

1 in addition to that received for such other service, but while  
2 engaged in the work of the Commission shall be paid actual  
3 travel expenses, when away from his usual place of resi-  
4 dence, in accordance with chapter 57 of title 5, United  
5 States Code.

6 (c) It shall be the duty of the Commission to study  
7 and evaluate, in accordance with subsection (d), existing  
8 laws, policies, and procedures governing the admission of  
9 immigrants and refugees to the United States and to make  
10 such administrative and legislative recommendations to the  
11 President and to the Congress as are appropriate.

12 (d) In particular, the Commission shall—

13 (1) conduct a study and analysis of the effect of  
14 the provisions of the Immigration and Nationality Act  
15 (and administrative interpretations thereof) on (A)  
16 social, economic, and political conditions in the United  
17 States; (B) demographic trends; (C) present and  
18 projected unemployment in the United States; and (D)  
19 the conduct of foreign policy;

20 (2) conduct a study and analysis of whether and to  
21 what extent the Immigration and Nationality Act  
22 should apply to the Commonwealth of Puerto Rico, the  
23 Virgin Islands, Guam, American Samoa, the Northern  
24 Mariana Islands, and the other territories and posses-  
25 sions of the United States;

## 5

1           (3) review, and make recommendations with re-  
2 spect to the numerical limitations (and exemptions  
3 therefrom) of the Immigration and Nationality Act on  
4 the admission of permanent resident aliens;

5           (4) assess the social, economic, political, and demo-  
6 graphic impact of previous refugee programs and review  
7 the criteria for, and numerical limitations on, the ad-  
8 mission of refugees to the United States;

9           (5) conduct a comprehensive review of the provi-  
10 sions of the Immigration and Nationality Act and make  
11 legislative recommendations to simplify and clarify such  
12 provisions;

13           (6) make semiannual reports to each House of  
14 Congress during the period before publication of its final  
15 report (described in paragraph (7)); and

16           (7) make a final report of its findings and recom-  
17 mendations to the President and each House of Con-  
18 gress, which report shall be published not later than  
19 September 30, 1980.

20           (e) (1) The Commission is authorized to appoint and  
21 fix the compensation of a staff director and such other addi-  
22 tional personnel as may be necessary to enable the Commis-  
23 sion to carry out its functions without regard to the civil  
24 service laws, rules, and regulations. Any Federal employee  
25 subject to those laws, rules, and regulations may be detailed

## 6

1 to the Commission, and such detail shall be without inter-  
2 ruption or loss of civil service status or privilege.

3 (2) Staff members of the Committee on the Judiciary  
4 of the Senate or of the Committee on the Judiciary of the  
5 House of Representatives may be detailed to serve on the  
6 staff of the Commission by the chairman of the respective  
7 committee. Staff members so detailed shall serve on the staff  
8 of the Commission without additional compensation except  
9 that they may receive such reimbursement of expenses  
10 incurred by them as the Commission may authorize.

11 (f) The Commission may call upon the head of any  
12 Federal department or agency to furnish information and  
13 assistance which the Commission deems necessary for the  
14 performance of its functions, and the heads of such depart-  
15 ments and agencies shall furnish such assistance and informa-  
16 tion, unless prohibited under law, without reimbursement.

17 (g) The Commission is authorized to make grants and  
18 enter into contracts for the conduct of research and studies  
19 which will assist it in performing its duties under this section.

20 (h) The Commission shall cease to exist upon the filing  
21 of its final report, except that the Commission may continue  
22 to function for up to sixty days thereafter for the purpose of  
23 winding up its affairs.

24 (i) There are authorized to be appropriated such sums  
25 as may be necessary to carry out the purposes of this section.

*Exhibit No. 28*UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

JAN 2 1979


Mr. Arthur S. Flemming  
Chairman  
United States Commission  
on Civil Rights  
Washington, D. C. 20425

Dear Mr. Flemming:

As a follow-up to my appearance before the Commission on November 15, 1978, the following information is furnished:

1. Number of exclusion hearings held - 2,805 in Fiscal Year 1977.
2. Record of minority hiring in the Examinations Division Officer Corps (Series 1816) - see attached chart 1.
3. Contact Representative Training Program - see attached chart 2.
4. Fraud statistics by District Office - see chart 3.  
[On file, U.S. Commission on Civil Rights]

Sincerely,

  
Carl J. Mack, Jr.  
Associate Commissioner  
Examinations

Attachments

Series 1816 \*

	<u>Total</u>	<u>Percent</u>	<u>Male</u>	<u>Percent</u>	<u>Female</u>	<u>Percent</u>
All In Series	2242	—	1733	77.3	509	22.7
All Non-Minority	1803	80.4	1454	64.8	349	15.6
All Minorities	439	19.6	279	12.4	160	7.2

Minorities

	<u>Black</u>	<u>Hispanic</u>	<u>Native American</u>	<u>Asian American</u>
Total	117	268	4	50
Percent of Total in Series	5.2%	12.0%	.2%	2.2%
Male	45	210	3	21
Female	72	58	1	29
Female Percent	3.2%	2.6%	.05%	1.3%

\* All Statistics as of 9/23/78

Synopsis of Contact Representative  
Training Courses

<u>Organization and Functions of INS</u>	1 hour
A general discussion of the history, organization, and mission of the Immigration and Naturalization Service.	
<u>Security</u>	1 hour
A discussion of security regulations and the safeguarding of classified information.	
<u>Immigration Law</u>	40 hours
A lecture, demonstration, problem-solving type course which stresses practical application of the immigration laws and related regulations, policies, and instructions. The course includes but is not limited to definitions, classification, documentation admissibility and excludability of applicants for admission, grounds for deportation, alien registration, and adjustment of status.	
<u>Effective Writing</u>	12 hours
A lecture, demonstration, workshop type course which stresses the fundamentals of English grammar and sentence construction. The course emphasizes clear and concise wording and phrasing, planning and writing the correspondence, elimination of wordiness, and use of effective English. Practical writing exercises are included.	
<u>Records Administration</u>	7 hours
An indepth presentation of the Records system maintained by the Service.	
<u>Freedom of Information and Privacy Acts</u>	8 hours
A lecture, problem solving type course stressing the basic features of each Act. A practical workshop will be held to develop expertise.	
<u>Nationality Law</u>	6 hours
A lecture, problem-solving course designed to equip the trainee to make an immediate determination of citizenship without having to consult reference books. The study includes acquisition of United States citizenship at birth or by judicial naturalization of a parent of parents, requirements for naturalization, and loss and reacquisition of citizenship.	



-2-

Fees 2 hours

Discussion of the basic procedures for collecting fees.

Forms and Upfront Processing 7 hours

Review of applications with emphasis on examination for prima facie acceptability, completeness of execution and inclusion of all required documents.

Written Inquiry 2 hours

A practical workshop in answering typical correspondence using knowledge gained during the entire training course.

## Exhibit No. 29



## DEPARTMENT OF THE TREASURY

## U.S. CUSTOMS SERVICE

WASHINGTON



FEB 22 1979

REFER TO  
ENF-8-01 CC:E DJC

Louis Nunez  
Acting Staff Director  
United States Commission on Civil Rights  
Washington, D.C. 20425

Dear Mr. Nunez:

This is in response to your letter of January 17, 1979, requesting that we provide your agency with additional information on the following points:

1. The role of the Customs Service in immigration inspection;
2. The authority or jurisdiction of the Customs Service to perform body searches on United States citizens at the border; and
3. The Customs Service policy on giving Miranda - type warnings to United States citizens who are subjected to body searches, and a copy of any written policy covering Miranda - type warnings in this particular area.

Our responses follow.

Where Customs inspectors have been cross-designated as INS officers and have received suitable training, the inspector will perform the primary documentation screening for INS. Should additional screening be necessary, a qualified INS officer completes the processing. Similarly, INS officers cross-designated as Customs officers will perform initial Customs examinations, with subsequent referral to a Customs officer should a more intensive Customs examination be required.

Consequently, INS and Customs inspectors share equally in the performance of primary immigration and customs examinations at most vehicular and pedestrian lanes on our border. At airports, however, the cross-designated Customs officer will perform the initial immigration and customs examination of about 80 percent of the total of arriving passengers. While this situation often requires a Customs inspector to travel to a remote or little used airfield, it is standard policy to call in an INS officer to perform more intensive screening when necessary.

- 2 -

Under the Citizens By-Pass system, Customs inspectors alone now perform the primary INS examination of returning U.S. citizens at the following airports:

JFK International (three of five terminals)  
Miami International (National Airlines Terminal)  
Los Angeles Airport (Satellite Number 5)  
Seattle Airport  
Honolulu Airport  
Logan International Airport, Boston, Massachusetts  
Anchorage International Airport  
Chicago O'Hare International Airport  
Dallas/Ft. Worth Airport (Both Terminals)  
San Juan International Airport (Both Terminals)  
New Orleans Airport  
Houston Airport  
San Francisco International Airport

Customs and INS are presently considering additional sites for installations of this system for returning citizens.

In addition, a complete "one-stop" passenger inspection system is now being tested at Philadelphia Airport pursuant to which Customs inspectors alone will perform primary INS functions for both U.S. citizens and aliens alike.

With respect to items two and three, we have enclosed copies of our Policy Statement and Manual Supplement on Personal Search which contain the more specific information you have requested. We direct your attention to page eight of the Manual Supplement for the written policy of the Customs Service on giving Miranda warnings during the course of a personal search.

- 3 -

We must emphasize that our authority to conduct personal searches extends to all individuals seeking entry to the United States, regardless of their citizenship. Accordingly, an individual of foreign citizenship seeking entry into the United States is treated in the same manner and accorded the same rights and privileges as a United States citizen returning to the United States.

Finally, the Manual Supplement is exempt from public disclosure, in that it contains sensitive information about investigative techniques and procedures. We respectfully request that you not include the Manual Supplement as an exhibit in your hearing record. However, if you believe that some of the information must be included in the record, it is our opinion that the following information only may be disclosed:

a) authority to perform personal searches -

Sections 482, 507, 1461, 1467, 1496, 1581 and 1582 of title 19 of the United States Code

Sections 162.6 and 162.7 of title 19 of the Code of Federal Regulations.

b) policy on giving Miranda warnings to United States citizens who are subjected to personal searches -

It has been legally determined that actions and statements of Customs officers designed to elicit a confession and motivate voluntary removal of contraband from body cavities by suspects constitutes a possible violation of the person's rights against self-incrimination. Therefore, the showing of photographs, the telling of "horror" stories involving containers with contraband rupturing inside the body, etc., should be preceded by the Miranda warning. See United States v. McCain, 556 F.2d 253 (5th Cir. 1977).

When an individual has been found with contraband or smuggled merchandise (and criminal prosecution is being considered) or is the subject of strip or cavity search, then the suspect must be advised of his or her Miranda rights, if questions are to be asked.

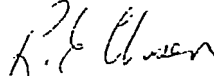
Remember - if questions are asked during the personal search without the Miranda warning, and if evidence is found due to responses by the suspect, or incriminating statements are made, then the evidence or statements may be suppressed by a court, thus endangering successful prosecution of the criminal case. Keep in mind that personal searches may be conducted in their entirety, and without the Miranda warning, if no questions are asked.

The Miranda warning is required only in those cases involving criminal violations and is not required in civil cases, whether or not questions are asked.

We have no objection to the disclosure of the attached Policy Statement.

We trust that this information will satisfy your needs. However, if you find that you will require more information on this subject, please contact Dennis Cronin, Office of the Chief Counsel, at 566-5476.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. J. Elmer".

Commissioner of Customs

Attachment

POLICIES &  
PROCEDURES  
MANUAL**POLICY  
STATEMENT**

NUMBER: 3300-01

MT 3300-04

June 23, 1978

SUBJECT: Personal Search

Personal searches will be conducted to ensure the enforcement of Customs and related laws and the protection of the revenue. The Customs Service will preserve and protect the rights of the individual against unreasonable searches and seizures. Personal searches will not be performed as a matter of routine but only upon the degree of suspicion necessary for each individual type of search. Personal searches must be performed by officers who act in good faith with a reasonable belief in the validity of the search and who conduct the search in a reasonable manner. All personal searches will be conducted in a manner as described in Manual Supplement 3300-05, by a person of the same sex as the individual being searched (except where the search is performed by a physician). All personal searches, positive or negative, will be documented. Supervisory control and endorsement of all personal searches are required. The Customs Service will take all action necessary to defend any Customs officer involved in a personal liability suit as a result of properly conducted searches, seizures, arrests, or other Customs duties performed in good faith by the officer.

*Exhibit No. 30*

## DEPARTMENT OF STATE

Washington, D. C. 20520

February 15, 1979

Mr. Nicasio Dimas, Jr.  
Assistant General Counsel  
United States Commission on  
Civil Rights  
Washington, D.C. 20425

Dear Mr. Dimas:

Ms. Harper has requested that I reply to your letter of December 22, 1978 in which you requested certain information relative to visas. The following items are enclosed in response to the first two of your requests:

1. A copy of the Visa Office Bulletin for February 1979
2. A copy of the report "Immigrant Visa Applicants Chargeable Western Hemisphere Limitation and Registered at Consular Offices as of January 1, 1978"
3. A copy of the report "Active Immigrant Visa Applicants Chargeable Eastern Hemisphere" Limitation and Registered at Consular Offices as of January 1, 1978"
4. A copy of the latest poverty guidelines by the Community Services Administration which has been sent to Foreign Service posts

In your letter you also requested a breakdown of consular officers by race, color, sex, and national origin. This information is not readily available from the Department's personnel files and the following information is submitted as the best approach we can make to your request. Of the 770 officers in the consular cone, 55 are members of minorities, (Black, Hispanic, Oriental, or American Indian). 111 consular officers are women.

-2-

Should you require additional information, I shall be pleased to provide it.

Sincerely,

Willard B. Devlin  
Acting Deputy Assistant  
Secretary  
for Visa Services

Enclosures:

As stated.





# U.S. DEPARTMENT OF STATE

Bureau of Consular Affairs

VISA OFFICE

WASHINGTON, D.C.

Number 4 Volume IV

IMMIGRANT NUMBERS FOR FEBRUARY 1979

1. This bulletin summarizes the availability of immigrant numbers during February. Consular officers are required to report to the Department of State all qualified applicants for numerically limited visas; and the Immigration and Naturalization Service reports the demand of all qualified applicants for adjustment of status. Allocations of numbers were made, to the extent possible under the numerical limitations, for the demand received by January 10th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the class or foreign state or dependent area, in which demand was excessive, was deemed to be oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the statutory or regulatory limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. Immediately that it becomes necessary, during the monthly allotment of numbers, to recede a cut-off date, supplemental requests for visa numbers will be honored only if the priority dates fall within the new cut-off date.

2. Issuances of visas are governed by the provisions of Section 203(a) of the Immigration and Nationality Act, as amended, which prescribes preference classes as follows:

First preference (unmarried sons and daughters of U.S. citizens): 20% of the over-all limitation of 290,000 in any fiscal year;  
 Second preference (spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence): 20% of over-all limitation, plus any numbers not required for first preference;  
 Third preference (members of the professions or persons of exceptional ability in the sciences and arts): 10% of over-all limitation;  
 Fourth preference (married sons and daughters of U.S. citizens): 10% of over-all limitation, plus any numbers not required by the first three preference categories;  
 Fifth preference (brothers and sisters of U.S. citizens 21 years of age or over): 24% of over-all limitation, plus any numbers not required by the first four preference categories;  
 Sixth preference (skilled and unskilled workers in short supply): 10% of over-all limitation;  
 Seventh preference (refugees): 6% of over-all limitation;  
 Nonpreference (other immigrants): numbers not used by the seven preference categories.

2. A labor certification under Section 212 (a) (14) or satisfactory evidence that the provisions of that section do not apply to the alien's case is a prerequisite for nonpreference classification. Since all beneficiaries of approved third and sixth preference petitions are required to have a labor certification in support of the preference petition, such applicants are thereby entitled also to the nonpreference classification. Therefore, if visas are not available for them within their preference classes, and if nonpreference visas are available for their foreign state or dependent areas, these aliens may apply for nonpreference visas.

-2-

4. Section 203(b) of the Immigration and Nationality Act provides that visas be given to applicants in the order of preference classes. However, Section 202(e) of the Act provides that, whenever the maximum number of visas have been made available to natives of a foreign state or dependent area in any fiscal year, in the next following fiscal year visas will be made available by applying the preference limitations to the foreign state (20,000) or dependent area (600) limitations. Beginning October 1, 1978, those foreign states and dependent areas listed separately below benefited under the provisions of Section 202(e) of the Act.

5. On the chart below the listing of a date under any class indicates that the class is oversubscribed (See paragraph 1); "C" means current, i.e., that numbers were available for all qualified applicants; and "U" means unavailable, i.e., that no numbers were available.

FOREIGN STATE	PREFERENCE *						NONPREF- ERENCE
	1ST	2ND	3RD	4TH	5TH	6TH	
ALL FOREIGN STATES AND DEPENDENT AREAS EXCEPT THOSE LISTED BELOW	C	C	C	C	7-1-78	C	U**
CHINA	C	C	C	C	6-8-77	3-1-78	U
INDIA	C	C	1-1-75	C	5-22-78	C	U
KOREA	C	C	C	C	9-8-77	C	U
MEXICO	C	1-1-70	C	11-22-77	9-1-77	C	U**
PHILIPPINES	C	6-15-77	10-15-69	10-22-72	2-22-69	2-22-78	U
ANGUILLA	C	C	C	C	7-1-78	5-15-77	U
ANTIGUA	C	1-12-78	C	C	2-1-75	5-17-68	U
BELIZE	C	6-15-77	C	C	6-22-74	3-1-78	U
HONG KONG	C	9-1-75	6-1-69	12-15-73	11-15-67	4-15-76	U
ST. CHRISTOPHER-NEVIS	C	1-1-78	C	C	7-1-74	3-15-68	U
ST. LUCIA	C	C	C	C	7-1-78	5-1-70	U
ST. VINCENT	C	C	C	C	7-1-78	1-1-77	U

\* Seventh preference numbers are allocated in bulk, quarterly, to Immigration and Naturalization Service.

\*\* A decision, whether to appeal the order in the case of Silva vs Levi, is expected momentarily. No recaptured Cuban numbers are being allocated for February 1979 pending that decision. A supplemental allocation of recaptured Cuban numbers may be made when that decision is reached.

CA/VO - January 18, 1979

IMMIGRANT VISA APPLICANTS CHARGEABLE WESTERN HEMISPHERE LIMITATION  
AND REGISTERED AT CONSULAR OFFICES AS OF JANUARY 1, 1978

<u>FOREIGN STATE</u>	<u>PREFERENCE</u>							<u>TOTAL</u>
	<u>1ST</u>	<u>2ND</u>	<u>3RD</u>	<u>4TH</u>	<u>5TH</u>	<u>6TH</u>	<u>NONPREF.</u>	
ARGENTINA	16	73	3	21	376	28	1888	2405
BAHAMAS	11	20	-	3	41	-	314	389
BARBADOS	507	162	-	75	205	2	1335	2286
BOLIVIA	1	62	1	-	126	6	915	1111
BRAZIL	3	87	2	5	117	4	382	600
CANADA	103	297	214	437	1523	291	8217	11082
CANAL ZONE	-	1	-	-	2	-	1	4
CHILE	8	112	6	28	284	4	1098	1540
COLOMBIA	26	1005	-	59	1343	19	16522	18974
COSTA RICA	9	136	-	7	108	1	1776	2037
CUBA	8	56	-	49	155	8	922	1198
DOM. REPUBLIC	137	4475	-	121	742	1	21832	27308
ECUADOR	6	855	-	11	347	4	5007	6230
EL SALVADOR	18	929	-	22	94	6	7779	8848
GRENADA	7	71	-	27	257	8	548	918
GUATEMALA	7	448	1	10	155	9	4469	5099
GUYANA	27	697	-	53	953	1	1461	3192
HAITI	14	936	-	4	957	-	4758	6669
HONDURAS	18	292	1	22	325	6	2935	3599
JAMAICA	77	10022	2	445	2570	20	22080	35216
MEXICO	1605	18146	13	3501	5505	113	210764	239647
NICARAGUA	8	235	1	3	86	1	716	1050
PANAMA	58	39	-	63	440	2	441	1043
PARAGUAY	-	5	-	-	17	2	185	209
PERU	35	158	-	21	355	5	2058	2632
SURINAM	-	2	-	3	6	3	15	29
TRINIDAD	60	1325	8	99	634	9	1574	3709
URUGUAY	2	39	1	11	44	3	656	756
VENEZUELA	9	40	2	29	183	4	313	580

IMMIGRANT VISA APPLICANTS CHARGEABLE WESTERN HEMISPHERE LIMITATION  
AND REGISTERED AT CONSULAR OFFICES AS OF JANUARY 1, 1978

<u>DEPENDENT AREA</u>	<u>PREFERENCE</u>						<u>TOTAL</u>	
	<u>1ST</u>	<u>2ND</u>	<u>3RD</u>	<u>4TH</u>	<u>5TH</u>	<u>6TH</u>		<u>NONP.</u>
FRENCH GUIANA.	-	3	-	-	-	-	-	3
GUADELOUPE	-	12	-	-	12	5	3	32
MARTINIQUE	-	2	-	-	1	-	3	6
ANGUILLA	-	73	3	-	205	245	502	1028
ANTIGUA	15	195	9	43	1102	2484	2727	6575
BELIZE	AMCONSUL BELIZE ANNUAL REPORT NOT RECEIVED							
BERMUDA	1	1	-	-	6	-	9	17
BRITISH VIRGIN IS.	1	45	-	-	110	26	198	380
CAYMAN ISLANDS	1	32	-	9	46	7	26	121
DOMINICA	2	80	-	13	186	698	1534	2513
MONTserrat	4	43	1	20	110	84	316	578
ST. CHRISTOPHER-NEVIS	8	136	10	26	946	2929	4046	8101
ST. LUCIA	-	44	1	-	188	1547	2420	4200
ST. VINCENT	2	103	12	10	216	175	609	1127
TURKS & CAICOS IS.	-	-	-	-	5	-	3	8
NETHERLANDS ANTILLES	7	58	9	11	67	28	37	217
<b>TOTAL</b>	<b>2821</b>	<b>41552</b>	<b>300</b>	<b>5261</b>	<b>21150</b>	<b>8788</b>	<b>333394</b>	<b>413266</b>

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ACTIVE IMMIGRANT VISA APPLICANTS CHARGEABLE EASTERN HEMISPHERE LIMITATION  
AND REGISTERED AT CONSULAR OFFICES AS OF JANUARY 1, 1978

OF ORIGIN	PREFERENCE							TOTAL
	1ST	2ND	3RD	4TH	5TH	6TH	NONPREF.	
AFGHANISTAN	-	5	9	-	26	8	9	57
ALBANIA	1	1	-	-	11	-	2	15
ALGERIA	-	2	-	-	5	-	8	15
ANGOLA	1	13	-	-	36	-	10	60
AUSTRALIA	6	29	14	33	104	39	327	552
AUSTRIA	-	10	1	18	44	27	129	229
BAHRAIN	-	2	5	-	8	-	-	15
BANGLADESH	2	120	387	5	239	13	193	959
BELGIUM	1	8	15	7	37	11	110	189
BOTSWANA	-	-	1	-	-	-	-	1
BULGARIA	2	25	2	3	36	3	16	87
BURMA	-	178	114	22	1102	23	63	1502
BURUNDI	-	1	-	-	-	-	4	5
CAMBODIA	-	1	3	1	12	3	18	38
CAMEROON	-	-	-	-	2	-	-	2
CAPE VERDE*	6	325	-	23	460	1	24	839
CHINA	54	2783	413	834	14386	1117	1086	20673
CONGO	-	-	-	-	1	-	1	2
CYPRUS	1	32	2	6	124	9	32	206
CZECHOSLOVAKIA	2	82	6	21	73	24	129	337
DENMARK	-	9	-	2	27	9	92	138
EGYPT	5	240	108	21	2256	6	1536	4172
EQUATORIAL GUINEA	-	-	-	-	-	-	1	1
ESTONIA	-	-	-	-	1	-	4	5
ETHIOPIA	-	11	1	-	31	3	23	69
FIJI	-	90	-	8	519	-	20	637
FINLAND	1	8	3	6	22	7	116	163
FRANCE	3	38	2	22	136	37	289	527
FR. POLYNESIA	1	2	1	-	10	-	5	19
NEW CALEDONIA	-	-	-	-	-	-	-	-
GAMBIA	-	-	-	-	-	-	-	-
GERMANY (EAST)	1	6	2	17	20	6	69	121
GERMANY (WEST)	16	102	18	30	300	124	811	1401
GHANA	-	52	3	-	11	8	43	117
GREAT BRITAIN	37	386	118	108	864	646	2540	4699
BRUNEI	-	1	-	-	2	-	-	3
GIBRALTAR	-	-	-	-	-	-	-	3

<u>FOREIGN STATE</u>	<u>PREFERENCE</u>							<u>TOTAL</u>
	<u>1ST</u>	<u>2ND</u>	<u>3RD</u>	<u>4TH</u>	<u>5TH</u>	<u>6TH</u>	<u>NONPREF.</u>	
HONG KONG	31	1438	406	296	3516	268	271	6226
SEYCHELLES	-	-	-	-	1	2	1	4
GREECE	14	607	2	86	3177	61	314	4261
GUINEA	-	-	-	-	-	1	1	2
HUNGARY	3	32	5	35	71	15	129	290
ICELAND	-	-	-	-	13	-	16	29
INDIA	18	1720	11574	30	8551	286	5219	27398
INDONESIA	2	40	21	2	368	17	92	542
IRAN	5	286	57	7	1285	49	1473	3162
IRAQ	-	88	3	19	696	7	102	915
IRELAND	11	36	7	17	232	23	240	566
ISRAEL	4	90	22	39	698	23	410	1286
ITALY	49	631	28	819	7322	116	505	9470
IVORY COAST	-	-	-	-	2	1	2	5
JAPAN	11	82	18	20	342	95	430	998
JORDAN	3	410	12	46	1330	7	76	1884
KENYA	-	41	21	1	190	11	182	446
KOREA	12	2481	2112	59	24167	847	1170	30848
KUWAIT	-	14	-	-	37	1	8	60
LAOS	-	1	-	-	4	0	59	64
LATVIA	-	1	-	-	6	9	7	23
LEBANON	18	645	17	130	3614	30	351	4805
LESOTHO	-	3	-	-	-	-	-	3
LIBERIA	4	39	3	0	6	-	15	67
LIBYA	-	-	1	1	12	-	6	20
LICHTENSTEIN	-	-	-	-	-	-	-	-
LITHUANIA	3	-	-	-	14	-	30	47
LUXEMBOURG	-	2	-	-	-	1	4	7
MADAGASCAR	-	-	-	-	3	-	8	11
MALAWI	-	5	1	-	2	-	1	9
MALAYSIA	-	6	15	2	68	4	55	150
MALI	-	-	-	-	-	-	-	-
MALTA	-	6	-	-	30	5	6	47
MAURITIUS	-	4	-	-	3	-	11	18
MONACO	-	-	-	-	-	-	1	1
MOROCCO	1	17	1	4	229	24	36	312

NO. 10 STATEPREFERENCE

	<u>1ST</u>	<u>2ND</u>	<u>3RD</u>	<u>4TH</u>	<u>5TH</u>	<u>6TH</u>	<u>NONPREF.</u>	<u>TOTAL</u>
MOZAMBIQUE	-	5	-	7	23	-	7	42
NEPAL	-	9	2	-	1	2	20	34
NETHERLANDS	-	7	7	4	132	29	318	497
NEW GUINEA	-	-	-	-	-	-	1	1
NEW ZEALAND	3	7	4	19	78	10	73	194
NIGERIA	-	55	37	-	24	10	72	198
NORWAY	1	5	-	-	17	10	43	76
OMAN	-	-	-	-	-	1	1	2
PACIFIC IS.	-	8	-	4	36	-	-	48
PAKISTAN	3	494	774	9	1188	55	1132	3655
PHILIPPINES	341	10800	18145	10119	107608	2475	2289	151777
POLAND	40	410	12	509	1412	60	290	2733
PORTUGAL	15	532	-	241	2911	136	605	4440
MACAO	-	29	7	21	215	1	51	324
QATAR	-	-	-	-	1	-	-	1
ROMANIA	32	55	8	381	519	5	151	1151
RWANDA	-	-	1	-	-	-	-	1
SAN MARINO	-	-	-	-	11	-	1	12
SAUDI ARABIA	-	3	-	-	22	-	6	31
SENEGAL	-	6	-	6	6	-	-	18
SIERRA LEONE	2	9	1	-	4	2	15	33
SINGAPORE	1	38	13	8	103	13	46	222
SOMALIA	-	1	-	-	2	1	1	5
SOUTH AFRICA	10	33	84	66	485	107	953	1738
SOUTH-WEST AFRICA	-	-	-	-	-	-	2	2
SPAIN	1	89	2	14	137	48	200	491
SRI LANKA	1	41	2	2	118	15	91	270
SUDAN	-	1	-	-	11	2	6	20
SWEDEN	1	3	3	5	8	27	76	123
SWITZERLAND	-	6	3	16	57	27	72	181
SYRIA	4	132	4	27	564	7	136	874
TANZANIA	-	11	7	-	66	2	61	147
THAILAND	-	22	54	-	18	66	409	569
TONGA	2	111	1	34	473	21	9	651
TUNISIA	-	-	-	-	13	5	12	30
TURKEY	2	131	20	6	468	96	436	1159
UGANDA	-	7	7	-	57	1	46	118

FOREIGN STATEPREFERENCE

	<u>1ST</u>	<u>2ND</u>	<u>3RD</u>	<u>4TH</u>	<u>5TH</u>	<u>6TH</u>	<u>NONPREF.</u>	<u>TOTAL</u>
UNITED ARAB EMIRATES	-	4	11	-	21	-	41	77
U.S.S.R.	1	25	6	16	111	93	201	453
VIETNAM	2	39	7	10	312	20	224	614
WESTERN SAMOA	1	4	-	2	33	-	-	40
YEMEN (ADEN)	-	11	-	-	48	-	3	62
YEMEN (SANA)	-	18	-	3	109	-	-	130
YUGOSLAVIA	13	135	7	30	440	38	117	780
ZAIRE	-	1	4	-	8	-	15	28
ZAMBIA	-	24	7	-	62	-	137	230
TOTAL - ACTIVE	805	26,608	34,794	14,359	194,826	7,412	27,309	306,113

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CA/VO



## EXHIBIT I

## Income Poverty Guideline Tables

The tables below represent the most recently adopted and published Community Services Administration Income Poverty Guidelines used to determine program eligibility under certain programs financially assisted under the Community Service Act of 1974. The tables have been adopted by the Department for use in considering questions of eligibility for an immigrant visa under section 212(a)(15) of the Immigration and Nationality Act. The tables are revised at annual intervals, or at any shorter interval deemed feasible and desirable. Revisions are developed by multiplying the official poverty line, as defined by the Office of Management and Budget, by the percentage changes in the Consumer Price Index during the interval immediately preceding the revisions. Revisions are published in 45 CFR 1060 and are effective thirty days after publication.

The figures in the guidelines refer to regular GROSS INCOMES before taxes. Naturally, no public assistance payments may be counted in an alien's favor in determining eligibility under section 212(a)(15).

The effective date of these income poverty guidelines is May 5, 1978.

## CSA poverty guidelines for all States except Alaska and Hawaii

Family size	Nonfarm family	Farm family
1	\$3140	\$2690
2	4160	3550
3	5180	4410
4	6200	5270
5	7220	6130
6	8240	6990

For family units with more than 6 members, add \$1,020 for each additional member in a nonfarm family and \$860 for each additional member in a farm family.

## CSA income poverty guidelines for Alaska

Family size	Nonfarm family	Farm family
1	\$3940	\$3380
2	5210	4450
3	6480	5520
4	7750	6590
5	9020	7660
6	10,290	8730

For family units with more than 6 members, add \$1270 for each additional member in a nonfarm family and \$1070 for each additional member in a farm family.

## Exhibit I (Cont'd)

## CSA income poverty guidelines for Hawaii

Family size	Nonfarm family	Farm family
1	\$3620	\$3130
2	4790	4110
3	5960	5090
4	7130	6070
5	8300	7050
6	9470	8030

For family units with more than 6 members, add \$1170 for each additional member in a nonfarm family and \$980 for each additional member in a farm family.

(FR Doc. 75-8939 Filed 4/4/78)

On file with the U.S. Commission on Civil Rights,  
1121 Vermont Avenue, N.W., Room 600, Washington,  
D.C. 20008.

*Exhibit No. 32*

STATEMENT OF MARIO T. NOTO  
DEPUTY COMMISSIONER  
IMMIGRATION AND NATURALIZATION SERVICE  
BEFORE  
U.S. COMMISSION ON CIVIL RIGHTS  
November 15, 1978  
Washington, D. C.

I am pleased to be here today to discuss the Immigration and Naturalization Service's attitude and approaches to the issues of human relations and civil rights which are intrinsic to the enforcement of immigration and nationality law.

During the past weeks, I was asked to publicly state my personal philosophy as to the obligations this agency has in its dealings with aliens in the United States. If the Commission has no objections, I can think of no better forum to do so than this hearing which is itself focused on the observance of human and civil rights.

As you know, the Immigration and Naturalization Service has been given, by Congress, the responsibility of administering and enforcing the immigration and nationality laws of the United States. It is my personal belief that this responsibility carries with it a concomitant and unqualified agency obligation to insure that no person coming to INS attention is denied equal protection and benefits due under law because of sex, religion, race, national origin or color. This obligation is inviolate, and assumes even greater importance when the Service deals with persons who have illegally entered or are illegally residing in the United States.

But even this states far too simplistically the difficulty of humanely enforcing immigration statutes since violation of these laws invariably involves the right of people to remain in the United States. This means that the Service has not only the task of administering and enforcing the law by deporting people from the U.S., but also of deciding who will be allowed to stay in this country. This is, in my opinion, an awesome responsibility requiring judgmental decisions of conscience as required by law. It is one which cannot be taken too seriously since decisions affect not only the lives of the persons with whom the Service deals, but those of their families and loved ones as well.

For this reason alone, it is essential that INS enforcement be, not only efficient, but humane and compassionate with every regard for the rights of those people with whom it comes into contact. This Service must maintain a delicate balance between enforcement responsibilities mandated by statute, and uncompromising adherence to human and civil rights dictated by conscience and decency. This balance becomes even more important today in view of the present national controversy over the many aliens who are here in violation of law and who live behind the shadows of their illegal status and the constant fear of deportation.

In support of the Administration's commitment to respect human rights, we in the Immigration and Naturalization Service have adhered to the policies announced by the President and as directed by the Attorney General. Our mandate is that human and

civil rights are inviolate and must be protected under law. In implementing our policies, INS has taken various remedial measures, information on some of which has been given to the Commission previously in the course of interviews your staff has had with our personnel. However, I have with me some further information on INS activities in this area and would be pleased to present it here or submit it for the record should you so wish.

These do not represent, and nor will they be, our only efforts in the area of human and civil rights. As an agency dealing with and holding the future of people in its enforcement mandates, we plan to continue to review INS policy and procedure. Where necessary or desired we shall take initiatives to protect the basic rights of all those persons who come to INS attention.

Thank you. I would be pleased to answer any questions you may have.

On file with the U.S. Commission on Civil Rights,  
1121 Vermont Avenue, N.W., Room 600, Washington,  
D.C. 20008.

## Exhibit No. 34

Commissioner

CO 244.13-P

9/23/77

Deputy Commissioner

Recommendations concerning proposed regulations to expand the due process rights of aliens in Service proceedings.

## I

- A. Proposed regulation — Amend 8 CFR 244.2 to provide for review by an immigration judge of a district director's denial of an alien's request for extension of voluntary departure time.
- B. Present practice — The district director has delegated his authority to grant or deny requests for extension of voluntary departure time to Detention and Deportation officers (GS-11) whose action on the request is not reviewable.
- C. Rationale — This amendment is necessary to prevent the abuse of discretion by district directors or by Detention and Deportation officers exercising the district director's delegated authority, and to insure that basic concepts of equity and compassion are applied in deciding these requests.

## II

- A. Proposed regulation — Amend 8 CFR 244.1 to authorize the immigration judge to set the voluntary departure time following the reopening of deportation proceedings.
- B. Present practice — The immigration judge has the authority to grant an alien voluntary departure following the reopening of deportation proceedings. However, the district director sets the period of time within which the alien must depart. Under the current regulation there have been instances where district directors set unreasonably short periods of voluntary departure time following the reopening of proceedings thus negating the order of the immigration judge.
- C. Rationale — This amendment is necessary to prevent the possibility of arbitrary action by district directors, and to insure the effectiveness of the orders of the immigration judge.



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## III

- A. Proposed regulation -- Amend 8 CFR 242.1(b) and 242.3 to provide that hearing dates in deportation proceedings may be scheduled at the time orders to show cause are issued or at a later time.
- B. Present practice -- Under the current regulation the deportation hearing date must be set at the time the orders to show cause are issued. This results in the necessity to cancel and reschedule hearings and creates much unnecessary paperwork.
- C. Rationale -- These amendments are necessary to enable the Service to schedule hearing dates more systematically and effectively, and they will eliminate unnecessary paperwork.

## IV

- A. Proposed regulation -- Amend 8 CFR 242.17(d) to provide that an immigration judge may reinstate an alien student in lawful status during the course of deportation proceedings.
- B. Present practice -- Under the current regulation an immigration judge has no authority to reinstate an alien student in lawful status in deportation proceedings.
- C. Rationale -- This amendment is necessary because many deportation hearings involve students who have violated their status by failing to obtain extensions of stay, failing to obtain permission to transfer to another school or by working without permission. While these violations of status are violations of law, they may be considered to be minor offenses. Where the violations have not interrupted the student's studies, it is unconscionable to require the student to leave the country especially when it is considered that he will, within a short period of time, matriculate or complete his prescribed studies and then depart. This amendment will provide greater due process rights to alien students in deportation proceedings and result in decisions which will be more equitable, fair and humane.

## V

- A. Proposed regulation -- Amend 8 CFR 242.2 to specify the criteria under which aliens should be detained or released under bond.

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- B. Present practice — The existing regulation contains no specific criteria respecting the conditions under which aliens should be detained or released under bond. The regulation now provides that the alien may be arrested and detained "whenever . . . it appears that the arrest of the respondent is necessary or desirable."
- C. Rationale — This amendment is necessary because while the courts have mandated that aliens may be detained only if they are potential absconders, in some instances this holding is only given lip service. This amendment will insure that aliens are not improperly detained nor excessive bond imposed.

## VI

- A. Proposed regulation — Amend the regulations to authorize an immigration judge in exclusion cases to redetermine a bond which has been imposed upon an applicant for admission.
- B. Present practice — Immigration judge does not now have this authority.
- C. Rationale — This amendment is necessary to expand the immigration judge's authority in his handling of exclusion cases.

## VII

Conclusion — All of the above amendments are designed to expand the due process rights of aliens in proceedings before the Service. They have my full support and I urge your approval. The amendments I have proposed are also endorsed by Chief Immigration Judge Bookford, the American Bar Association Committee on Immigration and Nationality, the Association of Immigration and Nationality Lawyers and the National Association of U.S. Immigration Court Judges as evidenced by copies of correspondence I have received from them which are attached to this memorandum. The only opposition voiced to date to some of the foregoing, I have been told, stems from certain district directors who resent the proposed dilution of their currently unharnessed and unreviewable (except by the judiciary) power which in some instances, may properly be characterized as violative of basic human rights.

Mario T. Noto  
Deputy Commissioner

JUL 26 1978

A Comparison Of The Bond-Setting  
Practices Of The Immigration And  
Naturalization Service With That Of  
The Criminal Courts

Consultant: Bruce D. Beaudin, Esq.

July 1978

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## I. Introduction

The process of detecting and dealing justly with the many people who enter the United States each year in violation of its laws presents an awesome responsibility. To implement the process many laws and huge governmental agencies have been created. It is almost axiomatic that when agencies proliferate there is often the appearance of a concomitant diminution of individual human rights. The conflict between philosophies that seek to preserve the basic dignity of human rights and at the same time seek to preserve an order that permits us all to enjoy those rights is as strikingly illustrated in the present operations of the Immigration and Naturalization Service (hereinafter INS) as it is in the operations of the Courts and Law Enforcement Agencies of the United States. Nowhere within the Service is the problem more visible than in the process of determining appropriate conditions for pre-hearing release of those undocumented persons identified as being worthy of governmental attention.

Given an agency as large as INS, despite the plethora of regulations, orders, laws, etc., there exists a vast area of discretion. Use and abuse of the exercise of

discretion is difficult to detect - except in extremely unusual circumstances - because of the difficulty of establishing appropriate measures of accountability. One area which has surfaced as having the potential for abuse of discretion is that of setting bond, or conditions of release, for those persons who are ferreted out as being present in the United States without proper justification for their presence, pending a hearing to determine whether they should be ejected or permitted to remain. A cursory study of the amounts considered appropriate in various districts quickly revealed that practices varied according to the directions of particular District Directors. Given the importance of any decision to deprive a person of liberty, a determination was made to analyze more closely the bond setting practices in INS. It was the ultimate objective of the analysis to determine whether appropriate criteria for this most important function existed; whether the criteria, if they existed, were being applied consistent with the concepts of equality of treatment and justice; whether the bond amounts being set were reasonable; and whether any modifications could be made to improve Service operations.

Based upon preliminary data, it was hypothesized that some of the practices of the Criminal Courts might be of

value to the Service. The Bail Reform Act of 1966 seemed to have produced a revolution in the bail-bond practices of the Federal Courts and it occurred to many in the Service that perhaps some of these practices might be easily adaptable for Service use. In this connection, it was decided that someone with experience in the application of the Bail Reform Act of 1966 to the Federal Courts and of the many new State Statutes that followed the federal example to various State practices should review Service practices with an eye toward suggesting improvements.

A work plan was fashioned between the person selected and the Service that included:

- Observing the release setting practices of at least ten (10) INS district offices;
- Reviewing INS records and files, particularly the files of various undocumented persons awaiting various hearings, pertaining to bonds set, breached, and exonerated;
- Interviewing INS personnel charged with responsibility for detecting and apprehending undocumented persons, setting bond for them, detaining them in various Service Processing Centers (hereinafter referred to as SPC's), and deporting them in accordance with the law;



- Interviewing private attorneys and others outside the INS who interacted regularly with Service personnel concerning bonding procedures;
- Reviewing and analyzing the laws and Operational Instructions (hereinafter referred to as OI);
- Reviewing proposed changes in the law or OI;
- Recommending changes in keeping with prevailing laws and philosophies; and
- Submitting a final report to the Service that included findings, evaluations, and recommendations.

The plan was submitted and approved by the Service and the Department of Justice, the Contractor was selected, and the project began in late April of 1978. The final report was submitted in July of 1978.

As the narrow issue of the setting of bond and its attendant problems is described it is necessary to place that issue in proper context. On the one hand, probably 90% of those identified as undocumented persons (or aliens) are never even confronted with the problems of bond. With Service procedures in effect at present, this large group returns to the countries from which they have

come voluntarily and within hours of detection. On the other hand, the remaining 10%, a statistically small portion, are subject to the vagaries of bond setting and individual discretion. The importance of insuring equal treatment for these people is no less significant because the numbers are small. Our system of laws is one that was constructed on a very basic premise of fairness. To dilute that fairness is to erode the fabric that makes our country singular in its concern for individual rights.

At the same time, the complex nature of INS as a service organization, a law enforcement entity, and a quasi-judicial body, brings competing philosophies to bear on an issue that is itself complex. What follows is an attempt to simplify some of the complexities as they relate to the narrow issue of setting bond and, at the same time, to suggest a framework within which those who administer and are subject to the bond setting process may experience a sense of fairness, equality, and justice.

## II. Analysis Of The Existing Situation

As suggested in the Introduction, supra., the process of setting bond, although apparently simple, is in fact a most complex and difficult task. The bond setter, in order to do his job properly, must be able to divine the true intent of someone else - who will be doing his best to hide that intent - juxtapose facts relating to stability with factors that indicate instability, and finally decide what dollar amount will straddle the line between that necessary to insure appearance and that which is unaffordable. Before reviewing the present practices of the Service, it would be helpful to examine, in capsule form, the bond experiences of the Criminal Justice process as a framework against which the INS practices can be measured.

It must be remembered in reviewing the experiences of the criminal justice process that while there are many similarities between it and Service practices there are also significant differences. Paramount is a procedural difference which has its roots in a most basic proposition: INS is concerned with undocumented non-citizens while the criminal laws address the lapses of citizens. The differences between rules that govern administrative proceedings (such

as exist in INS) and rules that govern criminal proceedings (in the courts) are perhaps best left to legal scholars to debate. The bottom line for our purposes is that there are definite limits in attempting to equate bond practices in an administrative, non-criminal process, with practices in a process that demands more particular Constitutional safeguards and addresses problems of community safety as well as problems of risk of flight. With this basic difference in mind, let us consider briefly bail and the criminal courts.

#### A. Bail In The Courts.

One of the most nearly correct evaluations of the bail system as it presently exists is summed up in the following:

"The Bail System as it now generally exists is unsatisfactory from either the public's or the defendant's point of view. Its very nature requires the practically impossible task of translating risk of flight into dollars and cents and even its basic premise - that financial loss is necessary to prevent defendants from fleeing prosecution - is itself of doubtful validity." 1/

In this statement, the American Bar Association concludes that a system that relies upon dollars to insure release,

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1/ American Bar Association Project on Standards For Criminal Justice; Standards Relating To Pretrial Release, Introduction, (1968).

appearance, and equal justice is suspect.

The United States borrowed its system of bail from the English. In the Judiciary Act of 1789 our forefathers provided that all persons charged with non-capital offenses enjoyed a right to bail. Further, in the Eighth Amendment to the Constitution they also provided that any bail set could not be excessive. During the ensuing years many courts - including the United States Supreme Court - have grappled with the basic issue of when bail becomes excessive. Is it excessive if the defendant is unable to post it or is it excessive if it is more than is necessary to insure the defendant's appearance? Decisions made on both sides are plethora. The dilemma illustrates the wisdom of the American Bar Association's characterization of our present bail system - depending on money - as "unsatisfactory."

From the early 1800's until the early 1950's there was little development in the bail process. Defendants for whom bail was set secured release through the auspices of the entrepreneur called the bondsman. This release was effected by payment of a fee. Unlike our English predecessors, who insisted that the defendant himself - or at a minimum a close friend or relative - post the bond in which he had a personal stake (since the entire amount was returned

upon completion of the case) a stake which provided a motive to appear, we permitted a system to exist and thrive which was based on a profit motive. We encouraged the growth of what has been aptly termed "the professional companion of the court" - the bondsman. The bondsman operates only for profit and does not have the same stake in whether the defendant appears. In the last analysis such a system removes any personal motive a defendant might have to appear since once his fee is paid, it is never returned.

In the early 1950's, as cities increased in size, as the population grew, and as crime began to increase, the bail system began to account for the detention of as many people as it released. In fact, in 1951, the United States Supreme Court found it necessary to "remind" the country that

"The right to release before trial is conditioned upon the accused's giving adequate assurance that he will stand trial and submit to sentence if found guilty ..... Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is 'excessive' under the Eighth Amendment."<sup>2/</sup>

Shortly after this reminder, a challenge to the traditional surety system was mounted. The Vera experiment carried out in New York City in the early 1960's was the

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<sup>2/</sup> Stack v. Boyle, 342 U.S. 1, 4-5, (1951).

first attempt to test the idea of personal recognizance release as an alternative to surety release. The project operated on a point system which was designed by a sociologist. Based on the award of various points, recommendations for release on recognizance were fashioned. The Courts in New York accepted many of the project's recommendations and Bail Reform had begun.

During the 1960's many jurisdictions implemented variations of the original Vera project design. The results were surprising. People released on recognizance returned to court as required with the same consistency as those released on surety bond - and many were released who otherwise would not have been.

The culmination of the success of the various experiments occurred in 1966 when Congress enacted the Bail Reform Act.<sup>3/</sup> The federal courts were instructed to consider only the risk of flight in fixing appropriate release condition, but, more important, they were admonished to give first consideration to release on personal recognizance a presumption that defendants should be released without bond was now a matter of law. Most states, quick to follow the federal example, enacted statutes very nearly identical

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<sup>3/</sup> Bail Reform Act of 1966, P.L. 99-465, 18 U.S.C. §3146, (1966), reproduced as Appendix K.

to the federal Bail Reform Act. Thus, by the early 1970's personal recognizance release was a presumptive right in nearly every state in the Union.

As personal recognizance was proving itself to be an effective means of insuring release and appearance another significant problem posed by the release of some people surfaced: The risk of danger to the community and pretrial crime. Although defendants were showing up as required they were also being rearrested at an alarming rate. While people were quick to blame the use of personal recognizance it soon became apparent that the rate of rearrests - or pretrial crime - was as high for those released on surety or money bail as it was for those released on recognizance. This situation highlighted a deficiency that has not been corrected as of this writing: Bail is to be set only to assure return for trial and is not to be used as a measure to protect the community.

To date, one jurisdiction has enacted a statute which permits the detention of certain dangerous suspects provided that certain safeguards are applied.<sup>4/</sup> Congress is studying the feasibility of enacting preventive detention

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<sup>4/</sup> See D.C. Code §23-1321-1332, 1970, for a description of the statute governing release in the District of Columbia.



statutes that will govern the federal system.<sup>5/</sup> Other than in these two instances the criminal justice system is being "forced" to deal with the issue of danger in a sub rosa manner. Therein lies the final chapter of the development of bail in the United States.

Today, pretrial detention exists in the United States. It is a fact of life and an anomaly of the law. Bail conditions which result in de facto detention of people who cannot afford to pay them are being set every day. Prisons and jails are overcrowded with people awaiting trial who cannot meet the conditions of bail set. As a result, federal courts are intervening and ordering states and localities to change their practices. Put simply, money bail will not be tolerated as a means of detaining people even when it is the only way that judges have at present to insure detention before trial of dangerous people. As long as the law continues to provide that the sole function of bail is to assure appearance then it may not be used to insure detention. As a federal court has recently said:

"Since the function of bail is limited to assuring the presence of the defendant at trial ... it is obvious that money amounts set solely by the charge have no relation to the function of bail. A poor man with strong ties in the community may be more likely to appear than a man with some

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<sup>5/</sup> See S. 1437 - the "Omnibus Crime Bill."

cash and no community involvement. So, not only is there no compelling interest in incarcerating the poor man because he cannot make the master bond bail, but the classification fails to meet the traditional test for equal protection: 'Equal protection does not require that all persons be dealt with identically, but does require that a distinction made have some relevance to the purpose for which the classification is made.'"6/

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6/ Ackies v. Purdy, 322 F. Supp. 38 (1970).

B. Bail In The INS.

The vagaries of bail and its application in the criminal courts parallel to a great degree the practices within INS. Just as bail is to be fixed in criminal cases at a level that will assure the defendant's appearance for trial, so too, bail's sole purpose in connection with the Service is to assure the appearance of an undocumented person for deportation and those proceedings antecedent to deportation.

Just as bail is often fixed in criminal cases not merely to assure appearance but to protect the community - an unexpressed and, frankly, illegal purpose - so too, bail in the service is fixed not only to assure appearance but often as a matter of indirect punishment for such things as lying, attempting to elude detection, using false documents, etc., - unexpressed and, frankly, purposes as illegal as that alluded to in criminal cases.

As is true with the situations in the criminal courts, no specific articulation of "illegal" reasons ever occurs, but the evidence is apparent upon examination. Without attempting to assess blame or attributing evil motivation it would be helpful to summarize here the practices observed during the course of the study. The practices described below are based on observations, interviews, and site visits.

In order to gain as broad-based an exposure as possible, within the constraints of time and funding, the following states were visited: San Francisco, Los Angeles, San Diego, and San Ysidro, California; El Paso, San Antonio, and Port Isabel, Texas; New York City and Brooklyn, New York; Philadelphia, Pennsylvania; Baltimore, Maryland; Washington, D.C.; Boston, Massachusetts; and Miami, Florida. Persons interviewed included Service Personnel (Judges, Trial Attorneys, District Directors, Investigators, Deportation Officers, Border Patrol Agents, Supervisors and clerical staff) attorneys who regularly practice Immigration law, documented and undocumented persons, members of the Department of Justice, representatives of the news media, and others.<sup>7/</sup>

At each site, in addition to the interviews conducted, literally hundreds of case files were reviewed. Particular attention was given to the I-213 forms (Service forms on which the reasons for recommending particular amounts of bond were supposed to appear.<sup>8/</sup>) to attempt to learn whether a "bond pattern" existed either for particular

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<sup>7/</sup> A partial list of those persons interviewed is contained in Appendix A.

<sup>8/</sup> See Appendix D, A copy of an I-213.

localities, particular types of persons or particular amounts of bond.

Field visits to Service Processing Centers provided an opportunity to observe first-hand the conditions under which those persons who could not make the bond set were detained. These visits also permitted observations of a certain number of "hearings" conducted for groups of detainees whose cases were heard en masse.

Statistics and statistical forms kept by individual Districts and general statistics compiled by the Central Office were reviewed in detail as well as the law pertaining to bonds and the Operational Instructions issued to assist Service Personnel in implementing the law.

In summary, the following conclusions emerged:

- o There is no discernable pattern - Service-wide - to the setting of bond.
- o There are few statistics - present or past - that demonstrate, even on a "hunch" basis, that one amount of bond is more or less successful than another.
- o Although "lip service" is given to the principle that bond is set to assure appearance, in reality it is set (or not set) for other purposes as well.

- o There are few written standards against which bond recommendations should be measured.
- o Files do not generally contain information sufficient to justify the bond recommended (or the bond set or reduced at bond redetermination hearings).
- o Since most bond redetermination requests result in reduced bonds (most of the hearings attended resulted in bond reductions) the initial bond set may be set at too high a figure.
- o Since comparatively few bond reduction requests are made it follows that most persons who are detained are held in lieu of bonds that would probably be reduced if requests were made.
- o There is scant use of detention without bond in cases where there is substantial evidence of an intent to flee.

These eight findings suggest a system-wide misuse of bond provisions although there does not appear to be any system-wide malice - or for that matter - much individual malice in the intentions of those who administer the system.

Rather, it appears to stem from a lack of consistency and accountability. A closer scrutiny of the facts and practices underlying the administration of bond may provide additional understanding of the problem.

Prior to consideration of the eight points alluded to above it would be worthy to note again that the bond practices must be considered in the context of other Service operations. Beginning with the structure of the Service itself - at once law enforcement and service oriented - role conflicts are rife. It is a signal responsibility to be expected to detect, apprehend, and deport people here illegally on the one hand and to provide assistance to any who wish it for becoming United States Citizens.

The internal structure and promotional plans of the Service foster the divergent philosophies of law enforcement and service. Border Patrol Agents become Investigators, become Supervisors, become top Administrators including District Directors. Naturalization Examiners become Trial Attorneys, become Special Inquiry Officers or "Judges." While such a system certainly produces some checks and balances it pits one school against another. Bond is often caught in the middle becoming the ultimate battlefield between the two factions. Investigators recommend bonds higher than they think necessary because they "know" the

judges will reduce them if a redetermination is requested. At the same time, Judges will reduce bond based not so much on the individual merits of a particular case but because they "know" the law enforcement side of the service asks for high bond anticipating that they will reduce it. Analyzed in its simplest terms; the "police" set bond, the Judges reduce it either because they know the "police" set it too high or because they feel that if their decision is appealed to the Board of Immigration Appeals unless they have reduced it the BIA will think they are "rubber stamps" for the District Directors, and the philosophical tugs-o-war obscure the real issue of whether or not the respondent will appear as required.

Finally, it should also be noted that even if the bond issue could be squarely faced any attempt to compare INS practices with the practices in the criminal courts is thwarted to a degree when failure consequences are taken into account. In the criminal courts, a guilty defendant who fails to appear is a real danger to society. He has prevented the system from being able to prosecute, convict, and sentence a law violator. He has demonstrated danger in his antisocial act and his continued liberty may pose a constant threat to community safety.



An illegal immigrant, on the other hand, who fails to appear, in all probability goes "underground" and poses little or no threat to community safety. True, he may be a law violator thwarting the legal process but his continued liberty, in violation of bond conditions, poses, at most, an indirect disruption of community tranquillity. He may be working illegally<sup>9/</sup> but it is most unlikely that his continued liberty poses a threat of danger or harm to any person or the community.

With these caveats in mind consider the following:

1. There is no discernable pattern - Service-wide - to the setting of bond. In the first place, despite regulations, operating instructions, and memoranda each District seems to have its own standards for bond setting. In some places, Regional directives set the standards. In others, memoranda from DD's or even ADDI's. In still others, there are no written guidelines. A set of "hunches" based on unwritten standards garnered from experience form the backbone for review of bond recommendations.

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<sup>9/</sup> See Appendix B where a detailed account of how illegal aliens circumvent the law and work in violation of a number of regulations is portrayed in a Washington Post article.

In some Districts detailed reasons for bond recommendations are required. In others, the only requirements are that some reasons be written on the I-213. The most significant factor is that without exception, no matter what the requirements of a particular District, little more than a conclusory type statement to the effect that "the respondent is likely to abscond" appears. The underlying facts are not written and are therefore unavailable for review (either by the Trial Attorney, the DD, or the Judge.)

In some places, once a decision has been reached that a bond should be requested there is an "assumption" that it should begin at \$2,000. In others \$500 or \$1,000 marks the norm. Factors are then weighed as negatives or positives against the norm. The real flaw in the process is that no one is able to explain why \$500, \$1,000, \$2,000 or even \$5,000 should be the norm. Thus, depending on the prior experiences of District Directors, Assistant District Directors, and others permitted to set bond, and depending upon the types of respondents, bonds can be set at any amount. Two people with virtually identical circumstances may

have Own Recognizance or \$2,000 depending upon the place of apprehension.

Finally, there was much discussion concerning the \$500 minimum bond. Some pointed out that \$500 in 1912 was worth substantially more and that inflation demands a present minimum of at least \$2,000. Others argued that no bond was necessary since its only value is to "recoup" the cost of detection and apprehension since no bond can insure absolutely that someone will appear.

The absence of a pattern may be good for some reasons and bad for others. At a minimum it suggests that some standards might be designed to help achieve a more uniform and more realistic approach.

2. There are few statistics - present or past - that demonstrate, even on a "hunch" basis, that one amount is more or less successful than another.

This statement does not intend to imply that data collection is non-existent. To the contrary, there are statistics of all types. Unfortunately, the data that might best assist in developing a rationale for bond recommendations has not been systematically analyzed. The data is there but the collection and analysis of that data that would permit informed

decision making is, for the most part, missing. In order to know if a bond amount is adequate to do the job it seems vital that the following facts be analyzed:

- Once bond has been set, how many make it?
- What percentage of bonds are reduced?
- What amounts insure release? detention?
- What is the failure to appear rate?
- What percent of the respondents are easily located after a breach?

In short, a good deal of information that is tracked through different divisions must be analyzed in toto.

A few districts have attempted to perform spot checks to determine whether bonds are low or high. The trouble with these attempts is that they do not track all the cases - consequently the results will be skewed. In order to determine what really works, test groups should be defined, experiments conducted controlling for variables, etc.

For example \$5,000 may "work" if no bonds are breached in a given period. But, if only one in ten persons is released the test is not too valid. At the other end of the scale if two out of ten

released on low bond fail to appear does that mean low bond didn't "work"? The two notions of release and appearance must both be analyzed. At the same time, there are definite trends that should be factored into the bond process. Peculiarities of various employee groups, ethnic groups, etc., provide different kinds of guides that are legitimate factors in assessing bond requirements. Smugglers may act differently from Smugglees and though of the same ethnicity require different bond treatment. At any rate, bond policies should not be established solely as the result of a few generalities and hunches that may apply only to certain classes.

3. Although "lip service" is given to the principle that bond is set to assure appearance, in reality, it is set (or not set) for other purposes as well. Generally speaking, most Service personnel attempt to define a bond amount that will insure an illegal alien's appearance for his lawfully ordered deportation. Observation of practices discloses, however, that there are many other factors considered. If a man tried to run or avoid the investigator - the bond recommendation goes up. If

a man has a criminal case pending and law enforcement authorities request high bond (to help with the pending criminal case) the bond is set high. If a man belongs to a suspect group, the bond is high. The above situations do not represent the norm but they happen with sufficient frequency to justify a closer analysis.

Another critical area that has already been mentioned concerns the "by-play" over bond that goes on between Judges and the law enforcement arm. Bonds are recommended and set by Investigators, ADDI's, and DD's who know full well that the bond is excessive but who do so for fear that a redetermination will be requested and if requested, granted. And, Judges reduce bond not necessarily because of the merits but because of fear they will be called "rubber stamps" or because they know the bond has deliberately been set high to offset their anticipated reduction.

4. There are few written standards against which bond recommendations should be measured. The crux of the statement is not that there exist no written standards (See Appendix E) but that the standards

are out-of-date, conclusory in style, and as varied as the pebbles on a beach. They probably represent good faith attempts to insure consistency within particular districts but they certainly fail to produce consistency service-wide. As a matter of fact, one of the regional offices, after conducting a study of bond practices within a single region concluded, "The practice of setting predetermined amounts for bonding based on immigration classification and types of violations charged has been widespread throughout the service."<sup>10/</sup>

As has been previously stated, the real concern here is not that there are no written standards - there are many. What doesn't exist is a consistent policy represented by a single written standard or set of standards.

5. Files do not generally contain information sufficient to justify the bond recommended (or the bond set or reduced at bond redetermination hearings). With a few exceptions, the only information upon which bond recommendations are based is contained in a written summary on the I-213. (See

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<sup>10/</sup> Analysis of Baltimore Bond Study, February 23, 1978.

Appendix D.) Little, if any, of the information is verified and there is usually scant community tie information reported; whether the community be the one from which the respondent has come or the one in the United States in which he presently lives. As indicated above many factors that actually figure in to the initial bond determination are never reduced to writing. This practice precludes appropriate and accurate re-examination by Trial Attorneys, Judges, or District Directors. In some places Judges and Trial Attorneys have developed their own forms to aid them in assessing bond redetermination requests. (See Appendix F for two examples.) The obvious problems posed by failure to gather sufficient facts and write them down initially include:

- o duplication of effort if a redetermination is requested and additional information is needed;
- o lack of accountability and consistency since the reasons underlying the recommendation cannot be compared and evaluated;
- o wasted time when Trial Attorneys must consult with the author of the I-213 to prepare



adequately for a bond redetermination hearing;

- o inability to locate respondents who breach;
- o inability to contact persons who might help in locating "lost" people; and
- o bonds that are inappropriate in light of facts not determined.

It seems apparent that these are undesirable side effects of what appear to be relatively insignificant omissions.

6. Since most bond redetermination requests result in reduced bonds (most of the hearings attended resulted in bond reductions) the initial bond set may be set at too high a figure. As indicated, most bond redetermination requests resulted in some bond reduction. Some of the possible reasons have already been mentioned: Judges are afraid to be called "rubber stamps"; Judges feel bonds are set high in anticipation that they will reduce them - so they do; there is a distinct philosophical difference of approach between the "enforcement arm" that sets bond and the "impartial arm" that reviews bond; and there is often more information

available at a redetermination hearing. If the situation described above is Service-wide a most disturbing pattern begins to emerge.

By consensus of those interviewed, probably fewer than 10% of all those for whom bond is set ask for redeterminations. This means that 90% of those who have bond fixed are stuck with it. If they can afford it they get out. If not, they go to Service Processing Centers to await deportation hearings. In either event, if the 10% who challenge it have their bonds reduced for the most part, then the 90% pay more in either human or economic terms than the 10%. But more important, they pay more than is necessary - and the money or jail time could be put to much better use.

7. Since comparatively few bond reduction requests are made it follows that most persons detained are held in lieu of bonds that would probably be reduced if requests were made. This fact is merely a corollary to Statement 6 made above. At issue, however, is whether so much detention is necessary and whether the Service should provide automatic redeterminations for anyone detained.

8. There is scant use of detention without bond in cases where there is substantial evidence of intent to flee. The issue of detention without bond is as thorny a question in the Service as it is in the criminal courts. If detention is accomplished "in the open" with proper safeguards, however, it is vastly preferable to accomplishing it sub rosa under the guise of setting a bond that is known to be beyond the means of a respondent to meet. Hypocritical practices in the courts accomplish detention by the use of high money bond. It is this fact that has prompted the American Bar Association and the National Advisory Commission on Criminal Justice Standards and Goals to decry the use of the surety system specifically and money bonds in general.<sup>11/</sup>

It is no less true that many high bonds set in the Service are justified by the comment "is likely to abscond." In light of the fact that no data exists to show that this or that bond amount works or doesn't work it is difficult to imagine how a particular dollar amount can be determined with anything approaching accuracy.

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<sup>11/</sup> See ABA Project on Standards for Criminal Justice; Standards Relating to Pretrial Release, Introduction (1966).

At the same time, based on experience, it is pretty certain that high bonds will not accomplish the detention of some people. It has been said that a narcotics smuggler or an alien smuggler considers bond "the cost of doing business" and is thus prepared to spend large amounts without a thought given to losing the bond. 8 C.F.R. §242 permits detention without bond. Perhaps some detention should be ordered under carefully designed conditions.

In summary, the setting of bond is a difficult task. Some people approach the job with more imagination than others. In most cases a good faith effort is made to do the right and humane thing. The recommendations that follow have been designed to assist well-intentioned people to reach a just end.

III. Summary Of Recommendations.

- A. In Those Cases In Which A Determination Has Been Made To Issue An Order To Show Cause Coupled With A Warrant Of Arrest A More Thorough Community Tie Investigation Than Is Presently Carried Out Should Be Considered.
- B. An Objective System For Determining Appropriate Release Recommendations Should Be Designed And Implemented.
- C. A System That Provides For The Immediate Presentment Of A Detained Alien To A Special inquiry Officer (Either An Immigration Judge Or Some Type Of Non-Service Magistrate) For Initial Bond Determination And Advice About Various Rights Should Be Implemented.
- D. In Those Cases In Which A Respondent Is Detained Longer Than Forty-Eight (48) Hours An Automatic Bond Re-determination Process Should Be Considered.
- E. Experimental Programs Should Be Carefully Designed And Monitored To Test The Feasibility Of Reasonable Alternative Modes Of Release.
- F. A Temporary (Spot Check) System Of Data Analysis Should Be Implemented To Determine The True Effects Of Either The Present Bond Practices Or Any Experimental Programs Conducted.

IV. Recommendations And Commentary

## Recommendation A:

In Those Cases In Which A Determination Has Been Made To Issue An Order To Show Cause Coupled With A Warrant Of Arrest A More Thorough Community Tie Investigation Than Is Presently Carried Out Should Be Considered.

## Commentary:

As discussed in III(A) (5) supra, there are many reasons why more information about the community ties of an undocumented alien for whom a warrant of arrest has issued should be collected. In the first place, in order to make a bond recommendation, it is necessary to know the immediate living habits of the respondent. Where he came from, where he lives and works and under what conditions, whether he's in school, whether he lives with relatives and has relatives in the area, are but a few of the questions that need asking and answering. In the bond setting process, there is an attempt to determine what factors will interact to produce a mental state in the respondent that will cause him to appear.

Not only is the gathering of information important for determining the initial bond but it is just as important for follow-up procedures once the alien has

been released. Where to send notice of hearings, who can be contacted to help insure his appearance, who can help locate him if he fails to appear, are questions to which there should be answers. In addition, more information about the community from which he came originally can be useful in the event of a breach.

Experience in the criminal courts has resulted in the design of a questionnaire that is administered to every arrestee in the District of Columbia. (See Appendix G.) In virtually every state in which pretrial programs exist some variation of the form is used. Though apparently lengthy it is normally administered in person in less than 10-15 minutes and requires an additional half hour for verification of the information. The areas of inquiry considered significant are patterned on the dictates of the Bail Reform Act and include:

- o Name, aliases, and other personal identifiers;
- o Length of area residence;
- o Length of present address;
- o Prior address and duration;
- o Present and prior employment and duration;

- o Substitute employment e.g. school, welfare, etc.;
- o Health (including alcohol or narcotic abuse);
- o Prior criminal history;
- o Prior bond history including record of appearances;
- o Family living in area or with the defendant.

(A more complete discussion of the value of each area to the specific issues of bond recommendations is contained in the Commentary for Recommendation III B infra).

This recommendation does not suggest that an interview and investigation of the type referred to be conducted in every case. To the contrary, only those persons for whom it is appropriate that a bond be set should be considered.



Recommendation B:

An Objective System For Determining Appropriate Release Recommendations Should Be Designed And Implemented.

Commentary:

Implicit in the above recommendation are two separate but important factors: The system should be objective and the system should anticipate types of release other than "pure" own recognizance or money bond.

1. Objectivity. Any process which requires that one thinking person try to guess what another thinking person will do is fraught with frustration. No matter what guidelines exist, discretion is an element of any decision. The whole process of evaluation and accountability is designed not to eliminate discretion but to insure that it is not abused.

In the criminal courts, a method of insuring objectivity in the release recommendation process, has been developed. As was mentioned earlier, it was designed by a sociologist in New York and attempts to quantify qualitative values so that a simple mathematical function can be used to insure objectivity. It works! Almost every pretrial agency operating uses a variation of the "point" system. It has proved its effectiveness

when measured by the success rate of those who are released according to its terms and appear as required. (See Appendix II which contains a description of the point system in use in the District of Columbia.)

2. Alternative methods of release. In the criminal courts, almost from the early 1800's until 1960, an accused either made surety bond or stayed in jail. In the early 1960's as has been mentioned, many people were released successfully with no bond or on personal recognizance. The situation was personal recognizance, money, or jail. In the early 1970's, after the passage of the Bail Reform Act, many courts began to use "conditional release." The setting of conditions permitted the release of people too risky to release on recognizance yet not risky enough to want to detain. (See Appendix I which is a copy of a Court Release Order patterned after one in use by the federal courts in Washington, D.C.). In other words, a middle ground between jail and unrestricted release was possible. Again, based on over ten years of experience, it has worked.

As has been discussed before, the use of money bond is a questionable method of insuring appearance. Experiments have proved that other things work. It may well be that just as the courts, with ten years of experience, have been unable to eliminate money conditions from bond

considerations, INS may be unwilling to follow the recommendations of the American Bar Association in this regard. Nevertheless, it is not beyond the realm of possibility to establish a "point" system that the Service can implement. For purposes of experimentation, a sample point system that might be applied follows:

Positive Factors	Point Value
- Presence in one area 5 years or more (Residence)	1
- Present address 1 year or more (Residence)	3
- Present and prior address 1 1/2 years (Residence)	2
- Present address 6 months (Residence)	1
- Lives with family members and has other family members in immediate community (Family)	4
- Lives with family (Family)	3
- Lives with a friend and has contact in immediate area with family (Family)	2
- Lives with friend whom he gives as a reference (Family)	1
- Present job one year and he can return (Employment)	3
- Present job one year or more (Employment)	2
- Present job less than 1 year, full time student, or wife/homemaker (Employment)	1
- Likely possibility of adjustment (Remedy)	2
Negative Factors	Point Value
- Present criminal charges pending	-5
- Prior failure to honor Order of Deportation	-5
- Presently on bond, probation or parole for a criminal charge	-2
- Prior record of non-appearance in criminal court	-2
- Prior failure to honor Voluntary departure	-2

The various combinations that could be considered are myriad. A range of from 4 to 6 "net" points might be an appropriate cut off point for personal recognizance recommendations; 2-4 points might be equated with \$1,000; 0-2 points with \$2,000, 0 to minus 4 with \$3,000, etc. In addition, other criteria such as cost to return if released, type or class of respondent, etc., could easily be included in the point scheme. Suffice to say that the scheme in use in the District of Columbia as represented in Appendix H works at a level of net 4 points.

Finally, it is noteworthy that the point system used in the District is used not only to determine who should be released on personal recognizance (4 points and up) but what conditions short of money should be set for those who don't make 4 points. (See Appendix J which contains a list of the alternative recommendations that can be made.) If, for example, a person scores a 2 principally because he moves frequently and has no strong residence ties then a recommendation that he be released on the condition that he live at a particular place and notify the court if he moves is fashioned. If a student can score only a 1 or 2 because of temporary

residence than release in the custody of some responsible school authority is recommended. Again, the possibilities are legion.

A careful analysis of the areas of residence, family ties, employment, health, present and prior criminal record, present and prior Service history and the point values can provide the basis for a solid experiment that should lead to both objectivity and greater consistency.

## Recommendation C:

A System That Provides For The Immediate Presentment Of A Detained Alien To A Special Inquiry Officer (Either An Immigration Judge Or Some Type Of Non-Service Magistrate) For Initial Bond Determination And Advice About Various Rights Should Be Implemented.

## Commentary:

A good deal has already been said about the differences in philosophy and approach between the investigation/law enforcement arm and the judges/service arm. It should be fairly clear that one whose duty it is to locate and arrest a law violator is not going to be highly motivated to release him or to advise him that he may remain silent when the information needed can only come from him. It is obvious that presentment under the conditions suggested might be costly. On the other hand, perhaps a compromise solution could be formed in permitting another division to conduct presentment. At any rate it is only logical that a "disinterested"-third party will handle bond setting and advice of rights and alternatives in a more objective manner than the "arresting officer."

Again, reference to the criminal process is illustrative. It has taken the United States Supreme Court many years and a number of decisions to tell lower courts and law enforcement agencies that Rule 5 of the Federal Rules of Criminal Procedure which requires presentment without unnecessary delay means exactly what it says. In its opinions it has explained that the reasons for requiring prompt presentment principally concern the need to have an independent magistrate advise a defendant of his rights and set bond. The Court has decried practices where police advise defendants of rights - and then take statements, often in violation of those rights - and set bond according to a schedule of bonds listed in the police precincts.

Analogy to Service practices is evident. An alien who is confronted with a "hostile" police situation is in relatively the same position as a detained defendant in a criminal case. Both are probably disposed to "stretch" the truth for various reasons - some of which are not necessarily bad or evidence of untrustworthiness. The way to insure the most objectivity is to require a presentment proceeding before some one other than an investigator or his supervisor(s).

## Recommendation D:

In Those Cases In Which A Respondent Is Detained Longer Than Forty-Eight (48) Hours, An Automatic Bond Redetermination Process Should Be Considered.

## Commentary:

While this recommendation may appear to be costly and troublesome to implement, in the long run it would probably result in savings of both human and economic costs. As has previously been noted in Statements 6 and 7 of the Analysis Section supra, there are probably a substantial number of people detained who would be released if redetermination hearings were automatic. Costs associated with operating and/or using detention facilities could be substantially reduced. "Jail time" would also be reduced and, in many cases, eliminated. Indirect cost savings could also be realized since, if the procedures were automatic, special arrangements on a case-by-case basis would be unnecessary.

This proposal is not a new one. Some time ago a revision to 8 CFR 242.2(a) was proposed. (The proposed revision is reproduced as Appendix L.) The revision as written makes good sense except as it distinguishes among the classes of apprehended aliens to which it should apply. There appears to be no valid reason that



the procedures outlined should not be applied to anyone who is detained longer than forty-eight (48) hours.

If appropriate criteria and standards for release are adopted the criteria will provide the "screening" process attempted in the revision as written.

Recommendation E:

Experimental Programs Should Be Carefully Designed  
And Monitored To Test The Feasibility Of Reasonable  
Alternative Modes Of Release.

Commentary:

It is practically not possible for one person - and one who does not have any Service experience - to suggest alternative experiments that are not only practical but take into account all the various factors important to the release decision. At the same time the very "skeletal" point system suggested in Recommendation B supra, is susceptible to various additions or modifications according to the presence or absence of factors in certain situations.

Looking at the experience of the criminal courts once again we can learn something about the application of the point system. For example, we learned that in the District of Columbia, by the manner in which we set the values for the various categories a requirement of 3 points as opposed to the 5 required by Vera was sufficient to produce people in court. In other words, we performed a "balancing act." When the system was first introduced in 1968 only 40% of those arrested were recommended and released. Of those released about 8%

failed to appear although only 3% fled the jurisdiction. In 1977, by dropping the requirement to 3 points nearly 60% were recommended and released and the failure rate has remained constant.

This same type of experimentation should be undertaken by the Service. As has been mentioned, there appears to be no valid, objective basis for the bonds required at present. In order to establish a sound premise for whatever becomes the ultimate "model" carefully measured experiments must be conducted.

Obviously, there is a policy decision to be made as to whether personal recognizance should be favored. If it is, then one set of standards and follow-up procedures to insure appearance must apply. If not, then another.

When personal recognizance began to be widely used one of its failures was based on the fact that no one had anticipated the need for a notice system to advise people of the court dates. The criminal courts had always relied on bondsmen to produce the persons released. When many released defendants failed to appear at first the need for a notice system became apparent. In the event that a policy decision favoring personal recognizance or conditional release is made then such a notice

system - dependent for its effectiveness on the initial gathering of accurate data (see Recommendation A and its Commentary supra) - must be implemented.

It is axiomatic that to determine what effect any experiment has the results of the process before and after the experiment must be compared. As has been mentioned, the information needed to assess the "before" situation is there but not in a fashion where it can be easily analyzed. Simple forms should be designed, the "before" period studied to determine the net effect of present practices, the experiments with an objective system of evaluating release criteria designed, an "after" effect data collection analysis performed, and a policy formulated.

Recommendation F:

A Temporary (Spot Check) System Of Data Analysis Should Be Implemented To Determine The True Effects Of Either The Present Bond Practices Or Any Experimental Programs Conducted.

Commentary:

The impact of this recommendation is that in order to provide credibility to any experiment, people working with new policy will do a better job if they can see and understand the reasons behind the policy. At the same time, if they have had a share in the design as well as the implementation of the policy any experiment is likely to be more favorably received. There is little doubt that a simple spot check on bonds in each District, where a month or less of activity is measured, will produce data to support a policy change. A "one-time" statistic sheet could be prepared in each District, the results compiled and redistributed, and everyone could see the need for change. Such a "before" data collection instrument should include the following:

- total number of cases in which bond was set
- total number of cases in which bond re-determinations were requested

- total number of bonds reduced as the result of redetermination requests
- total number of bonds posted
- stage at which bond was posted (before or after redetermination)
- number of respondents who were detained

To be complete, the data should also show:

- how many respondents released failed to appear
- at what stage of proceedings they failed to appear
- how many were re-captured

The two series have been separated because it would be virtually impossible to gather data for the same group in both areas in less than 6 months to a year. Information in the first series can be gathered relatively easily but since there is such delay between detection and the final hearing it is most unlikely that any study could be completed in a year if the information in the second series were added.

Additional factors could also be considered and would have bearing on any final policy but the inclusion of them at this point might so complicate the process that nothing could be accomplished. Such factors as the manner of entry, the type of alien, the length of time here, the manner of apprehension, etc., are all vital pieces of

information that would help in establishing appropriate criteria. On the other hand, given an experienced cadre of people who might be selected to design any system similar to that proposed, these factors could easily be included.

It is just as important to monitor any experiment and, again, include the practitioners in the monitoring. If they can assist in collecting and analyzing the feedback they are in a better position to implement with understanding any changes. We are all aware that laws and regulations are administered by human beings and despite apparent rigidity there is always room for discretion. If the people at the line level are included in the analyzing process and if their views on the results of the statistics they collect are solicited they are much more likely to "buy into" the process and even more important, offer positive criticism rather than negative. In any event, analysis of what the changes produce both in terms of practice and attitude should be measured.

V. Observations And Suggestions Beyond The Defined Scope Of The Study.

The comments listed in this section are in no particular order of importance or priority. In writing them, it was recognized that some may represent problems that already have answers, some may be misperceptions, some may already be subjects of study, but, common to them all was my observation that the Service would be better served if each area could be worked on.

- A. The Present Philosophy Of The Service Is Either Widely Misunderstood By Its Personnel Or Is Unclear; The Resultant Effect Is A Substantial Morale Problem.

Commentary:

I have already mentioned the absolute conflict in philosophy between the school of law enforcement and the school of service. It is my belief that if the Commissioner represents one school the other school will develop morale problems. For example. If law enforcement does a particularly fine job in locating and bringing in a law violator only to have the service arm then work to bring him into compliance - in apparent violation of the laws - he is quickly frustrated. On the other hand, if he were told initially that as part of a service organization - with the primary emphasis on service - it was



his job to find those here illegally so that they could be legitimized not prosecuted then he would view his duties in an entirely different light.

My own experience in an agency that must at the same time detect and report law violations and provide assistance to people to keep them in compliance with the law has been upsetting. When staff works hard to uncover violations, reports them, and stands by to watch a system do nothing about it, they quickly lose their zeal. What I have found to be a good approach has been to meet with the condition supervisors, listen to their comments, then set the parameters for those we will help and those we won't. These parameters can change even though the law is specific. For example. The law states that we must report every condition violator to the courts. Internally, we decided which conditions were merely "technical" and which were "substantial" and then persuaded the courts to let us screen out the technical ones.

The point is simple. Within the law, the philosophy of the Director/Commissioner can drastically change the way the law is implemented. It seems to me that it is as valid to say "we will detect violators and help make them law abiders" as it is to say "we will detect law violators and get them out." What causes unrest is the

failure to communicate that philosophy to staff so that they can become part owners of the same philosophy. It is apparent to me that the Service suffers today from the frustration brought by an unclear definition of the ends of job duties.

B. The Presence Of Counsel Often Means The Difference Between A Successful Challenge To Deportation And Deportation. The Issue Of Providing Counsel Should Be Decided At A Service-Wide Level And Not Left To Ad Hoc Decisions By The Courts.

Commentary:

Much has been written on this subject by legal and constitutional scholars. Court decisions (Los Angeles for example) tend toward a system that requires the provision of counsel to those charged in the United States with violations of its laws. Even in Juvenile proceedings which are as "administrative" as immigration proceedings, the trend is to provide counsel. This trend contemplates not only the opportunity to select counsel but to have counsel provided at government expense if it is otherwise unaffordable. Since the clear consensus of the persons interviewed is that the presence of counsel makes a difference in the ultimate disposition, then the issue is important to the concepts of fair and equal treatment.

Granted, counsel often seems to provide little more than "tactical advice." Because this advice results in favorable final action it seems important to provide all accused aliens with the same rights. In at least two hearings that I observed where counsel was not present the final result "would probably have been different but there was nothing I could do since there was no free lawyer available." At the same time, in a different hearing where no counsel was present the judge, sua sponte, raised issues that resulted in favorable action.

Again, if consistency, accountability, and fair play are important to our system of law, then the issue of the presence of counsel should be squarely faced and decided.

C. The Quasi-Judicial System In The Service Is Neither Fish Nor Fowl. It Should Become Independent Or Be Abolished.

Commentary:

The progression of a legally trained officer beginning as a Naturalization Examiner and proceeding thereafter to Trial Attorney or Judge is at the heart of the law enforcement versus service factions. A system that permits one faction (District Directors) to control another (Judges) even through such subtle means as providing the

hygenics of operations (courtrooms, space, supplic:, etc.) and, in addition, permits him to negate a decisio:: provides food for even greater dissention. At the same time, differences in background and education are pegged to salary differences by the promotional system. Thus, advancement can only be through the law enforcement side or the service side.

Over and over, in subtle and obvious ways, the jealousies between the two groups were evident. "Why do Judges ignore our experience?" contrasted with "Why do District Directors feel they can overrule our decisions?" is a typical example. Absent total overhaul, the system will probably continue as is. If it does, the appearance of providing an independent court process for challenging service practices will be an easily pierced sham. In addition, more and more challenges will be taken to the Federal Courts.

I believe that a truly independent system should be implemented. The immigration judges should be given authority and independence apart from that "permitted" by present regulations and the District Directors. In addition the Board of Immigration Appeals should function as a true court of appeals and should follow strictly the rules of appellate procedure. Most important in this regard would be the limiting of their jurisdiction to review

of points of law and abuse of discretion and the denial of jurisdiction to consider all matters de novo.

In addition, if indeed independence is granted, the decisions of the judges should not be subject to change or review by the District Directors. At the same time, the District Directors should retain their authority over all other service personnel.

Finally, such independence as suggested above should insure a higher degree of professionalism both for judges and other service personnel with the concomitant benefit of cases being decided on merit rather than other extraneous factors.

D. Where Possible, Hearings Should Be Conducted In The Native Language Of The Respondents.

Commentary:

In many cases I witnessed hearings conducted in English when all parties in the room were fluent in Spanish. At times, English sentences were interpreted into Spanish by the Judge. When I asked why the hearings weren't conducted in Spanish I was advised that there was no provision for it. In contrast, I also witnessed hearings conducted entirely in Spanish and was told that if a record was necessary, the tapes could be translated and transcribed. Given the difficulties of translation, this practical approach made eminent sense.

In another setting I observed a hearing conducted in English with a Spanish translator. The respondent obviously knew English quite well. At times, dialogue between the respondent and the translator that was quite lengthy resulted in a "yes" or "no" answer to a judge's question. Obviously, a good deal was left out.

Clearly, it is not always possible or desirable to conduct hearings in the respondent's native tongue. That is why the Service provides translators. At the same time it is difficult to justify not conducting hearings in a respondent's native tongue when that language is clearly a better vehicle of communication. In the southern border states where Spanish is very commonly spoken by everyone, a procedure permitting hearings to be conducted in Spanish would probably be much more effective.

E. Chief Border Patrol Agents Should Be Permitted To Issue Orders To Show Cause And Warrants Of Arrest In Appropriate Cases.

Commentary:

In many places Border Patrol Agents must receive approval from Supervising Investigators for the Issuance of Warrants of Arrest and Orders to Show Cause. Recognizing that the reason for this probably centers around the need

for "unbiased" review, if Investigators are permitted to issue W/A's and OSC's in cases where they have conducted the investigation then there is no valid reason to assume that the Border Patrol is not capable of doing the same. Given a comprehensive and appropriate set of criteria, those criteria can be applied equally as well by Border Patrol Agents as by Investigators.

F. Since Many Districts Cover Wide Areas And Since It Is Often Difficult To Schedule Bond Redetermination Hearings, Telephonic Hearings Should Be Encouraged And Be Possible Twenty Four (24) Hours A Day.

Commentary:

In Appendix L, a proposed revision, there is provision for telephonic hearings for bond review, In many places I observed situations in which no one knew that a bond review would be necessary until late in the day when none could be scheduled. Given the serious nature of any decision that deprives anyone of liberty, a person should have an opportunity to effect release at any time. When it is discovered late in the day that sufficient resources are unavailable to secure release then a bond redetermination request should be possible.

G. The Results Of Any Investigation About Community Ties Conducted By The Service Should Be Made Available To Counsel.

Commentary:

At present, information that affects bond is contained in the I-213 and in other places in an alien's file. Only in unusual cases is that information made available to counsel. Whether Service bond practices change as a result of this report or not, consideration should be given to providing counsel or the alien with copies of the information gathered.

In the criminal courts, there existed initial reluctance to turn information gathered over to the defense counsel simply because it was feared that he would go to the defendant and concoct explanations. In reality, quite the contrary was true. Since 1968 we have experienced few instances of such collusion. In fact, defense counsel has often been able to supply information that was missing or incomplete - some of it of an adverse nature. The benefits to be gained from the opportunity to gather additional information outweigh the potential liabilities of collusion.

H. Any Notices Of Changes In Status, Hearing Dates, Or Other Important Matters Should Be Provided To The Respondent And His Counsel.

Commentary:

It appears that some Districts believe that any alien represented by counsel should be notified only



through counsel of any required appearance. This operational policy presumes that counsel is diligent, that counsel knows where the respondent is and how to reach him, and that no direct communication between the Service and a respondent represented by counsel is proper.

There are many reasons that such a policy is unwise:

- All counsel are not diligent;
- Many respondents don't communicate with counsel;
- The Service often has a better address for the respondent than counsel has;
- Notice to Counsel provides no certain record of communication between the Service and the respondent.

While the Service should not engage in argument or communication about substantive issues with a respondent who has counsel of record in the absence of that counsel, notice provisions with carbon copies to counsel should not be objectionable.

## VI. Conclusion

When the project was conceived, there was every reason to believe that well intentioned Service personnel could be aided in the very serious matter of deciding who should be permitted liberty and under what conditions, by an exposure to some of the procedures adopted by the courts as a result of passage and implementation of the Bail Reform Act. As the project draws to a close the hypothesis is proved correct. Many of the experiences of the criminal courts can be useful to Service personnel in evaluating its bond policies. At the same time great care should be taken to avoid some of the mistakes experienced in the courts.

The Service is a large bureaucracy. It is expected to be many things to many men and these expectations produce philosophies that conflict. Even now a proposal to realign divisions of the Service with other bureaucracies sits on the President's desk. To address the problems of bond practices in the context of the much larger philosophical problems existing is much like addressing the release problems in the courts which themselves are part of a vast problem of social conflicts and desprivation. In both cases we try to address symptoms of problems of much broader significance.

Bonds and the bond process are dynamic. Inflation, urbanization, changing world conditions, etc., all contribute to a

constantly evolving milieu in which the process of setting bond exists. It should be the goal of the Service to evaluate and update its standards and criteria to reflect these changing conditions. At the same time, it should not lose sight of the heavy responsibility involved in a decision to deprive someone of liberty for any period - no matter how short. If the bond situation is analyzed with these goals in mind whatever emerges should be satisfactory to all concerned.

## A Partial List Of Persons Interviewed

Abriel, John - Deputy Assistant District Director for  
 Deportation (hereinafter ADDD), New York,  
 Adcock, Benton - ADDD, San Antonio, Texas  
 Albina, Raymond - Assistant District Director for In-  
 vestigations (hereinafter ADDI), Washington, D.C.  
 Alderete, Bernard - Supervising Investigation, Acting  
 Trial Attorney, El Paso, Texas  
 Appleman, Jeff, Esq. - Attorney, Private Practice, San  
 Francisco, California  
 Augustine, Lawrence, Esq. - Attorney, Private Practice,  
 El Paso, Texas  
 Banda, Joseph - Investigator, San Antonio, Texas  
 Bell, Monica - Deputy District Director (hereinafter DD),  
 San Francisco, California  
 Bixby, Robert, Esq. - Attorney, Private Practice, San  
 Francisco, California  
 Burnard, Thomas - Investigator, San Diego, California  
 Cameron, Donald - Border Patrol, Chula Vista, California  
 Carliner, David, Esq. - Attorney, Private Practice, Wash-  
 ington, D.C.  
 Carpenter, Richard - Investigator - Border Patrol Liaison  
 For Orders To Show Cause, San Antonio, Texas  
 Cook, Bobby - Port Isabel, Texas  
 Coyle, Gerald - Deputy DD, El Paso, Texas  
 Creelman, Margo - Deportation Officer, Washington, D.C.  
 Curtis, Richard - Administrative Officer, New York, New York  
 Daughtridge, Robert - Supervising Investigator, Baltimore,  
 Maryland  
 Doran, N.I. - Deportation Officer, Los Angeles, California  
 Drucker, Mark, Esq. - Trial Attorney, Newark, New Jersey,  
 Philadelphia, Pennsylvania  
 Eldred, John - ADDD, Miami, Florida  
 Evans, Gregory, Esq. - Attorney, Private Practice, Los  
 Angeles, California  
 Fieldsteel, Hon. I. - Immigration Judge (Acting Chief)  
 New York, New York  
 Foster, Hon. Neil - Immigration Judge, Miami, Florida  
 Garrett, Robert - Deportation Officer, Los Angeles, California  
 Garza, Joseph - Supervisor of Facility, Port Isabel, Texas  
 Gersbacher, Jane, Esq. - Trial Attorney, Los Angeles, California  
 Glazner, William - ADDI, San Francisco, California  
 Gull, Wallace - DD, Baltimore, Maryland  
 Gullage, Dick - ADD, Miami, Florida  
 Heinecke, James - Chief Border Patrol, Sector Headquarters,  
 Chula Vista, California  
 Helms, Harold - Supervising Investigator, Baltimore, Maryland

Appendix A

Hing, William, Esq. - Neighborhood Legal Services Project  
 Attorney, San Francisco, California

Holder, Lee - Supervising Investigator, El Paso, Texas

Ilchert, David - DD, San Francisco, California

Jaynes, Fred - Deportation Officer, Los Angeles, California

Jakaboski, Hon. Theodore - Immigration Judge, El Paso, Texas

Karp, Steven, Esq. - Attorney, Private Practice, Los Angeles,  
 California

Kiley, Maurice - DD, New York, New York

Kroll, Hon. Monroe - Immigration Judge, San Francisco,  
 California

Leopold, Leonard, Esq. - Trial Attorney, Miami, Florida

Lolly, Robert - ADDD, El Paso, Texas

Lounsbury, James - Area Control, Washington, D.C.

Mahoney, Charles - ADDD, Boston, Massachusetts

Maldonado, Hon. - Immigration Judge, Port Isabel, Texas

Meissner, Doris - U. S. Department of Justice, Washington, D.C.

Molina, Edward - ADDI, San Antonio, Texas

Mongiello, Joseph - DD, Washington, D.C.

Monsanto, Hon. Joseph - Immigration Judge, Miami, Florida

Morris, Raymond - DD, Philadelphia, Pennsylvania

Moschorak, Robert - Deportation Officer, San Francisco, California

Newbauer, Harold, Esq. - Trial Attorney, San Diego, California

O'Keefe, James - DD, San Diego, California

O'Neil, Joseph, Esq. - Attorney, Private Practice, Bosto  
 Massachusetts

Penn, Raymond - ADDI, Philadelphia, Pennsylvania

Perez, Charles - DD, El Paso, Texas

Pond, Robert - Investigator, Washington, D.C.

Powell, Ernest - Supervising Investigator, Miami, Florida

Ragno, Hon. Thomas - Immigration Judge, Boston, Massachusetts

Raimond, Ralph - Area Control Supervisor, New York, New York

Riba, Al - Regional Commissioner for Deportation (Southern)

Richardson, Robert, Esq. - Supervising Investigator, Los Angeles,  
 California

Rogers, Clifton - Deportation Officer, San Diego, California

Rubin, Edwin, Esq. - Attorney, Private Practice, Philadelphia,  
 Pennsylvania

Sawatka, Stanley, Esq. - Trial Attorney, El Paso, Texas

Schelley, Paul, Esq. - Attorney, Private Practice, Los Argeles,  
 California

Schmidt, Robert - Supervisor, Brooklyn Detention Facility,  
 New York, New York

Sewell, Gerry - Deputy DD, Los Angeles, California

Shanks, Arthur - ADDI, San Diego, California

Shields, Anna Marie - Deportation Clerk, Facility, El Paso,  
 Texas

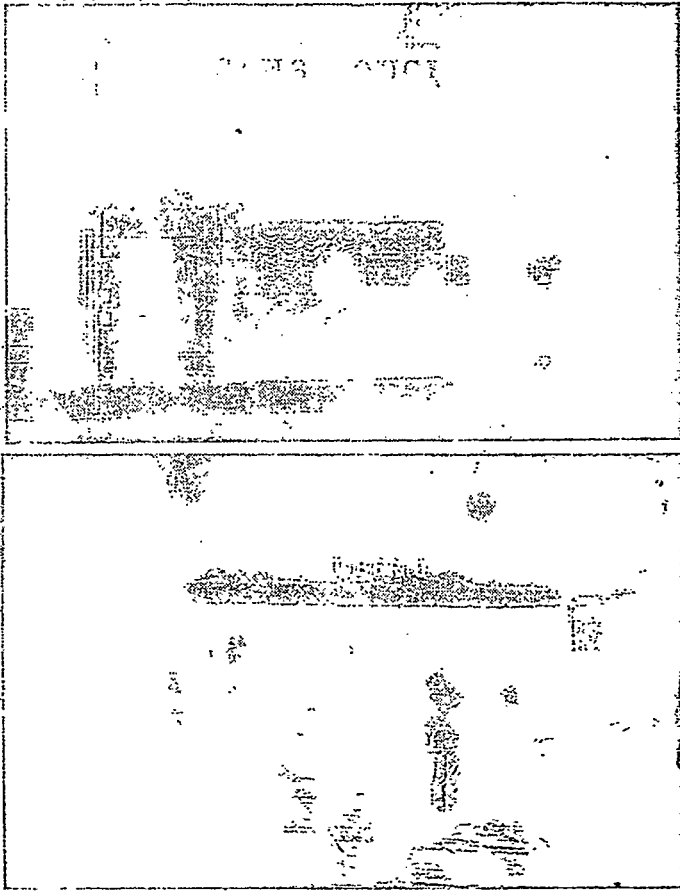
Short, Robert -ADDI, Baltimore, Maryland

Simmons, Gary - Supervisor filling the role of ADDD,  
 Baltimore, Maryland  
 Simpson, Brian, Esq. - Trial Attorney, San Francisco,  
 California  
 Sipkin, Hon. Chester - Immigration Judge, San Francisco,  
 California  
 Smith, Harris - Deputy ADDD, San Francisco, California  
 Smith, Phillip - ADDI, Los Angeles, California  
 Smith, Ralph, Esq. - Trial Attorney, Boston, Massachusetts  
 Speer, Hon. John - Immigration Judge, Philadelphia, Pennsylvania,  
 Baltimore, Maryland  
 Stahl, William, Esq. - Attorney, Private Practice, San Francisco,  
 California  
 Staley, Joseph - DD, San Antonio, Texas  
 Steele, Perry - (Acting) DD (New District) Harlingen, Texas  
 Strasser, William, Esq. - Trial Attorney, New York, New York  
 Sweeney, Ed - DD, Miami, Florida  
 Timbone, Vincent - ADDI, Boston, Massachusetts  
 Traminski, Michael, Esq. - Trial Attorney, El Paso, Texas  
 Velarde, L.A. - Regional Director, U.S. Catholic Conference,  
 El Paso, Texas  
 Walker, Richard - Investigator, San Diego, California  
 Whelan, Tim - (Acting) DD, Boston, Massachusetts  
 York, Richard - ADDD, Philadelphia, Pennsylvania

Documented Immigrants (Legally in the United States) - 2

Undocumented Immigrants (Illegally in the United States) - 4

## *Illegal Aliens Fill Cafe Jobs as Employers Look Other Way*



The Sans Souci and Tiberio's are two of the many restaurants that have employed illegal aliens in the past.

Photos by John McDaniel—The Washington Post

Restaurants are raided occasionally, but there is an almost-casual check on documents.

Appendix B

## Keeping Busy Without a Card

By Christopher Dickey  
Washington Post Staff Writer

Standing amid the opulence of his Tiberio Restaurant, Giulio Santillo tries to explain the difficulty in distinguishing who is who and what is what when dealing with immigrant workers.

To make his point, he called over a Central American who was vacuuming the restaurant floor. "He has worked here two times," said Santillo, who asked the man in Spanish what his name was the first time. "Paul Amaya." And now? "Francisco Hernandez." Both laughed.

Santillo makes no secret of the fact that he was an illegal immigrant 3½ years ago when he opened Tiberio Ristorante at 1915 K St. N.W. "Don't make a mistake, I came first class," he said. But not until he had been in business seven months did he obtain the "green card" that allowed him to work legally in the United States.

No secret either is that, from hot dog stands to haute cuisine, an increasing number of workers in Washington restaurants come from overseas or south of the Mexican border. Many come illegally.

Ten years ago, dishwashers and busboys, salad makers and assistant cooks—the lowest-paying restaurant jobs—were held mainly by black Americans from Washington and the South. Today they are likely to come from El Salvador or Bolivia, or any of 100 other developing nations.

It is impossible to say how many are here. In 1977, the U.S. Immigration and Naturalization Service registered almost 14,000 aliens in the District of Columbia, more than 50,000 in Virginia and about 60,000 in Maryland.

The number of illegal immigrants is thought to be considerably higher, but the only available statistics are for the relatively small number who are caught. Almost 6,000 illegals were apprehended in Maryland, Virginia and the District of Columbia during fiscal year 1977.

In a normal month, according to INS District Director Joseph Mongiello, immigration investigators visit from 12 to 15 restaurants in the area searching for illegal aliens and most often find them.

Whatever the exact numbers, the obvious presence of so many foreign workers—especially so many here illegally—infiltrates many U.S. citizens.

"They still don't have enough jobs for even the citizens and the legal people who are here," local political activist Calvin Rolark told a hearing before the City Council's Committee on Employment and Economic Development earlier this year. Rolark said he worked his way through college waiting on tables. Now, he said, when he enters a restaurant, "people don't even understand what I'm saying. If they are illegal aliens, let them get the hell out of the country."

William Larkin of Anacostia told the same hearing that his son "had to go to Bethesda to work as a busboy because Spanish-speaking people have it locked up here in Washington." He left the hearing amid a shouting match.

The bill that was being considered then and still in committee would make it a crime to hire undocumented workers in the city. Several states including Virginia, have passed such measures, and a similar federal law proposed by President Carter also remains in committee. Polls indicated that as many as three-fourths of U.S. citizens would support such laws.

The legislation is opposed almost universally by Hispanic and other ethnic groups who fear potential discrimination against anyone legal or not, who has a foreign appearance or accent. Both Congress and the City Council are far from passing such laws.

Meanwhile, nowhere is the increasing number of foreign workers more evident than in restaurant service, among other people, the nation's lawmakers.

Already about 20 percent of the membership of the Hotel and Restaurant Employees Union, Local 25, consists of people from foreign countries, according to executive secretary Roy Richardson. He said he thinks that most of them have green cards but that their presence in the union indicates the industry's employment is sound.

"The lower paid jobs are more and more being taken by foreign workers other than black Americans," Richardson said. Blacks in D.C. aren't always willing to settle for the lowest paid jobs any longer. The blacks have realized that there are ways to advance in society and they don't want to be ahead and job.

Richardson and city restaurant owners often have serious differences, but at that point they appear to agree.

"Who wants those jobs?" asked Dominique D'Ermo, owner of Dominique's Restaurant at 1909 Pennsylvania Ave. N.W. "Blacks are not interested in scrubbing floors and doing those dirty things. But somebody's got to empty the garbage, and you don't smell Ilce Canal No. 5, you know."

Many employers feel that foreign workers are more diligent, trustworthy and reliable than U.S. citizens who apply for the lowest paid jobs.

"They have a different concept of things," D'Ermo said recently as he sat in the dark, wood-and-stained-glass elegance of his restaurant's dining room. "They live in a different jungle. We live in a jungle of vices. They live in a jungle of fresh air and poverty. They come here and they see running water and they get a paycheck every week and they think this is paradise."

While D'Ermo had a drink with one of his patrons a 41-year-old Salvadorian, who said he has no green card, was securing pots under the bright lights of the white-tiled kitchen.

Why had he come to the United States? He looked surprised that any one should ask. "To make more money. I can't raise my family in El Salvador," he said through a waiter who acted as interpreter.

The dishwasher said he had tried in vain for most of his life to support his wife and 10 children on the \$2 he earned each day in Central American cotton fields.

He decided to come to the United States but was not eligible for an immigrant visa since he had no special skills. Finally, he paid a smuggler, called a "coyote," \$300 for passage. He took a bus to the Mexican border and one night was led across the river to Laredo, Tex. From there he went to Houston and took a midnight flight to Washington, where he has worked ever since.

At Dominique's, he said, he can earn about \$450 a month, plus meals. He said he lives with several other Central Americans in an apartment near Columbia Road N.W. He said that now he can send about \$300 a month to his family in El Salvador for food and clothes.

Like other workers in his situation, he no longer must fear for his family's survival. His greatest worry is that he will be caught by "La Migra," the Immigration and Naturalization Service, and deported.

Since, for the moment, no legal sanctions can be taken against employers of undocumented workers, the threat that "La Migra" poses at Washington's restaurants is largely an inconvenience but one that some are unwilling to risk. The manager of the Monocle Restaurant at 107-D St. N.W., for instance, hires a number of foreign workers but said he always checks their green cards, as he puts it. "The Immigration walks into your place and takes half your help—that is a penalty, too."

Other restaurateurs are considerably more casual. They say they are glad to have anybody who will do the work for the \$2.25-an-hour minimum wage, and simply do not bother to check immigration status.

"I never even thought about it," said Bernard Gorland, owner of the Sans Souci at 726 17th St. N.W. "I hear about those raids on other restaurants, but I guess an accident is not an accident until it happens to you."

Even restaurants that have been raided, some of them several times, often continue to hire undocumented immigrants.

"It's no use to ask them if they have green cards," Dominique D'Ermo said. "You know they don't have any."

Others resort to tactics that avoid the question. "Someone comes to me with a dusky skin and a Spanish accent, and they are very nervous," recounted one owner of a well-known Italian restaurant. "I say to them, 'Oh, you are from Puerto Rico (and thus a U.S. citizen). And there is this great sigh of relief between us. SL SL I am from Puerto Rico.'"



In such ways are restaurant owners and their employees caught in a web of half-truths and deceptions, dictated by attempts to avoid immigration problems, while obeying other laws.

Employers are required, for instance, to obtain Social Security numbers from their workers. But some, such as Giulio Scatillo at Tiberio, settle for any name or their employees give. "But that sometimes is, take a telephone number and add two digits," Scatillo said.

On other occasions, they may have bought forged cards or simply borrowed cards from friends. "I demand to see the Social Security card," one Georgetown restaurateur said. "And I say, 'Is this your name?' And of course he will say 'yes,' whether it is or not. And I say 'okay, that is what I am going to call you as long as you are here.'"

Many restaurant owners feel they are compensated for problems that arise from hiring foreign workers by the devotion and attitude of such employees, although that loyalty may arise from insecurity.

"It's a question of respect for the job, for the place where they work," said Bernard Gorland of Sans Souci. "I have one Spanish-speaking guy whose wife called this morning and said, 'Oh, my husband is so sick and can't come in.' She offered to come in herself. With a black guy, you might be lucky to get a call.

"I'm not putting down blacks," said Gorland, who said he employs several blacks, "but many of them, they work here and there for a few weeks or months, just long enough to get a fare."

Even after a kitchen staff is reduced by an immigration raid, some employers have no difficulty replacing the arrested workers, because the workers' friends show up almost immediately to apply for the vacant jobs.

Dominique's was raided a few months ago and "within one hour," D'Ermo said, "a whole new batch of people were waiting at the door."

Some restaurateurs feel a moral obligation to help their arrested employees fight deportation, others do not make such efforts. But even deported persons often return to the United States, sometimes going through the cycle twice or several times.

Occasionally, owners said, their deported employees are back on the job within a month after having told their friends about the wonders of the United States. "You send one back," a downtown restaurateur said, "and three of them are coming in."

Many workers and employers believe that subterfuges and communi-

cation networks existing now would stifle effectively any efforts to enforce proposed laws against hiring illegal aliens.

The Virginia law has been in effect since Jan. 1, but no cases have been prosecuted, according to the state Department of Labor and Industries.

Some employers who said they try to obey the Virginia law contend that they face serious problems.

Ulysses Auger II, director of operations for Blackie's House of Beef and a dozen restaurants his family owns in the metropolitan area, said he had to dismiss 40 percent of his daytime staff at the Black Crystal restaurant in Crystal City when the law went into effect.

"I've been getting ulcers ever there," he said. "The turnover has increased 500 percent. My manager asked one guy (an American) to wash a wall, and he pulled a knife on him."

Proponents of "employer sanction" laws argue that employers prefer illegal immigrants because they are so vulnerable to exploitation. As a result, their presence depresses wages and keeps U.S. citizens, particularly unskilled young people, unemployed.

Whether such laws, if or when they are enforced, would offer any solution to U.S. employment problems is not yet clear.

As the nation grapples with what President Carter has called "one of our most complex domestic problems," immigrants continue to come. In some countries, such as El Salvador, they have heard that Washington is the most promising city in the promised land.

"Here they have more work, more opportunity. In restaurants in Washington, they pay more than anywhere," a Salvadorian busboy said.

If deported, he said, he almost certainly would return. Already, he said, he has saved the money for the trip. He would take another job, perhaps to try to work his way into a chef's position. Then he might be able to get legal resident alien status because federal law permits the issuance of green cards to some illegal aliens who hold jobs, such as chef, that few Americans appear to want. The busboy looks forward to a future that, for all its dangers, seems brighter than anything he has known.

## Responsiveness

Update: at last report the phones were either giving off the frustrating busy signal, or, worse, ringing maddeningly without being picked up. In the office itself the lines of people were long and their treatment less than civil. All this was at the downtown Washington office of the U.S. Immigration and Naturalization Service, where crowds of people wait to fill out forms and get information on how to become citizens.

Many of them don't speak English well, and you can read their hopes and fears about their American futures in their downcast looks and solemn demeanor. A wait there recently stirred anger at the way they were handled, and outrage over the frustrated attempt to cut through the system.

That was two weeks ago.

Friday morning I picked up the phone again and dialed the Washington office number. Bury. After more than two minutes of continuing busy signals, I hung up. A half-hour later, I tried again. Success. A man's pleasant-sounding voice came over the line giving a recorded announcement:

"This is the Washington District Office of the United States Immigration and Naturalization Service," he said. "We are sorry, all our telephones are busy."

He proceeded to give information: where to call, and what number, if you wanted blank forms or applications; what types of material you could receive in person at the downtown office; and, if you wished, you could stay on the phone and wait to have your questions answered then.

"Please stay on the line," he said. A click sounded, and another voice began giving more detailed information about the various forms. In the background, soft music was playing.

It was all soothing and effective. At the end of the announcement, the man said: "Thank you for your patience. We are sorry you have to wait." Then, the recording began again. I hung up, impressed, but still not certain about how one really got through to a person.

Fifteen minutes later, another try instantly brought different results. A real human being came on the phone. "Good morning," she said cheerfully. "Can I help you?"

Surely, something was different. Minutes later I was back inside the second-floor office of the Immigration Service. It was even more crowded than before, with men, women and children (and one person in a wheelchair) but that wasn't what was striking. Unlike before, both windows at the counter were staffed. The employees behind them dealt with the people courteously and efficiently.

Not the millennium perhaps, but it was clearly an improvement. And it offered some evidence that change can occur—and, for the better. The example, though, was instructive, for it turns out the Washington office was regarded as one of the better-managed in the Immigration Service.

When the Carter administration began to look at the way the government was functioning, congressional officers were asked to give their candid assessments of various departments and agencies. Immigration came out near the bottom.

Leonel Castillo, the president's new Immigration Service commissioner, quickly found out why after he took on his new job just a year ago. Castillo, who had been city controller for Houston and is the first Mexican-American to head immigration, discovered a shleket of red tape and a system supposedly designed to help people that in fact was adding to their problems.

It was taking as long as four years to process immigration applications, for instance. In large district offices, such as Los Angeles,

Haynes Johnson  
 PROGRESS

and New York, a chaotic situation existed. People would begin lining up at midnight, their ranks extending for three blocks, just to get inside when the office opened the next day. It sometimes took days—or weeks—to get forms. And sometimes people discovered they had been given the wrong forms as well.

Spot checks were made about complaints that people got nothing but busy signals when phoning these offices. In one major district office, an Immigration Inspector reported he tried 154 times to reach someone without success. In New York, a caller was able to get through without waiting only 11 percent of the time.

Inside the offices, employees were drowning in a sea of paper. In one office 25 employees were assigned to do nothing but look for missing files. As high as 25 percent of the files were unlocatable at any given time—and sometimes they could never be found.

The forms themselves were unnecessarily long and typically hard to understand. To get a critical-admittance card an applicant had to submit to two interviews and complete two forms. (Now it's just one interview and one form, which has been rewritten in clear English and is half the length.)

Trying to break out of this trap was often merely another exercise in frustration. Friends in high places didn't always help. There were several thousand unanswered letters from members of Congress and hundreds from the State Department.

As Castillo says, ruefully, "The system was so fouled up it could only get more fouled up."

Two major problems were evident. The Immigration Service desperately needed to get rid of the paper-shuffling and go to an automated system. You can walk through the fifth-floor of the headquarters building here, for instance, and see boxes and boxes stuffed with forms from people around the world. They are being processed by hand. If one page gets detached—or lost—the application becomes invalid. On the top shelf of a filing cabinet a paper bearing someone's fingerprints had been placed. No one knew to which they belonged.

A second area involved training of employees. At present a new program is being developed to train those people who deal directly with the public—such as in the Washington downtown office. There had been none before. Other changes are in progress nationwide; the system is being automated, redtape cut where possible, inspection tours of field offices increased.

Castillo, a sunny sort of a man, quickly concedes he's got far to go. "There are still many horror stories—many, many," he says. "I'm not satisfied yet."

But he is proud of progress accomplished. The new answering system in the Washington office, for example. He picked up the phone behind his desk and dialed the number, while asking an aide to time how long it took for him to get through. He got the recorded announcement.

"They're telling me to stay on the phone and somebody will help me," he said, smiling. Then, relaying what the voice was saying: "They're giving me the number to call for forms. . . . They're telling me where to get passports and fingerprints."

He hung on. "They're telling me to stay on the phone, but I can't stay on the phone. I've got to go to the Attorney General's office."

After four minutes he hung up, explaining that the goal was to reach someone directly within two minutes.

Well, as they used to say, Rome wasn't built in a day. And Washington wasn't reformed overnight.

### Appendix C

U.S. GOVERNMENT PRINTING OFFICE: 1974 - 537 - 963

RECORD OF DEPORTABLE ALIEN (See A.M. - 2790.31-24 for Instructions)						Sex	Hair	Eyes	Complexion	
Family Name (Capital Letters)		Given Name		Middle Name		PLEASE PRINT OR PRINT IN BLOCK CAPITAL LETTERS	Height	Weight	Occupation	
Country of Citizenship	Passport Number and Country of Issue		File Number		Scars or Marks					
United States Address (Residence) (Number) (Street) (City) (State) (Zip)							Date, Place, Time, Manner of Last Entry			
Number, Street, City, Province (State) and Country of Permanent Residence							F.B.I. No. (Martial Status) <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced			
Date of Birth			Date of Arrival		Location Code		Method of Location/Apprehension			
City, Province (State) and Country of Birth			AR Form: (Type & No.) <input type="checkbox"/> Listed <input type="checkbox"/> Not Listed				(A/Near) Date & Hour			
Date Visa Issued			Social Security Account Name			Status of Entry		Status When Found		
Date Visa Issued			Social Security No.		Send C.O. Rec. Check Tax		Length of Time Illegally in U.S.			
Immigration Record					Criminal Record					
Name, Address, and Nationality of Spouse (Maiden Name, if appropriate)							Number & Nationality of Minor Children			
Father's Name, and Nationality and Address, if Known					Mother's Present and Maiden Names, Nationality, and Address, if Known					
Marital Data/Property in U.S. Not in Immediate Possession <input type="checkbox"/> None Claimed <input type="checkbox"/> See Form I-42			Fingerprinted <input type="checkbox"/> Yes <input type="checkbox"/> No		Lookout Book Checked <input type="checkbox"/> Not Listed <input type="checkbox"/> Listed, Code _____		Deportation Charge(s) [Code Word(s)]			
Name and Address of (last) (Current) U.S. Employer							From: To:			
Narrative (Outline particulars under which alien located/apprehended. Include details, not shown above, re time, place, manner of last entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)										
If space insufficient, show "continued" and continue on reverse, from bottom up: <span style="float: right;">(Signature and Date)</span>										
DISTRIBUTION					Received [subject and document] (report of interview) from					
					Officer: _____					
					Disposition _____ 19__ of _____ ( ) M.					
					(Receiving Officer)					

Various Service Bond Criteria And Guidelines

FILE

August 1, 1977

Re: on the above list signed by DEWIS and others.

Deputy District Director

Telecon

/ROHN -

/DIEV,

requested a list of policy criteria considered in arriving at a determination, in aliens detained pursuant to Warrant of Arrest, that such aliens are potential absconders.

- 1.) Lack of family equities
- 2.) Prior abscondee
- 3.) Criminal record
- 4.) Sought by foreign police
- 5.) Nature and length of employment
- 6.) Real or personal property
- 7.) Record of frequent INS apprehensions
- 8.) Marriage fraud participant
- 9.) Age, mental and physical condition
- 10.) Financial condition - indigents
- 11.) Attempted escapee
- 12.) Resisted arrest
- 13.) Administrative and judicial review exhausted
- 14.) Transient status (no fixed address)
- 15.) Manner of entry - deserter crewman, fraud visa, etc.
- 16.) Fraudulent claim to United States citizenship
- 17.) Counterfeit documents used
- 18.) Specific information indicating intention to abscond

Appendix E

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

# Memorandum

ELP-P-104

~~242.2-P~~

DATE: June 7, 1977

TO : All Investigators

FROM :

SUBJECT: Setting of bonds on detained aliens for administrative proceedings

✓ The amount of bond required under Part 242.2, Title 8, Code of Federal Regulations, will be determined on an individual basis and each case will be considered on its own merits.

✓ All determining factors in a case which warrants a higher bond will be made clear on the I-265 or SW-412 (telephonic) as to why a higher bond is being set.

Should there be any doubt as to what bond is to be set in the individual case, contact the District Director, Deputy District Director, or Assistant District Director for Investigations.

The following are GUIDELINES ONLY and are not to be used as a hard, fast rule in determining the amount of bond in every case:

A bond of \$5,000 will be set in the cases of illegal alien smuggler and illegal alien witnesses needed for prosecution of alien smugglers, provided the individual has no close family ties in the United States and is likely to abscond.

A bond of \$2,500 will be set on all illegal aliens against whom criminal prosecution and deportation proceedings are contemplated.

A bond of \$2,500 will be set on illegal aliens, other than Mexican aliens, against whom only deportation proceedings are contemplated.

A bond of \$1,000 will be set on illegal Mexican aliens against whom only deportation proceedings are contemplated.

In the cases of domiciled aliens, walk-in/call-in aliens, an Order to Show Cause only will usually be issued if criminal prosecution is not contemplated. Should criminal prosecution be contemplated in these cases, the alien will be taken before the United States Magistrate immediately, if a Magistrate is available. If no United States Magistrate is immediately available, the alien will be served with an Order to Show Cause and furnished G-56, appointment letter, advising when the United States Magistrate will be available for the filing of the criminal complaint. Under no circumstances should the alien be detained at the Alien Detention Facility awaiting criminal prosecution. Should criminal prosecution be contemplated, Form I-214 must be executed prior to questioning.



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

You again are reminded the amount of bond will be determined on an individual basis depending on its own merits. This does not preclude the setting of a higher bond than those mentioned in the foregoing guidelines, if warranted, but only after consultation with either the District Director, Deputy District Director, or Assistant District Director for Investigations.

ELP 6-7-77  
ELP 242.2-P

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Section Chiefs, Investigations Branch

DATE: May 4, 1973

FROM : *[Handwritten Signature]* Acting District Director

SUBJECT: Release of Aliens Served with Warrants of Arrest in Deportation Proceedings

Memorandum dated November 17, 1972, same file as above, on this same subject is revised as follows:

An alien who has been served with a warrant of arrest in deportation proceedings in whose cases there are reasonable grounds to believe that his release from custody would pose a danger to safety or security, or be contrary to the public interest, shall not be released from custody. Any other alien who has been served with a warrant of arrest in deportation proceedings, in whose case it is determined that release from custody under a Delivery Bond is appropriate, shall normally be released in accordance with the guideline categories set forth below. In any case in which more than one category is applicable, that requiring the highest collateral shall govern:

- |  |                   |
|--|-------------------|
| 1. The finding that the alien is likely to abscond is predicated solely by reason of his lack of regular employment, or fixed place of abode, or close family ties in the United States. | <u>\$ 500.00</u>  |
| 2. An alien likely to abscond has been offered voluntary departure but has refused acceptance. (Added)   | <u>\$1,000.00</u> |
| 3. The alien is charged with deportability on a criminal, immoral, narcotic, or smuggling charge but there is no outstanding warrant for his arrest in criminal proceedings.             | <u>\$1,000.00</u> |
| 4. The alien has a record of repeated immigration or criminal violations but there is no outstanding warrant for his arrest in criminal proceedings.                                     | <u>\$1,000.00</u> |

Section Chiefs, Investigations Branch

L OS 50/12  
May 4, 1973

- page 2 -

- |  |                   |
|--|-------------------|
| 5. The alien is a native of Central or South American country and entered the United States without inspection or through a port of entry with fraudulent documents. (Revised)   | <u>\$2,000.00</u> |
| 6. The alien gained entry into the United States with fraudulent or counterfeit documents or under fraudulent claim to United States citizenship, or has counterfeit I-151 when apprehended. (Revised)   | <u>\$1,000.00</u> |
| 7. The alien is charged with deportability on a criminal, immoral, narcotic, or smuggling charge, is wanted by the United States or a foreign government but there is no outstanding warrant for his arrest in criminal proceedings.                   | <u>\$2,000.00</u> |
| 8. The alien is charged with deportability on a criminal, immoral, narcotic, or smuggling charge, is wanted by the United States or a foreign government, and there is an outstanding warrant for his arrest in criminal proceedings.                  | <u>\$5,000.00</u> |
| 9. The alien refuses to furnish information necessary for a bond determination.  | <u>No Bond</u>    |
| 10. If the alien is a deserting crewman, the amount of the bond as set forth above for each category shall be doubled.   |                   |
| 11. In any case in which a delivery bond previously posted has been breached and the alien's release under bond is again sought in the same or in new proceedings, the amount of the bond shall be double the amount shown in the applicable category. |                   |

In any case in which the particular facts appear to justify a variation from the guidelines set forth above, the matter shall be referred for decision to the District Director.

cc: Deportation Branch, LOS  
Officer in Charge, SND



ATTACHMENT TO I-213

G-23 Line # 548 549 549 549  
 False clm US False clm 151 clm 186/185 clm other

DOCUMENTED type used				
UNDOCUMENTED				

G-23 Line #551 552 553 (circled)  
 From other agencies

Federal		Repeaters-IMS		Murder	Auto theft	Cust.
State/local		Criminal		Rob/bur	Narcotic	Other

G-23 Line # 554 555 on file required  
 Alien encountered with: Assault without G-598 yes no yes no  
 (a) Weapon (gun) weapon upon  
 (b) Weapon (knife) officer G-599 yes no yes no  
 (c) Weapon (other) G-197 required - yes no

BOND CHECK-OFF

NOTE: All responses must be justified on form I-213 or other documents

DOES ALIEN HAVE:

- (a) property in U.S. (a) yes (a) no
- (b) relatives in U.S. (b) yes (b) no
- (c) employment (c) yes (c) no
- (d) physical/mental illness (d) yes (d) no
- (e) fixed abode in district (e) yes (e) no

IS ALIEN A:

- (f) threat to national security (f) yes (f) no
- (g) public safety (g) yes (g) no
- (h) escape prone (h) yes (h) no

DID ALIEN:

- (i) resist arrest (i) yes (i) no
- (j) run (j) yes (j) no
- (k) hide (k) yes (k) no
- (l) incite others (l) yes (l) no

Amount of Bond recommended.

Is Bond recommended reasonable?

Bond Redetermination Forms Designed By Service  
Personnel

IN THE MATTER OF

----- IN DEPORTATION PROCEEDINGS  
RESPONDENT FILE: A-----

APPLICATION FOR REDETERMINATION OF CUSTODY STATUS

I hereby apply to the Immigration Judge, pursuant to 8 CFR 242.2(b) and (c), for a redetermination of the conditions under which I may be released from detention pending determination of deportability.

A. BACKGROUND AND RESIDENCE

1. My full, true, and correct name is -----
2. I have been known by the following additional names:  
-----  
-----
3. I was born on ----- in -----  
month day year city or town  
-----  
(county, district, province, or state) (country)
4. My personal description is as follows: Sex-----;  
complexion-----; color of eyes-----;  
color of hair-----; height-----feet -----  
inches; weight-----pounds; visible distinctive  
marks -----

Appendix F

5. Country of which I am a citizen, subject, or national

-----

6. My present place of residence is -----

-----

7. The places in the United States where I have lived during  
the last 5 years are as follows:

FROM--	TO--	STREET ADDRESS	CITY AND STATE
(a) ..... 19 .....	PRESENT TIME .....	.....	.....
(b) ..... 19 .....	..... 19 .....	.....	.....
(c) ..... 19 .....	..... 19 .....	.....	.....
(d) ..... 19 .....	..... 19 .....	.....	.....
(e) ..... 19 .....	..... 19 .....	.....	.....

8. If released from detention I intend to go to the following  
address: -----

-----

#### B. FAMILY

1. I am -----  
(single) (married) (divorced) (widowed) (separated)

2. The name of my spouse is -----

3. We were married on -----  
(month) (day) (year)

at -----  
(city or town) (State or Country)

4. My spouse was born at -----  
(city or town) (State or Country)

on -----  
(month) (day) (year)

5. My spouse is a citizen, subject, or national of -----  
-----

6. My spouse resides  with me  apart from me at -----  
-----  
(address)

7. I have ----- living children, as follows. (Complete all columns as to each child. If child lives with you, state "with me" in last column; otherwise, give city and state of child's residence.)

NAME	SEX	PLACE BORN	DATE BORN	NOW LIVING AT-

8. I have regular contact with the following persons:

Name	Relationship	Address

C. EMPLOYMENT DURING PAST 24 MONTHS

1. My present occupation is \_\_\_\_\_

2. The names, addresses and occupations or types of businesses of my employers during the last 24 months are as follows:

FROM-	TO-	EMPLOYEE'S NAME	ADDRESS	OCCUPATION OR TYPE OF BUSINESS
(a) .....	PRESENT TIME			
(b) .....	19 .....			
(c) .....	19 .....			
(d) .....	19 .....			

3. The name of my present supervisor is \_\_\_\_\_  
\_\_\_\_\_;

D. FINANCIAL RESOURCES

1. My assets, not including clothing and household necessities are as follows:

Cash, stocks and bonds \$ \_\_\_\_\_;  
Real Estates \$ \_\_\_\_\_;  
Other (describe) \$ \_\_\_\_\_;

2. Sources of income other than the employment listed in Item C2 are as follows: \_\_\_\_\_  
\_\_\_\_\_

E. HEALTH

1. The last time I was in a hospital or under a doctor's care was on \_\_\_\_\_

2. Within the past 5 years I have been treated for  
 a mental condition;  drug addiction;  alcoholism.

F. CRIMINAL RECORD

1. I  have  have never (either in the United States or any other country) been arrested, summoned into court, convicted, fined, imprisoned, or placed on probation, or forfeited collateral for an act involving a felony, misdemeanor or breach of any public law or ordinance. If

answer is in the affirmative in any particular, give complete information in the space below as to each incident:

WHEN	WHERE (City)	(State)	(Country)	NATURE OF OFFENSE	OUTCOME OF C
(a) .....	.....	.....	.....	.....	.....
(b) .....	.....	.....	.....	.....	.....
(c) .....	.....	.....	.....	.....	.....
(d) .....	.....	.....	.....	.....	.....
(e) .....	.....	.....	.....	.....	.....

2. I  am  am not now under charges in any adult or juvenile court. If answer is in the affirmative, give the following information as to each charge:

WHEN	WHERE (City)	(State)	(Country)	NATURE OF OFFENSE	Present status
(a) .....	.....	.....	.....	.....	.....
(b) .....	.....	.....	.....	.....	.....
(c) .....	.....	.....	.....	.....	.....
(d) .....	.....	.....	.....	.....	.....
(e) .....	.....	.....	.....	.....	.....

3. I  am  am not on parole or probation. If answer is in the affirmative, state the name and address of your supervising officer. \_\_\_\_\_

4. I  have  have never had parole or probation revoked. If answer is in the affirmative, state when and where parole or probation was revoked. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## G. RECORD OF APPEARANCE

1. I  have  have never been released on bail; or other conditions pending deportation proceedings, criminal trial or appeal. If answer is in the affirmative, furnish the following information:

Date	Court or Agency Which Released You	Charge	Did You Ever Fail to Appear As Required
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

## H. IDENTIFYING DOCUMENTS

1. Social Security Number -----
2. Driver's License Number -----
3. Selective Service Number -----
4. Motor Vehicle Registration Number -----
5. Alien Registration Number -----
6. Other -----
7. Attached hereto is the following registration form:
  - I-94 - Arrival and Departure Record
  - I-95 - Crewman's Landing Permit
  - I-151 - Alien Registration Receipt Card

I-184 - Alien Crewman's Landing Permit and Identification Card

I-186 - Nonresident Alien's Mexican Border Crossing Identification Card

\_\_\_\_\_

I. OTHER INFORMATION

1. In addition to the information set forth above I wish to add the following: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Applicant's Signature)



# Memorandum

TO : File

DATE:

MM :

SUBJECT: Bond Re-Determination \_\_\_\_\_

(A#)

(Bond)

1. NAME:
2. DOB:
3. FAMILY HISTORY:
4. LIVING ACCOMODATIONS:
5. ARRESTS:
6. EMPLOYMENT:
7. PRIOR IMMIGRATION HISTORY:
8. APPREHENDED (came to attention of Service)
9. OSC CHARGES:
10. ADVERSE FACTORS:
  - A) No application for extension of stay
  - B) Taken employment in violation of status
  - C) (IRS) claiming more dependants than allowed
  - D) Collecting unemployment while actually employed
  - E) Bond set in prior criminal proceedings \$ \_\_\_\_\_
  - F) Other:
11. GOVERNMENT OPPOSES REDUCTION IN BOND:
  - A) Arrest record
  - B) No ties in US to warrant his appearance here
  - C) Unco-operative in the past
  - D) No fixed place of abode
  - E) Likely to abscond
  - F) Respondent has exhibited obvious disregard for the Immigration Laws
  - G) Left area after W/A--H/O
  - H) Other



9-112

- 84 -

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

BALL AGENCY INTERVIEW FORM

LOGICIAN #  
 Interviewer  
 Verifier

CW Lives W/Def. Y N MPID # ..... Time of Arrest ..... Date .....

Charge ..... MS FL M L.U. C/L  
 Type of File TR DC S CIT OTH

FIRST AND MIDDLE NAME ..... LAST NAME .....

Aliases .....

Race: N C O Sex: M F DOB: ..... Birthplace: ..... Height: ..... Weight: .....

AREA RES For: ..... Steadily: Y N Transient: Y N Alien: Y N

STREET ADDR: ..... Apt. # ..... City: .....

State: ..... Zip: ..... Buy/Rent Length of Res: ..... Steadily: Y N

Landlord: ..... Lives With: ..... Rel: .....

Care of: Y N Telephone: ..... Listed in Whose Name: .....

CONCUR ADDR: ..... Apt. # ..... City: .....

State: ..... Zip: ..... Length of Res: ..... Telephone: .....

Lives With: ..... Rel: .....

PRIOR ADDRESS: ..... Length of Res: .....

Lived With: ..... Rel: .....

EMPLOYED: Y N PRESENT EMPLOYMENT OR SUBSTITUTE: .....

Length of Empl: ..... Full-time: Y N Type: ..... Income: .....

Supervisor: ..... Telephone: ..... Can Contact: Y N

FORMER OR CONCURRENT: F C Employment: .....

Length of Empl: ..... Full-time: Y N Type: ..... Income: .....

Supervisor: ..... Telephone: ..... Can Contact: Y N

Student At: ..... Education In Years: ..... Student ID #: .....

Remarks: .....

Phys Prob: ..... Treat: ..... Med: Y N Type: .....

Mental Hospital: ..... Entered: ..... Length of Stay: .....

Narcotics: Y N Treatment: ..... Alcoholics: Y N Treatment: .....

BOND: Y N \$ ..... Bondsman ..... Charge ..... Due ..... Where .....

Y N \$ ..... Bondsman ..... Charge ..... Due ..... Where .....

PROB/PAROLE: Y N Charge ..... P.O. ..... Phone #: .....

PROB/PAROLE: Y N Charge ..... P.O. ..... Phone #: .....

WARRANT OUTSTANDING: Y N Remarks: .....

MARRIED: Y N Lives W/Spouse: Y N Lives W/Children: Y N Number of Children: .....

OTHER FAMILY In Area Not Living With Defendant: 1. .... 2. .... 3. .... 4. .... 5. ....

REFERENCES: Name Address Rel Telephone In CT/AT MPD

(Present) 1. ....

Address) 2. ....

3. ....

4. ....

5. ....

REMARKS: .....

.....

.....

CITATIONS: MPD District: ..... Arr Off: ..... Ref Off: .....

Shift: ..... Arrest #: ..... Time of Inter: .....

S M T W T F S Citation #: ..... Total Points: .....

VERIFICATION AND RECOMMENDATION:

POINTS	Area	Length of RES	Fam Ties	Employment	Deductions	* Total
POSSIBLE:	1	5 4 3 2 1	4 3 2 1	4 3 2 1	-1-23+567	.....
VERIFIED	1	5 4 3 2 1	4 3 2 1	4 3 2 1	-J-23-4-56-7	.....

PR  Cond.  Prevent Deten Hear  No Rec .....

Custody  Report  Live  Employ  Study  Narc  CW  Area  Curfew at .....

FINAL ACTION: CITATION:  Rel Due: U.S.A. .... Due: CC .....  Not Rel .....

COURT:  PR  Cond.  Surety .....  Cash  No Bond  M.O.  Other .....

Conditions:  Custody  Report  Live  Employ  Student  Narc.  C.W.  Area  Curfew  Other .....

Appearance Date: Due: ..... CTM: .....

RECOMMENDATION CRITERIA FOR THE CITATION RELEASE PROGRAM

NOTE: The following people cannot be recommended even though they may have the required number of points.

1. Any person who is charged with a felony.<sup>1</sup>
2. Any person who is a juvenile (unless he or she is between the ages of 16 years and 18 years and is charged with a traffic offense).<sup>2</sup>
3. Any person who has ever been convicted of escape from jail.<sup>3</sup>
4. Any person who has willfully failed to appear while on bond (BFA conviction) or who has a pending charge of willfully failing to appear while on bond (pending BFA).
5. Any person who has an outstanding attachment, warrant or detainer against him.
6. Any person who is presently under the influence of narcotics or alcohol to the degree that an intelligent interview cannot be conducted.

To be recommended an arrestee needs:

1. A verified Washington area address where he or she can be reached.<sup>4</sup>
- AND
2. A total of four (4) verified points from the following:

POINTS	TIME IN WASHINGTON AREA
1	5 years or more. <sup>5</sup>
	RESIDENCE (In Washington area; NOT on and off) <sup>6</sup>
3	Present address 1 year OR present and prior addresses 1 1/2 years.
2	Present address 6 months OR present and prior addresses 1 year.
1	Present address 4 months OR present and prior addresses 6 months.
	*Add 1 extra point if the arrestee is buying his home
	*Add 1 extra point if the arrestee has a verified operable telephone listed in his own name.
	FAMILY TIES <sup>7</sup>
4	Lives with family AND has contact with other family member(s).
3	Lives with family.
2	Lives with non-family friend whom he gives as a reference AND has contact with family member(s).
1	Lives with non-family friend whom he gives as a reference OR lives alone and has contact with family member(s).
	EMPLOYMENT OR SUBSTITUTES <sup>8</sup>
4	Present job 1 year where employer will take back OR homemaker with children in elementary school.
3	Present job 1 year or more OR homemaker with children.
2	Present job 3 months OR present and prior jobs 6 months or full-time student other than secondary school student.
1	(a) Present job; OR
	(b) Unemployed 3 months or less with 9 months or more single job from which not fired for disciplinary reasons; OR
	(c) Receiving unemployment compensation, welfare, pension, disability, alimony, etc.; OR
	(d) Full-time secondary student; OR
	(e) In poor health (under a doctor's care, physically impaired, etc.)
	DEDUCTIONS <sup>9</sup>
-5	On Bond on pending felony charge OR on probation or parole for a felony.
-2	On Bond on pending misdemeanor charge OR on probation or parole for a misdemeanor; OR knowledge of present drug use or alcoholism.
-1	Prior negligent no show while on Bond; OR knowledge of past drug use.

PRIOR CONVICTIONS

NOTE: Use the chart below for single offenses and for combination of offenses.

Code: One adult felony = 7 units  
 One adult misdemeanor = 2 units

Circle total record units

Units	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	19	20	21	
Points	0				-1						2							3				4

RECOMMENDATION CRITERIA FOR TRAFFIC CASES (other than DWI, Negligent Homicides, Hit and Run) 10

POINTS  
4

- Present Address 1 month (No Deductions)
- TRAFFIC CASES (DWI, Negligent Homicide, Leaving the Scene of an Accident, Hit and Run)
- Complete Interview and Regular Point Tabulation
- (Only Deduction: -2 for Probation, Parole or Bond on misdemeanor or felony)

APPENDIX H

Anti-Japanese feelings were stirred by the increase in immigration of these aliens during 1903-1907. It led to the Gentlemen's Agreement of 1907 with Japan limiting the entry of Japanese labor.<sup>20</sup> The 1917 Immigration Act<sup>21</sup> prohibited the entry of aliens born in a so-called Asiatic barred zone.<sup>22</sup> In 1924<sup>23</sup> Congress enacted legislation barring those ineligible for citizenship<sup>24</sup> and established numerical quotas under the National Origins systems favoring Northern and Western European countries.

Under the Immigration and Nationality Act as amended, there may be no discrimination in the issuance of visas except as provided in the statute.<sup>25</sup>

<sup>20</sup>The Immigration Act of 1907 (34 Stat. pt. 1 898) authorized the President to enter into international agreements to regulate immigration.

<sup>21</sup>39 Stat. 874.

<sup>22</sup>This rendered inadmissible natives of China, India, Burma, the Malay States, part of Arabia, part of Afghanistan, most of the Polynesian Islands and the East Indian Islands.

<sup>23</sup>43 Stat. 153.

<sup>24</sup>This was aimed at excluding Japanese aliens. It was considered an insult by Japan. Garis, Immigration Restriction (1927), p. 341 *et seq.* Note the views of Ambassador Grew and Brig. General Fellers as to its relationship to World War II. Joint Judiciary Hearings on S. 716, H. R. 2379 and H. R. 2816, 82nd Congress, 1st Sess. pp. 50-51.

Originally only white persons were eligible for naturalization under the Act of March 26, 1790 (1 Stat. 103). In 1870 aliens of African descent became eligible (16 Stat. 254, 256). Naturalization was extended to races indigenous to the Western Hemisphere, i.e., native born Indians, Eskimos and Aleutians (54 Stat. 1140). In 1943 Chinese aliens became eligible (57 Stat. 600) and in 1946 persons of Filipino and East Indian origin were the beneficiaries of eligibility (60 Stat. 416). Those of Guamanian descent were accorded like benefits in 1950 (64 Stat. 385). All racial and national restrictions on naturalization were removed in 1952.

<sup>25</sup>8 U. S. C. 1152(a)(1976).

the ten-year period by the number of years spent in the military, incarceration or college. E.g., A spent 2 years outside the D.C. area (in the service, prison or college). If he lived in the D.C. area prior to that for 2 years steadily and 5 years of the last 12, he is awarded 1 point.

6. Residence may include concurrent addresses in the D.C. area, and in that sense, on and off residence is acceptable. Both addresses must be verified, however, unless the arrestee resides at least 5 days a week at one address, and this fact is verified.

"Prior Address" may include the two prior addresses immediately preceding the present address.

One point should be added in the category for arrestees who are buying (or have bought) their own homes.

Rationale: Although this patently discriminates against those whose financial status precludes purchasing a home it still must be considered a sound community tie.

One point should be added if the arrestee has a verified operable telephone listed in his own name.

In both of these situations, the extra point(s) should be added only if necessary to make a recommendation for release. I.e., these points should be added only if needed to attain 4 points.

7. For purposes of this category "lives with" means for a minimum of 30 days. The "lives with" situation, as opposed to merely visiting, should be verified by the reference.

"Family" includes common-law wife or a girlfriend (or boy-friend) where they have been living together for one year or more.

The non-family friend who is given as a reference need not be contacted for verification in order to award points provided that the fact that the arrestee and friend live together is verified by some reference.

"Contact with" means contact on a once-a-week basis. In this category, when there are concurrent addresses, full family tie points should be awarded in situations where the arrestee spends the bulk of his "residence" (i.e., five days a week) with family (for 4 or 3 points) or non-family friend (for 2 or 1 point(s)), and that fact is verified.

8. For purposes of this category "employed" includes self-employed if the arrestee works full time and has a legitimate business venture.

To award 4 points in this category the interviewer must contact the employer to verify employment and the fact that the arrestee may return to his job.

Points may be awarded for part-time work, but the interviewer must determine whether it is bona-fide part-time work. Factors to be considered in determining this are the amount of time on the job and regularly scheduled work. The number of points awarded for part-time work should be determined by the number of hours worked per week. I.e., if an arrestee works part-time (20 hours per week) regularly, and this is verified by the employer he will receive 2 points (one-half the maximum for full-time employment).

The provisions for homemakers with children have been added to eliminate the discriminatory nature of the old scheme. They have also been added on the basis that an arrestee in this category is less likely to flee because of strong community ties.

"Full-time student other than secondary school student" includes university students and students in vocational training programs. E.g., students at Washington Technical Institute.

Catch-out labor is not considered employment for purposes of this category.

Points in this category cannot be "doubly" awarded, i.e., a homemaker with children in elementary school who also works full-time can only receive 4 points.

9. Since the present point schedule has been expanded to provide for release of a larger group of arrestees the deductions must be strictly adhered to.

For arrestees who are currently on bond the interviewer must always check on compliance with conditions of release.

"knowledge of present drug use or alcoholism" is determined by the arrestee's admissions and not by the nature of the charge against him. "Present" for purposes of deductions means within 6 months. No deductions are made in this category if the arrestee has been on a methadone maintenance program, NTA abstinence program or detox for 4 months or more provided that the information has been verified. Also

no deduction for alcoholism is to be made if the arrestee is being treated at RCA or other similar institution for a period of 4 months or more.

For arrestees on probation or parole no added deduction is made for conviction.

"Prior negligent no show" involves only bench warrants executed with no BRA conviction, but not bench warrants which are quashed.

"Past Drug Use" means drug use within a year with no present usage.

No deduction should be made for probation or parole where the Probation/Parole Officer is contacted, and he indicates that the arrestee's adjustment is good and release is not opposed.

10. For traffic cases other than DWI, negligent homicide, hit and run, or leaving the scene the interview must obtain only a verified present address, a prior address when present address is less than 1 month, and more than one verifier although only one is needed to award points. No deductions are made in these cases.

For DWI, negligent homicide, leaving the scene, and hit and run, the interviewer must go through the entire interview. The only deduction in these cases is -2 for arrestees on bond, probation, or parole for either a felony or a misdemeanor.

COURT ORDER

United States of America  
 SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
 Case No. \_\_\_\_\_

**YOU ARE HEREBY RELEASED ON THE CONDITIONS INDICATED BELOW:**

**PERSONAL PROMISE**  **PLEA-BARGAINING.** Your personal recognizance, provided that you promise to appear at all scheduled hearings, trials, or otherwise as required by the Court.

**UNSECURED APPEARANCE BOND.** Your personal unsecured appearance bond, to be forfeited should you fail to appear as required by the Court.

**CASH BOND.** Upon execution of appearance bond, to be forfeited should you fail to appear as required by the Court, secured by a deposit, such deposit to be returned when the Court determines you have performed the conditions of your release. You will deposit in the registry of the Court \_\_\_\_\_ \$.

**SURETY BOND.** Upon execution of appearance bond with approved surety.

**YOU ARE RELEASED ON THE FOLLOWING ADDITIONAL CONDITIONS INDICATED BELOW:**

1) **SUPER-VISORY CUSTODY** You hereby agree to be placed in the custody of \_\_\_\_\_ who agrees (a) to supervise you in accordance with the conditions below, (b) to use every effort to ensure your appearance at all scheduled hearings, trials, or otherwise, and (c) to notify the D. C. Bail Agency immediately in the event you violate any condition of release or disappear. Agency telephone 629-6781, 629-4311, and 629-4931.

2) **YOU ARE TO REPORT** \_\_\_\_\_ weekly  in person  by phone \_\_\_\_\_

3) **YOU ARE TO LIVE** \_\_\_\_\_ at \_\_\_\_\_ address \_\_\_\_\_ phone no. \_\_\_\_\_ with \_\_\_\_\_ address \_\_\_\_\_ phone no. \_\_\_\_\_ as \_\_\_\_\_ address \_\_\_\_\_ phone no. \_\_\_\_\_ being in or sight by \_\_\_\_\_ PM.

4) **YOU ARE TO WORK** \_\_\_\_\_ by obtaining a job within \_\_\_\_\_ days and reporting it to the Bail Agency at 629-6781, 629-4311, or 629-4931. \_\_\_\_\_ by maintaining your job at \_\_\_\_\_ Employer's name and address \_\_\_\_\_

4) **YOU ARE TO STUDY** \_\_\_\_\_ by enrolling in school as \_\_\_\_\_ name and address \_\_\_\_\_ by maintaining your student status at \_\_\_\_\_ name and address \_\_\_\_\_

5) **YOU ARE TO STAY** \_\_\_\_\_ away from the complaining witness. \_\_\_\_\_ within the D. C. area.

6) **MARCOTICS** \_\_\_\_\_ You are to submit to an immediate analysis and if positive \_\_\_\_\_ You are to report for testing and treatment at \_\_\_\_\_

7) **OTHER CONDITION** \_\_\_\_\_

**VIOLATION OF CONDITIONS:** You are further notified that a warrant for your arrest will be issued immediately upon any violation of a condition of this order. Any violation of these conditions shall subject you to revocation of release, an order of detention, and prosecution for contempt of court to a fine of not more than \$1000 or imprisonment not more than 6 months or both.

**FAILURE TO APPEAR:** If you fail to appear as required before a judge or other judicial officer, you shall be subject to prosecution and subject to the following penalties:

**IF I I ONLY VIOLATED A FINE OF NOT MORE THAN \$1000 AND IMPRISONMENT FOR NOT MORE THAN ONE YEAR AND NOT MORE THAN 3 YEARS.**

**IF I I ONLY VIOLATED A FINE OF NOT MORE THAN \$1000 AND IMPRISONMENT FOR NOT MORE THAN ONE YEAR AND NOT MORE THAN 3 YEARS.**

**IF I I ONLY VIOLATED A FINE OF NOT MORE THAN \$1000 AND IMPRISONMENT FOR NOT MORE THAN ONE YEAR AND NOT MORE THAN 3 YEARS.**

**IF I I ONLY VIOLATED A FINE OF NOT MORE THAN \$1000 AND IMPRISONMENT FOR NOT MORE THAN ONE YEAR AND NOT MORE THAN 3 YEARS.**

**IF I I ONLY VIOLATED A FINE OF NOT MORE THAN \$1000 AND IMPRISONMENT FOR NOT MORE THAN ONE YEAR AND NOT MORE THAN 3 YEARS.**

**NEXT DUE BACK** in Courtroom \_\_\_\_\_ at \_\_\_\_\_ AM \_\_\_\_\_ PM on \_\_\_\_\_ or when notified and you must appear at all subsequent continued dates. You must also appear \_\_\_\_\_

**YOUR ATTORNEY** \_\_\_\_\_ address \_\_\_\_\_ phone no. \_\_\_\_\_

**DEFENDANT'S SIGNATURE** \_\_\_\_\_

I understand the penalties which may be imposed on me for willful failure to appear or for violation of any condition of release and agree to comply with the conditions of my release and to appear as required.

**WITNESSED BY** \_\_\_\_\_ (file at agency)

**IMPICATORY:** YOU ARE TO NOTIFY IMMEDIATELY THE D.C. BAIL AGENCY, 601 INDIANA AVE., N.W., SECOND FLOOR, TELEPHONE NUMBERS 629-4931 OR 629-4311, OF ANY CHANGE OF ADDRESS, CHANGE IN STATUS OF ANY RELEASE CONDITIONS, ANY REQUEST FOR ANY OFFENSE BASED ON PROBABLE CAUSE MAY BE GROUNDS FOR REVOCATION OF THIS ORDER.

Date \_\_\_\_\_ **SO ORDERED** \_\_\_\_\_ Signature of Judge LC-17

- 4. Copy - TO DEFENSE ATTORNEY
- 5. Copy - TO U.S. ATTORNEY
- 6. Copy - TO CUSTODIAN



- BAIL AGENCY REPORT

BA-64 (7/71)

**DISTRICT OF COLUMBIA BAIL AGENCY**

To: United States of America No. \_\_\_\_\_  
 v. \_\_\_\_\_ Charge \_\_\_\_\_  
 d.o.b. \_\_\_\_\_

The following information is submitted pursuant to 23 DC Code 1301 et seq. for use in determining conditions of release.

VERIFIED BY \_\_\_\_\_

**RESIDENCE-FAMILY**  
 Present Address \_\_\_\_\_  Yes  No  
 Length of residence \_\_\_\_\_ Living with \_\_\_\_\_  
 Former address \_\_\_\_\_  Yes  No  
 Length of residence \_\_\_\_\_ Lived with \_\_\_\_\_  
 Marital Status \_\_\_\_\_ D.C. Area resident for \_\_\_\_\_  Yes  No  
 Other Family ties in D. C. Area (not living with def.) \_\_\_\_\_  Yes  No

**EMPLOYMENT-SUPPORT**  
 Present Employment \_\_\_\_\_ Income \_\_\_\_\_  Yes  No  
 How long \_\_\_\_\_ Type of work \_\_\_\_\_  
 Prior employment \_\_\_\_\_  Yes  No  
 How long \_\_\_\_\_ Type of work \_\_\_\_\_ Reason for leaving \_\_\_\_\_  
 If unemployed, how supported \_\_\_\_\_ Education \_\_\_\_\_

**RECORD OF APPEARANCE AT COURT PROCEEDINGS** \_\_\_\_\_  
**OUTSTANDING WARRANTS OR DETAINERS/OTHER PENDING CHARGES** \_\_\_\_\_  
**PRIOR CONVICTIONS** \_\_\_\_\_

**REMARKS** \_\_\_\_\_

---

**RECOMMENDATION**  
 **PERSONAL RECOGNIZANCE**—Indicated by the defendant's strong ties to the community and his minimal threat to the safety of any other person or the community.  
 **CONDITIONAL RELEASE**—Indicated by the relatively weak community ties of the defendant and/or his potential threat to the safety of any other person or the community.  
 Condition I: Custody release to \_\_\_\_\_  
 Condition II: (if checked, the following is recommended)  
 a. That the defendant must reside at \_\_\_\_\_;  
 b. That the defendant must reside with \_\_\_\_\_;  
 c. That the defendant must report weekly to the Bail Agency by telephone;  
 d. That the defendant must be in at night by 10:00 PM, or by \_\_\_\_\_ because the defendant \_\_\_\_\_  
 Condition III: (if checked, the following is recommended)  
 a. That the defendant must obtain employment or become a student within five (5) days and report this to the Bail Agency immediately.  
 b. That the defendant must maintain his present employment or student status.  
 Condition V: That the defendant may not leave the jurisdiction during the pendency of this matter.  
 Work Release.  
 Other Conditions: (if checked, the following is recommended)  
 a. That the defendant undergo narcotic surveillance and necessary treatment.  
 b. That the defendant stay away from the complaining witness during the pendency of this matter.  
 c. \_\_\_\_\_

**DOES NOT RECOMMEND RELEASE** on personal recognizance or a conditional release. The Agency recommends other conditions as determined by the Court because \_\_\_\_\_  
 A positive recommendation will be made by the Bail Agency if and when the listed impediment is removed.

Date \_\_\_\_\_

Bail Agency Representative \_\_\_\_\_ Signature \_\_\_\_\_

1C-1

APPENDIX - K  
 BAIL REFORM ACT (1966)  
 18 U.S.C. §3146-3151

§3146. Release in noncapital cases prior to trial

(a) Any person charged with an offense, other than an offense punishable by death, shall at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions:

- (1) place the person in the custody of a designated person or organization agreeing to supervise him;
- (2) place restrictions on the travel, association, or place of abode of the person during the period of release;
- (3) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 percentum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release.
- (4) require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; or
- (5) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

(b) In determining which conditions of release will reasonably assure appearance, the judicial officer shall, on the basis of available information take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of conditions imposed, if any, shall

inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

(d) A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed conditions of release is not available, any other judicial officer in the district may review such conditions.

(e) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release: Provided, That, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection (d) shall apply.

(f) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(g) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court. Added Pub.L. 89-465, § 3(a), June 22, 1966, 80 Stat. 214.

Codification. Former section 3146, derived from Act Aug. 20, 1954, c. 772, § 1, 68 Stat. 747, which prescribed penalties for jumping bail, was stricken out by Pub.L. 89-465, § 3(a), June 22, 1966, 80 Stat. 214. The subject matter is now covered by sections 3150 and 3151 of this title.

§ 3147. Appeal from conditions of release

(a) A person who is detained, or whose release on a condition requiring him to return to custody after specified hours is continued, after review of his application pursuant to section 3146 (d) or section 3146 (e) by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Said motion shall be determined promptly.

(b) In any case in which a person is detained after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, or (2) conditions of release have been imposed or amended by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 3146(a). The appeal shall be determined promptly. Added Pub. L. 89-465, § 3(a), June 22, 1966, 80 Stat. 215.

§3148. Release in capital cases or after conviction

A person (1) who is charged with an offense punishable by death, or (2) who has been convicted of an offense and is either awaiting sentence or sentence review under section 3576 of this title or has filed an appeal or a petition for a writ of certiorari, shall be treated in accordance with the provisions of section 3146 unless the court or judge has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, or if it appears that an appeal is frivolous or taken for delay, the person may be ordered detained. The provisions of section 3147 shall not apply to persons described in this section: Provided, That other rights to judicial review of conditions of release or orders of detention shall not be affected. Added Pub.L. 89-465, §3(a), June 22, 1966, 80 Stat. 215, and amended Pub.L. 91-452, Title X, §1002, Oct. 15, 1970, 84 Stat. 952.

### §3149. Release of material witnesses

If it appears by affidavit that the testimony of a person is material in any criminal proceeding, and if it is shown that it may become impracticable to secure his presence by subpoena, a judicial officer shall impose conditions of release pursuant to section 3146. No material witness shall be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and further detention is not necessary to prevent a failure of justice. Release may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

### §3150. Penalties for failure to appear

Whoever, having been released pursuant to this chapter, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall, (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari after conviction of any offense, be fined not more than \$5,000 or imprisoned not more than five years, or both, or (2) if he was released in connection with a charge of misdemeanor, be fined not more than maximum provided for such misdemeanor or imprisoned for not more than one year, or both, or (3) if he was released for appearance as a material witness, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.  
Added Pub.L. 89-465, §3 (a), June 22, 1966, 80 Stat. 216.

### §3151. Contempt

Nothing in this chapter shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.  
Added Pub.L. 89-465, §3(a), June 22, 1966 80 Stat. 216.

## A PROPOSED REVISION

8 CFR 242.2(a)

At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under section 242(d) of the Act, the respondent may be arrested and taken into custody under a warrant of arrest. However, such warrant may be issued only by a district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in 8 CFR 242.1(a). A warrant of arrest may be issued only upon the certified statement of an immigration officer which sets forth clear facts to substantiate the belief that the alien to be arrested and detained is a potential abscondee or a threat to public safety. If, after its issuance, a decision is made not to serve a warrant of arrest, the officer who issued it may order its cancellation. When a warrant of arrest is served under this part, the alien shall have explained to him the contents of the order to show cause, the reason for his arrest and his right to be represented by counsel of his own choice at no expense to the Government. He shall be advised that any statement he makes may be used against him. He shall also be informed whether he is to be continued in custody or released under bond, released under conditions, or released on his own recognizance.

(1) General Procedure. The respondent detained under a warrant of arrest may apply to the officer who issued the warrant for release from custody, or for amelioration of the conditions under which he may be released from custody. In

APPENDIX L

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arriving at his decision to detain or release the alien, the district director or officer who issued the warrant shall take into consideration the following factors: close family ties; fixed address; prior immigration or criminal law violations; employment history and financial condition; previous attempts to escape or abscond, plus other factors as appropriate. Using the above criteria, the officer shall determine whether the alien should be detained in custody or released under bond, released under conditions or released on his own recognizance. That officer shall furnish the respondent with a notice of decision on Form I-286 indicating whether custody will be continued or terminated; specifying the conditions, if any, under which release is to be permitted; and advising the respondent whether he may apply to an immigration judge for release or modification of the conditions of release pursuant to paragraph (b) of this section, or whether he may appeal to the Board. A direct appeal to the Board shall not be allowed except as provided in paragraph (b) of this section.

a visa,

(2) Procedure to be followed when respondent has/ties in the United States, or small children. The procedure outlined below shall apply in the case of aliens who (i) entered the United States with a visa; or (ii) have a United States citizen or permanent resident spouse or parent, or a United States citizen brother or sister; or (iii) have had a residence in the United States for two years or more, either before or after their last entry; or (iv) are accompanied by and caring for, children aged 14 years or less.

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Whenever any alien described in this paragraph is arrested and detained in custody without bond, the officer who issued the warrant of arrest shall submit the complete file, including the certified statement of the immigration officer, and his own recommendation concerning detention to the immigration judge within 24 hours for a review of the conditions respecting custody and bond for the subject alien. However, if it is unlikely that the file will reach the immigration judge in time to allow him to make his review within 24 hours, the matter may be presented telephonically. If the matter is presented telephonically and the immigration judge decides that the alien should be continued in custody, copies of the order to show cause, the certified statement of the immigration officer concerning bond and detention, and a copy of the Form I-213 relating to the alien shall be forwarded immediately to the immigration judge for his post-audit review. Whenever such alien is arrested and detained in custody subject to a cash bond which he is unable to post within the 48-hour period immediately following his arrest and detention, the officer who issued the warrant of arrest shall submit the complete file including the certified statement of the immigration officer and his own recommendation respecting bond to the immigration judge for a review of the bond within 24 hours after the expiration of the above 48 hour period. However, if it is unlikely that the file will reach the immigration judge in time to permit him to make the bond review within the prescribed 24 hour period, the matter may be presented to the immigration judge telephonically. If the matter is presented telephonically and the immigration judge decides that the bond conditions should remain unchanged, copies of the order to show cause, the immigration officer's certified statement concerning bond and detention and a copy of the Form I-213 relating to the alien shall be forwarded immediately to the immigration judge for his post-audit review.

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the immigration judge holds the alien's deportation hearing or a bond redetermination hearing under § 242.2(b) within either of the 24- or 72- hour periods specified above, the submitted requirements of this regulation will be deemed to have been complied with.

When cases are submitted to the immigration judge they shall ordinarily be submitted to the immigration judge serving the district having jurisdiction over the proceeding in the order to show cause. If no immigration judge is available in the district, the recommendation may be submitted to any available immigration judge stationed in the region; or finally, to any other available immigration judge. In arriving at his decision to order the alien detained or released, the immigration judge shall take into consideration the following factors: close family ties; fixed address; prior immigration or criminal law violations; employment history and financial condition; previous attempts to escape or abscond, plus other factors as appropriate. Using the above criteria, the immigration judge shall determine whether the alien should be detained in custody or released under bond, released under conditions or released on his own recognizance. The immigration judge shall render his decision on Form I-286 and indicate therein whether custody will be continued or terminated; specify the conditions, if any, under which release is to be permitted; and advise the respondent whether he may apply to an immigration judge for release or for modification of the conditions of release pursuant to paragraph (b) of this section or whether he may appeal to the Board. A direct appeal to the Board shall not be allowed except as provided in paragraph (b) of this section. Copies of the decision shall be served on the alien and the Service.

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(b) Appeals from initial determinations regarding custody or bond. At any time before a deportation order becomes administratively final, an alien may apply to the immigration judge for redetermination of the custody or bond determination indicated by the officer who issued the warrant of arrest or the immigration judge on Form I-286. Such application may be made to the immigration judge serving the district having jurisdiction over the proceeding in the order to show cause. If no immigration judge is available in the district, the recommendation may be submitted to any available immigration judge stationed in the region or finally to any other available immigration judge. The determination of the immigration judge as to custody status or bond may be based upon any information which is available to him or which is presented to him by the alien or the Service. In making his decision on redetermination, the immigration judge shall take into consideration the factors enumerated in § 242.2(a)(2). The immigration judge shall enter his decision on redetermination on Form I-342 accompanied by a memorandum stating the reasons for his decision. The immigration judge shall promptly notify the respondent and the Service of his decision and the respondent and the Service may appeal to the Board from any such determination. If the respondent has been released from custody, application for bond redetermination must be made within 7 days after the date of such release. Thereafter application by a released respondent for modification of the terms of release may be made only to the regional commissioner in the region where the respondent resides. After a deportation order becomes administratively final or after expiration of the 7 day period and denial by the regional commissioner of his application for modification of the terms of release, the respondent may appeal directly to the Board. However, no appeal will be allowed when the Service notifies the alien

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that it is ready to execute the order of deportation and takes him into custody for that purpose. Appeals to the Board from a determination by an immigration judge or regional commissioner respecting custody or bond may be taken by filing a notice of appeal with the district director within 5 days after the date written notification is served on the respondent and the Service. When a notice of appeal is filed, the district director shall immediately transfer to the Board all records and information pertaining to the determination from which the appeal has been taken. The filing of such an appeal shall not operate to delay compliance with the custody directive from which appeal is taken or to stay the administrative proceeding or deportation. Consideration under this paragraph of a request or application by the immigration judge regarding custody or bond shall be separate and apart from any deportation hearing or proceeding under this part, and shall form no part of such hearing or proceeding or of the record thereof.

(c) Revocation. After an alien has been released under bond or conditions, if it appears that the alien is violating the conditions of his release or if he appears likely to abscond, he may be rearrested and detained in custody as provided in § 242.2(a).

## ... And, on Shaky Grounds

By Miguel C.

got my first job here in New York years ago, in a loft on Broadway, just up from 14th Street. A fur factory.

In those days, Immigration used to raid the 14th Street subway station. A priest warned me about this. He said: "When you get off the subway, make sure you're carrying a copy of *The Daily News*. And if anybody comes up to you and asks you anything, just say, 'Bull-----!'"

The hours in that factory were eight hours a day, six days a week. The pay was all on a piece-rate that worked out to be less than minimum wage. We got paid in cash — nothing off for taxes or Social Security. Because the business didn't officially exist: It had no books, no accounts, nothing of that kind.

Since then, my wife and I have worked in many places — mostly in factories on Canal Street and Broadway that make some kind of women's clothing. The hours are still the same (though some places shut down at noon on Saturday). There are no benefits, no deductions, no union. I don't think too many Americans would want my job. The places, like us who work in them, don't officially exist.

Except, of course, for Immigration. Working in one of these factories, you will soon be in your first raid: Immigration coming down the lines, asking for your papers. Men and women diving into piles of clothes, or trying to hide in the toilets. In a restaurant up-

town (other than the sweatshops, restaurants are where illegals find work), a friend of mine hid in the freezer for 20 minutes.

The possibility of being deported, and the fear of it, is for all of us the central fact. If Immigration shows up at your front door, you must be ready to crawl out the back window — abandon all your possessions and start over. You can never take it for granted that your home today will be your home tomorrow.

It makes us, my wife and me, fugitives. Which is not something life in Ecuador had prepared us for. There, we were part of Ecuador's middle class — she was a lab technician, I worked in a Government office. She had gone to a private school, and had won several folk-singing contests. We may not be what you think of as the "typical" illegal immigrant couple, but remember, getting from Ecuador to New York requires enough money that it is really a luxury of the middle class.

We came here partly because my wife had a lung condition that could not be treated in Ecuador! That got us our visas.

We also came to make money.

The visas have long since expired. Our one try at making our status legal, two years ago, ended with disaster

Immigration's doctors disagreed with all of us, and ruled that even though my wife's disease had not been cured, it had been "arrested," and so we would have to return home to Ecuador.

But over the years, most of our relatives had come to New York — some with our help. What would we be going "home" to?

We decided to move again. And so we disappeared, that time, out to Jersey City.

Our lives here have been difficult in so many different ways. My wife sings as often as she can for Ecuadorean groups; yet we will never be thought of as Ecuadoreans here — at best we will be called "Hispanic." No one can imagine that we might be literate; that we might be sulted for work outside the sweatshops. And a real home is something we do not dare to even dream about.

Yet we will do anything, and everything, up to the last minute, to stay. A friend of mine, a woman, told me as she was about to be deported: "Just wait. When the plane stops in Miami, I'll walk over to the postcards, and then from there, when no one's looking. . ."

*Miguel C. is a pseudonym. (David Rosen, who transcribed and edited this account, is International Ladies Garment Workers Union lawyer.)*

*N.Y. Times, Nov. 1948  
Editorial page*

*Exhibit No. 37*UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 1433

JAN 9 1979  
Nicasio Dimas, Jr.  
Assistant General Counsel  
United States Commission on Civil Rights  
Washington, D. C. 20425

Dear Mr. Dimas:

Enclosed please find the information requested in your letter of December 22, 1978. As a matter of convenience, I have responded to each item on a separate sheet of paper.

If I can be of assistance in providing you with further information in these or related areas, please do not hesitate to contact me or my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario T. Noto".

Mario T. Noto  
Deputy Commissioner

Enclosure

1. The date at which INS and the Social Security Administration established their comity relationship, and whether INS has identified undocumented aliens in the U.S. through this relationship. (application for a Social Security Card)

On March 19, 1974, the Social Security Administration approved regulations relating to the referral of Social Security Form SS-5 to this Service for verification of lawful status to accept employment. 6,820 SS-5's were referred to Investigations as of July 31, 1974. During that four-month period 790 investigations were completed and of that total number, 157 undocumented aliens were located. Social Security Administration was not capable, with resources on hand, of making a sustained in-depth review of applications for Social Security account numbers for referrals to INS. Also, the results of locating undocumented aliens was not considered a cost-efficient investigation by INS based on the ratio of one located alien to twenty referrals. Therefore, as of July 31, 1974, referrals were officially discontinued.

However, another program designed to assist the Social Security Administration (SSA) in detecting fraudulent INS documents when they are used to apply for SSA benefits is now underway.

On June 13, 1978, the SSA requested training from this Service in the detection of fraudulent Alien Registration Receipt Cards (Form I-151) presented to obtain benefits under the Social Security Act. Due to the large number of Social Security field offices (1,200), it was agreed that INS Intelligence officers would train SSA instructors who, in turn, would be responsible for presenting the program to Social Security field employees.

As of this date, INS Intelligence has completed training projects in San Francisco, New York and Detroit. Programs have also been scheduled in Miami and San Antonio on January 12 and February 14, 1979, respectively.

*Exhibit No. 38*

STATEMENT BY

JACK WASSERMAN\*

BEFORE COMMISSION ON CIVIL RIGHTS

NOVEMBER 15, 1978

DISCRIMINATIONS IN OUR IMMIGRATION LAWS

Although our national policy is to avoid discrimination based upon race, color or national origin, such policy has yet to permeate our Immigration and Nationality Laws. It is considered unconstitutional and contrary to our national welfare to discriminate or permit segregation in public accommodations,<sup>1</sup> in interstate transportation facilities,<sup>2</sup> in education,<sup>3</sup> in public employment,<sup>4</sup> in housing,<sup>5</sup> in the issuance of professional licenses,<sup>6</sup> in the selection of juries,<sup>7</sup> and even in penitentiaries or detention facilities.<sup>8</sup>

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\*Member of District of Columbia, New York and Pennsylvania Bar, Former Member of Board of Immigration Appeals, Past President of Association of Immigration and Nationality Lawyers, Author of Immigration Law and Practice (1973).

<sup>1</sup> 42 U.S.C. 2000(a), District of Columbia v. Thompson & Co., 346 U.S. 100 (1953); Johnson v. Virginia, 373 U.S. 61 (1963).

<sup>2</sup> Bailey v. Patterson, 369 U.S. 31 (1962).

<sup>3</sup> Brown v. Board of Education, 347 U.S. 483 (1954); 349 U.S. 294 (1955); Bolling v. Sharpe, 347 U.S. 497 (1954); McLauren v. Oklahoma, 339 U.S. 637 (1950).

<sup>4</sup> 5 U.S.C. 7154, 5 C.F.R. 4.2.

<sup>5</sup> 42 U.S.C. 1982; E.O. 11063 of Nov. 20, 1962, 27 F.R. 11527.

<sup>6</sup> See Re: Summers, 325 U.S. 561, 571 (1945).

<sup>7</sup> Hill v. Texas, 316 U.S. 400 (1942) See also: 18 U.S.C. 1861.

<sup>8</sup> Holt v. Sarver, 369 F. Supp. 362 (E.D. Ark. 1970), aff'd. 442 F. 2d 304 (8th Cir., 1971); Gates v. Collier, 349 F. Supp. 881 (N.D. Miss. 1972).

Our national anti-discrimination policies and the constitutional safeguards which ensure them, however, have bypassed our immigration laws. They remain a disgraceful relic of the past nurtured in the mouldy miasma of unfounded prejudice, bias and racial discrimination.

Congress and the courts have with surprising regularity affirmed outrageous and blatant discriminations in our immigration and naturalization laws based upon race and national origin.

According to early cases, Congress may exclude or deport aliens because it dislikes the color of their eyes or their skin.<sup>9</sup> It is said that an entire race may be excluded and if it chooses, Congress may cut off all immigration to our shores.<sup>10</sup> The source of Congressional power to accomplish such legislation is attributed either to the plenary powers inhering in sovereignty according to accepted notions of international law<sup>11</sup> or to the power to regulate foreign commerce.<sup>12</sup> Whether these powers are plenary and unrestricted by constitutional prohibitions deserves reexamination.<sup>13</sup>

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<sup>9</sup>Chae Chan Ping v. United States, (The Chinese Exclusion Case), 130 U.S. 581 (1889); Fong Yue Ting v. United States, 149 U.S. 698 (1893); Lapina v. Williams, 232 U.S. 78 (1914); U.S. ex rel Harisiades v. Shaughnessy, 187 F. 2d 137, 141 (2nd Cir., 1951), aff'd. 342 U.S. 586.

<sup>10</sup>Lapina v. Williams, 232 U.S. 78, 88 (1914); See: Konvitz, The Alien and the Asiatic in American Law (1946) Chapt. I.

<sup>11</sup>Fong Yue Ting v. United States, 149 U.S. 698 (1893).

<sup>12</sup>U.S. ex rel Turner v. Williams, 194 U.S. 279 (1904). The commerce power, however, is subject to the Fifth Amendment Currin v. Wallace, 306 U.S. 1, 13-14 (1939). Galvan v. Press, 347 U.S. 522 (1954) refers to the power over immigration as the exercise of political discretion.

<sup>13</sup>Milton R. Konvitz states in Civil Rights in Immigration (1953) p. 39, that "the Supreme Court has held that the power of Congress with regard to admissions and exclusions of immigrants is plenary; this power is not limited in any way by the Bill of Rights."



Our earliest discriminations were leveled against Chinese, Japanese and other Asiatics.

The sentiment that Chinese were racially inferior and would not assimilate culminated in the Chinese Exclusion Law of 1882 suspending the immigration of Chinese labor for a period of ten years.<sup>14</sup> With subsequent modifications and extensions<sup>15</sup> the exclusion of the Chinese remained as a national policy until 1943.<sup>16</sup>

Chinese aliens, caught abroad by the exclusion laws, were denied reentry to the United States.<sup>17</sup> It was said that while all persons regardless of race were entitled to the benefits of the Constitution during their stay here, they were not subject to constitutional guarantees when they leave and were beyond the jurisdiction.<sup>18</sup>

In Lees v. United States, 150 U.S. 476, 480 (1893), a penalty for the illegal importation of Chinese contract labor was upheld with the statement that:

"Given in Congress the absolute power to exclude aliens, it may exclude some and admit others, and the reasons for its discrimination are not open to challenge in the courts."

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<sup>14</sup>22 Stat. 58, Dillingham Immigration Commission Reports, Volume 39, Senate Document 758, 61st Cong. 3rd Sess. (1911) p. 70.

<sup>15</sup>The Exclusion Act of 1882 was amended in 1884 and 1888. It was extended for another ten years in 1892, and in 1902 and 1904 the exclusion laws were reaffirmed.

<sup>16</sup>57 Stat. 600.

<sup>17</sup>Lem Moon Sing v. United States, 158 U.S. 538 (1895); Chae Chan Ping v. United States, (The Chinese Exclusion Case), 130 U.S. 581 (1889).

<sup>18</sup>Lem Moon Sing v. United States, *supra*. Compare due process rights accorded to a returning alien in Kwong Hai Chew v. Colding, 344 U.S. 590 (1953) and see Rosenberg v. Flcuti, 374 U.S. 449 (1963).

Fong Yue Ting v. United States, 149 U.S. 698 (1893), known as the Chinese Deportation Cases, involved the 1892 Act requiring Chinese laborers to present the testimony of at least one credible white witness to secure a certificate of residence. Failure to possess such certificate resulted in deportation. This legislation was upheld as a proper exercise of sovereignty. It was said that a particular class of aliens could be expelled and a system of registration was appropriate. The requirement of a witness who was not Chinese was considered due process and similar to the necessity of producing citizens to attest for those seeking naturalization. Justices Brewer, Field and Fuller filed vigorous dissents. Justice Brewer, asserting that resident aliens are within the protection of the Constitution, stated (149 U.S. 737, 743):

"This doctrine of powers inherent in sovereignty is one both indefinite and dangerous. Where are the limits to such powers to be found and by whom are they to be pronounced? Is it within legislative capacity to declare the limits? If so then the mere assertion of an inherent power creates it, and despotism exists. \*\*\* The expulsion of a race may be within the inherent power of a despotism. \* \* \* I deny that there is any arbitrary and unrestrained power to banish residents, even resident aliens. \* \* \* It is true that the statute is directed only against the obnoxious Chinese; but if the power exists, who shall say it will not be exercised tomorrow against other classes and other people."

Justice Field insisted that (149 U.S. 754-5):

"Arbitrary and despotic power can no more be exercised over them with reference to their person and property than over the person and property of native born citizens. \* \* \* Arbitrary and tyrannical power has no place in our system."

The provisions of the 1892 Act, however, which sought to imprison at hard labor and without judicial trial Chinese persons who were unlawfully in the United States and thereafter deport them was held to be contrary to the Fifth and Sixth Amendments. 19

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<sup>19</sup>Wong Wing v. United States, 163 U.S. 228 (1896).

## FOOTNOTES TO POINT SYSTEM

1. Although the Agency cannot recommend an arrestee charged with a felony, the interviewer should indicate to MPD that regardless of our recommendation they make the final decision on release. MPD does have the power to break down the charge to a misdemeanor or to release the arrestee on an unsecured appearance bond. In the past where MPD has felt that the arrestee will appear voluntarily at the station house the next morning they have informally released the arrestee. The interviewer should encourage MPD to release the arrestees but the approach should be low-keyed with no pressure.
2. The Statute does not preclude citation release of juveniles. This may be an area into which the citation program can expand. Until that time, however, this provision should apply unless the interviewer can get MPD to agree to release and can arrange initial appearance procedures for juveniles.
3. This includes an escapee conviction, prison breach conviction, but not a fugitive conviction.
4. "A verified Washington area address where he or she can be reached" includes not only residential address, but also employment address provided that the employer verifies the employment address. However, where residence is undetermined, as opposed to unverified, an employment address will not suffice.
5. The 5 years must include a minimum of 2 years of steady residence and a total of 5 years within the past 10 year period. N.B. Time outside the area due to military service, incarceration, or university student residence should be considered neither inside nor outside the area, as long as present residence of 6 months in Washington can be established.

The exclusions above for those in military service and incarceration are being made to rule out the inequities involved for persons residing in areas outside D.C. due to circumstances beyond their immediate control. The university student exception is an arbitrary exclusion based on the probability that residence of university students outside D.C. is not normally a permanent residence and, to some extent, is beyond the control of students who are interested in a college education. The six month provision is being added to ensure some commitment to resume permanent residence in the D.C. area. The practical effect of excluding time spent in these situations would be to extend

Eastern and Western Hemisphere natives are granted national quotas of 20,000 per year and preference categories are recognized.<sup>26</sup> Place of birth determines quota chargeability under 8 U.S.C. 1152(b)(1976).

Aliens born in colonies are subject to annual quotas of 600.<sup>27</sup> This discrimination was based on prejudice against blacks in Caribbean countries.<sup>28</sup> The Act also distinguishes between alien citizens, 21 years or older who can petition for alien parents, brothers or sisters and those under such age who cannot.<sup>29</sup>

These discriminations between American children over and under 21,<sup>30</sup> between colonial sub-quotas and national quotas are indefensible classifications based upon race, national origins, place of birth and prejudice. However, they have been sustained by the courts and represent our national policy - a policy in conflict with our national anti-discrimination declarations and attitudes.

<sup>26</sup> 8 U.S.C. 1151(a), 1153 (1976). There is now a total limit of 290,000 annually for independent countries of the Eastern and Western Hemisphere. (Pub. L. 95-412, 92 Stat. 907).

<sup>27</sup> 8 U.S.C. 1152(c)(1976) as amended by Pub. L. 94-571, 90 Stat. 2703 (1976).

<sup>28</sup> See H.R. Rep. No. 1365, 82nd Cong., 2nd Sess. 327 (1952).

<sup>29</sup> 8 U.S.C. 1151(b), 1153(a)(5)(1976) as amended by Pub. L. 94-571, 90 Stat. 2703 (1976).

<sup>30</sup> Perdido v. INS, 420 F. 2d 1179 (5th Cir., 1969); Faustino v. INS, 432 F. 2d 429 (2nd Cir., 1970).

We can retain an annual world wide ceiling of 290,000 but discrimination based upon age, national quotas, quotas based upon place of birth and colonial quotas are neither needed nor in keeping with modern concepts of equality and fairness. They represent a relic of prejudice and a bygone era. They should be eliminated.

## Exhibit No. 39

## ASSOCIATION OF IMMIGRATION AND NATIONALITY LAWYERS

OFFICE OF THE PRESIDENT

Steven S. Mukamal  
127 John Street  
New York, NY 10038  
Tel. (212) 952-0700

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November 17, 1978

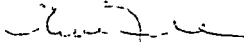
Mr. Donald Chau  
The U.S. Commission on Civil Rights  
1121 Vermont Ave. N.W.  
Washington, D. C. 20425

Dear Donald:

I thought that this short summation of my testimony could be inserted into the record file.

I would appreciate that when the Commission completes testimony and has this material in print, that a copy be forwarded to my office for dissemination to our members.

Sincerely,



Steven S. Mukamal

SSM:rc  
enc.

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## OFFICE OF THE PRESIDENT

Steven S. Mukamal  
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**Testimony of Steven S. Mukamal, President  
 Association of Immigration and Nationality  
 Lawyers-Before the U.S. Commission on Civil  
 Rights, November 15, 1978, Washington, D.C.**

My colleagues, Mr. Carlner and Mr. Wasserman, undoubtedly will refer to the "nitty-gritty" of infringement of civil rights, such as illegal arrests, unlawful search and seizure, etc. It is my purpose to advert to a much broader topic which involves deprivation of civil rights; a right granted by statute which cannot be achieved because of a breakdown in the processes of government, causing inordinate delay in final adjudications, or, in some instances, a complete failure to adjudicate is, in my opinion, the very essence of deprivation of civil rights. You have all, I am sure, heard, or read, of the tremendous workload of the Immigration Service, causing a tremendous delay in the processing of applications. That the workload exists is an undoubted fact; that there is no solution to the problems caused by that workload is not a fact; that the only solution to the problems caused by the large workload is more manpower is only a half-truth.

I, on behalf of the Association of Immigration and Nationality Lawyers, in my term of office, have dedicated myself to whatever is necessary to improve the quality of service offered by the Immigration and Naturalization Service. I have, together with my colleagues and various committees, offered suggestions to the Service which we believe will improve the quality of service. We will continue to complain when complaints are in order, and to offer constructive criticism in order to rectify a situation which is intolerable.

A bureaucracy has within it, inevitably, as it grows older, a built-in complacency. I am not personally hostile to recent legislation which has done away with an age limitation, which previously existed, forcing the retirement of persons within government. There is no longer a limitation of employment based upon age 70. It is true

- 2 -

that age, in and of itself, does not necessarily destroy the ability or willingness of a human being to function. It is equally true that the possibility of senility, based upon on-coming age, is an ever increasing factor as we grow older. I have, no doubt, that as the federal bureaucracy grows older, it will become less and less flexible. In order to counteract such inflexibility, we have suggested a time factor in adjudication of all applications before the Immigration and Naturalization Service. If, by statute, or regulations, it is provided with an application for any type of adjudication, under the Immigration and Nationality law that must be adjudicated within a fixed period of months, inevitably the Service will make adjudications a matter of first priority.

It is undoubtedly true that the Immigration and Naturalization Service has a responsibility for preventing the illegal entry to the United States of the many millions of persons who are forever testing our borders. The Congress has not differentiated in writing the laws between preventing the entry of potentially illegal resident aliens and adjudicating petitions which are peculiarly the responsibility of the Immigration Service. Yet, in the past, and even today, we find that the greatest percentage of budgetary dollars have been devoted to interdicting our borders with the result that tremendous hardship has been visited upon persons who are seeking to bring to the United States their parents, their children, their brothers, their spouses. That hardship is compounded even more because of certain time limitations that the laws possess. At the age of 21, a child is no longer a child, and yet an inordinately delayed petition submitted to the Service makes it impossible for that child to come as soon as age 21 arrives. It is this type of denial of civil rights that concerns me and the Association of Immigration and Nationality Lawyers keenly. Individual deprivation of civil rights caused by illegal search and seizure can, and often do, become the subject of court review. The larger proposition presented by the many tens of thousands of applications lying unadjudicated do not as readily lend themselves to court review.

We have been fortunate enough to be invited to escalate our problems, if they are unresolved, from the Immigration Service to the Department of Justice, and even from the Department of Justice into the Executive Mansion. We propose diligently to persuade the Commission of Immigration to set up a course of procedure which will minimize the delay which presently exists in adjudication and if we are not successful in finding a solution at the level of the Commissioner, we will escalate.



I AM PLEASED TO BE HERE TODAY TO DISCUSS RECENT LEGAL DEVELOPMENTS AND CASES INVOLVING INS WHICH RELATE TO THE AREA OF CONSTITUTIONAL LAW AND CIVIL RIGHTS.

THE BASIC AUTHORITY OF INS OFFICERS TO INTERROGATE, ARREST, AND SEARCH FOR ALIENS WITHOUT WARRANTS IN CONNECTION WITH ENFORCEMENT OF THE IMMIGRATION AND NATIONALITY ACT IS SET FORTH IN SECTION 287 OF THE IMMIGRATION AND NATIONALITY ACT, ~~8 U.S.C. 1357~~. IN THE PAST FEW YEARS, THERE HAVE BEEN SEVERAL SIGNIFICANT SUPREME COURT DECISIONS DISCUSSING AND DEFINING THE SCOPE OF THIS AUTHORITY.

IN ALMEIDA-SANCHEZ V. U.S., ~~413 U.S. 266~~ (1973), THE COURT HELD THAT A WARRANTLESS SEARCH OF AN AUTOMOBILE COULD BE MADE WITHOUT PROBABLE CAUSE OR CONSENT ONLY AT THE BORDER OR ITS FUNCTIONAL EQUIVALENT.

IN BRIGNONI-PONCE V. U.S., ~~422 U.S. 873~~ (1975), THE COURT HELD THAT EXCEPT AT THE BORDER AND ITS FUNCTIONAL EQUIVALENTS, INS OFFICERS ON ROVING PATROL MAY STOP VEHICLES ONLY IF THEY ARE AWARE OF SPECIFIC ARTICULABLE FACTS, TOGETHER WITH RATIONAL INFERENCES FROM THOSE FACTS, THAT REASONABLY WARRANT SUSPICION THAT THE VEHICLES CONTAIN ALIENS WHO MAY BE IN THE COUNTRY ILLEGALLY. THE COURT HELD THAT APPARENT MEXICAN ANCESTRY WAS A RELEVANT FACTOR IN DETERMINING WHETHER OR NOT THERE WAS "REASONABLE SUSPICION," BUT THAT STANDING ALONE, THIS FACTOR WAS INSUFFICIENT TO JUSTIFY A VEHICLE STOP. THE SAME RULE WAS APPLIED TO STOPS AT TEMPORARY CHECKPOINTS IN U.S. V. MAXWELL, ~~565 F.2D 596~~ (9TH CIR. 1977); <sup>Supreme Ct.</sup> THE COURT IN ~~BRIGNONI-PONCE~~ SPECIFICALLY LEFT OPEN THE QUESTION OF WHETHER OR NOT INS OFFICERS MAY STOP PERSONS REASONABLY BELIEVED TO BE ALIENS WHEN THERE IS NO REASON TO BELIEVE THAT THEY ARE IN THE COUNTRY ILLEGALLY.

WITH RESPECT TO THE LATTER POINT, THE SEVENTH CIRCUIT COURT OF APPEALS HAS HELD THAT AN INS OFFICER MAY QUESTION A PERSON, WITHOUT DETAINING HIM, CONCERNING HIS RIGHT TO BE IN THE UNITED STATES IF THE OFFICER REASONABLY BELIEVES THE PERSON TO BE AN ALIEN. ~~ILLINOIS MIGRANT COUNCIL V. PILLIOD, 548 F.2D 715 (7TH CIR. 1977)~~. ON THE OTHER HAND, A DISTRICT JUDGE IN THE SOUTHERN DISTRICT OF NEW YORK HAS INDICATED THAT THE INS MUST HAVE REASONABLE SUSPICION THAT A PERSON IS AN ALIEN IN THE UNITED STATES ILLEGALLY BEFORE ENGAGING IN QUESTIONING ABOUT THE PERSON'S RIGHT TO BE IN THE UNITED STATES. ~~MARQUEZ V. KILEY, 436 F. SUPP. 100 (S.D.N.Y. 1977)~~. A FINAL ORDER HAS NEVER BEEN ISSUED IN THE LATTER CASE. AND THIS THE GOVERNMENT HAS NOT YET HAD AN OPPORTUNITY TO FILE AN APPEAL.

IN U.S. V. MARTINEZ-FUERTE, 428 U.S. 543 (1976), THE SUPREME COURT HELD THAT THE INS COULD MAKE ROUTINE VEHICLE STOPS TO INQUIRE INTO CITIZENSHIP AND IMMIGRATION STATUS AT REASONABLY LOCATED FIXED CHECKPOINTS IN THE ABSENCE OF ANY SUSPICION THAT A PARTICULAR VEHICLE CONTAINS ILLEGAL ALIENS. THE COURT ALSO HELD THAT OPERATION OF A FIXED CHECKPOINT NEED NOT BE AUTHORIZED IN ADVANCE BY A JUDICIAL WARRANT. HOWEVER, NO SEARCH MAY BE MADE OF A VEHICLE AT A PERMANENT CHECKPOINT WHICH IS NOT THE FUNCTIONAL EQUIVALENT OF THE BORDER WITHOUT CONSENT OR PROBABLE CAUSE. ~~U.S. V. ORTIZ, 422 U.S. 891 (1975)~~.

IN ORDER TO INSURE THAT OUR OFFICERS WILL COMPLY WITH THE LATEST LEGAL STANDARDS IN THE AREA OF SEARCH AND SEIZURE, WE HAVE COMPLETELY REVISED INS MANUAL M-69, THE LAW OF SEARCH AND SEIZURE FOR IMMIGRATION OFFICERS. IN PREPARING THIS REVISION, WE SOLICITED AND CONSIDERED THE COMMENTS OF CONCERNED GROUPS FROM OUTSIDE THE SERVICE, SUCH AS MALDEF.

WE HOPE TO HAVE THE NEW MANUAL READY FOR DISTRIBUTION WITHIN THE NEXT FEW WEEKS.

IN RESPONSE TO ISSUES RAISED IN THE LAWSUIT MUNOZ V. BELL, PENDING IN THE CENTRAL DISTRICT OF CALIFORNIA, WE HAVE PROPOSED VARIOUS NEW REGULATIONS DEALING WITH RIGHT TO COUNSEL. ALIENS WOULD BE NOTIFIED OF THEIR STATUTORY RIGHT TO COUNSEL, AT NO EXPENSE TO THE GOVERNMENT, AT THE TIME EXCLUSION OR DEPORTATION PROCEEDINGS ARE INSTITUTED AGAINST THEM. THEY WOULD ALSO BE PROVIDED WITH A LIST OF ORGANIZATIONS IN THAT LOCALITY WHICH PROVIDE FREE LEGAL SERVICES TO INDIGENT ALIENS. ALIENS WHO ARE PLACED IN DEPORTATION PROCEEDINGS WOULD BE GIVEN WRITTEN NOTICE OF THEIR APPEAL RIGHTS AT THE TIME THE ORDER TO SHOW CAUSE INITIATING THE PROCEEDING IS SERVED.

WE HAVE ALSO PROPOSED NEW REGULATIONS TO ALLOW APPLICANTS FOR ASYLUM WHO ARE APPLYING FOR ADMISSION AT SEA OR AIR PORTS OF ENTRY TO HAVE FULL EVIDENTIARY HEARINGS BEFORE IMMIGRATION JUDGES ON THEIR ASYLUM CLAIMS. PREVIOUSLY, ASYLUM APPLICATIONS BY SUCH ALIENS COULD BE MADE ONLY TO INS DISTRICT DIRECTORS WHO ADJUDICATED THEM WITHOUT HEARINGS ON THE RECORD. ~~THE DECISION TO EXTEND THE IMMIGRATION JUDGE HEARING PROCEDURES TO ASYLUM APPLICANTS WAS MADE IN RESPONSE TO RECOMMENDATIONS BY THE HOUSE SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW, AND ALSO IN RESPONSE TO THE ISSUES RAISED IN SEVERAL COURT CASES INVOLVING HAITIAN ASYLUM APPLICANTS. HOWEVER, THE ONLY CIRCUIT COURT OF APPEALS TO CONSIDER THE ISSUE, THE FIFTH CIRCUIT, HAD RULED THAT SUCH HEARINGS WERE NOT CONSTITUTIONALLY REQUIRED, PIERRE V. UNITED STATES,~~

*The case was*

~~547 F.2D 1281 (5TH CIR. 1977), VACATED AND REMANDED BY THE SUPREME COURT TO DETERMINE MOOTNESS,, WHILE A DISTRICT COURT IN FLORIDA HAD RULED THE OTHER WAY. SANNON V. INS, 427 F. SUPP. 1270 (S.D. FLA., 1977).~~

A LAWSUIT WITH WHICH YOU ARE FAMILIAR IS SILVA V. LEVL, A CLASS ACTION FILED IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS ON NOVEMBER 18, 1976. THE ISSUE INVOLVED WAS THE CHARGEABILITY OF APPROXIMATELY 145,000 VISA NUMBERS ALLOCATED BETWEEN 1968 AND 1976 TO CUBAN REFUGEES ADJUSTED UNDER THE CUBAN REFUGEE ADJUSTMENT ACT OF 1966. THE GOVERNMENT CONCEDED THAT THE NUMBERS HAD BEEN IMPROPERLY CHARGED AND COULD BE RECAPTURED. HOWEVER, THE GOVERNMENT AND THE PLAINTIFFS DISAGREED AS TO THE METHOD OF REALLOCATION. THE PLAINTIFFS TOOK THE POSITION THAT MEXICAN NATIONALS HAD THE RIGHT TO RECOVER ALL, OR NEARLY ALL, OF THE 145,000 RECAPTURED NUMBERS. ON THE OTHER HAND, THE GOVERNMENT TOOK THE POSITION THAT THE REALLOCATION SHOULD FOLLOW THE ACTUAL HISTORICAL PATTERN OF VISA DISTRIBUTION DURING THE YEARS 1968-1976. THIS THEORY WOULD HAVE RESULTED IN A RECAPTURE OF APPROXIMATELY 58,000 VISAS BY MEXICAN NATIONALS, WITH THE REST OF THE NUMBERS BEING AVAILABLE FOR UTILIZATION BY PERSONS FROM OTHER INDEPENDENT COUNTRIES OF THE WESTERN HEMISPHERE WHO COULD SHOW ACTUAL HARM RESULTING FROM THE GOVERNMENT'S IMPROPER CHARGING POLICY.

ON OCTOBER 10, 1978, JUDGE GRADY ISSUED AN ORDER WHICH ADOPTED THE PLAINTIFF'S THEORY OF RECAPTURE. THE ORDER ALSO MADE PERMANENT A PREVIOUS TEMPORARY RESTRAINING ORDER PRECLUDING THE GOVERNMENT FROM REMOVING FROM THE UNITED STATES THOSE CLASS MEMBERS WHO WERE HERE ON MARCH 10, 1977. THE GOVERNMENT HAS NOT YET DECIDED WHETHER OR NOT TO APPEAL THE DISTRICT COURT'S FINAL ORDER.

FINALLY, I WILL MENTION THE CASE OF U.S. V. 68 FILIPINO WAR VETERANS, ~~406 F. SUPP. 931 (N.D. CAL. 1975)~~. THE CASE INVOLVED CLAIMS BY CERTAIN FILIPINO VETERANS OF WORLD WAR II THAT THEY SHOULD BE ALLOWED TO AVAIL THEMSELVES OF SPECIAL NATURALIZATION PROCEDURES WHICH HAD BEEN AVAILABLE FOLLOWING THE WAR, NOTWITHSTANDING THE EXPIRATION OF THOSE SECTIONS, BECAUSE THE CONDUCT OF THE U.S. GOVERNMENT HAD PREVENTED THEM FROM APPLYING FOR NATURALIZATION. THERE WERE THREE CATEGORIES OF PETITIONERS INVOLVED. CATEGORY I CONSISTED OF PETITIONERS WHO PROVED THAT THEY HAD DONE ALL THEY COULD IN 1945 AND 1946 TO BECOME NATURALIZED. CATEGORY II INVOLVED PETITIONERS WHO DID NOT TAKE ANY TIMELY STEPS TO BECOME NATURALIZED BEFORE THE EXPIRATION OF THE SPECIAL LAW. CATEGORY III PETITIONERS WERE IN THE SAME POSITION AS CATEGORY II, EXCEPT THAT THEY HAD NOT SHOWN THAT THEY HAD ACTUALLY SERVED IN THE UNITED STATES ARMED FORCES AS REQUIRED FOR NATURALIZATION UNDER THE SPECIAL PROCEDURES.

THE DISTRICT COURT GRANTED NATURALIZATION TO CATEGORIES I AND II. THE GOVERNMENT APPEALED FROM THE DISTRICT COURT'S DECISION ON THE GROUND THAT IT WAS INCONSISTENT WITH THE SUPREME COURT'S RULING IN A SIMILAR CASE, INS V. HIBI, ~~414 U.S. 5 (1973)~~. HOWEVER, IN LIGHT OF CERTAIN DISTINCTIONS BETWEEN 68 FILIPINOS AND HIBI, AND THE EQUITABLE FACTORS INVOLVED, THE INS RECOMMENDED TO THE SOLICITOR GENERAL THAT THE APPEAL BE WITHDRAWN. THE SOLICITOR GENERAL AGREED, AND THE GOVERNMENT'S MOTION TO WITHDRAW THE APPEAL WAS GRANTED BY THE NINTH CIRCUIT. ~~SINCE THAT TIME~~, THE GOVERNMENT HAS DECIDED TO ADOPT THE DISTRICT COURT'S REASONING ONLY WITH RESPECT TO THOSE PETITIONERS WHO FIT WITHIN CATEGORY I, THAT IS, THOSE WHO CAN PROVE THAT THEY APPLIED OR MADE A REASONABLE EFFORT

TO APPLY FOR NATURALIZATION BEFORE DECEMBER 31, 1946, BUT WERE PREVENTED FROM BECOMING NATURALIZED BY THE GOVERNMENT'S MISCONDUCT. THE GOVERNMENT WILL CONTINUE TO OPPOSE PETITIONS BY THOSE WHO TOOK NO STEPS TO BECOME NATURALIZED BEFORE DECEMBER 31, 1946.

*Nazi Jack Porse.*

OVERALL, I BELIEVE THAT THE PRESENT LEADERSHIP OF THE INS HAS SHOWED FLEXIBILITY AND A WILLINGNESS TO CONSIDER ARGUMENTS SET FORTH BY THE OPPOSING SIDE IN LEGAL DISPUTES. OF COURSE, THIS DOES NOT MEAN THAT WE WILL ALWAYS BE ABLE TO REACH AGREEMENTS WHICH WILL PREVENT FURTHER LITIGATION. HOWEVER, IN SEVERAL INSTANCES WE HAVE MODIFIED OR CHANGED OUR LEGAL POSITION OR PROCEDURES AFTER CONSIDERATION OF OPPOSING ARGUMENTS. I WILL NOW ANSWER YOUR QUESTIONS.



**CONRAD P. SMITH**  
PRESIDENT

BETTIE G. BENJAMIN  
ALAIRE B. RIEFFEL  
VICTORIA T. STREET

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TESTIMONY

OF

FRANK SHAFFER-CORONA

MEMBER, AT-LARGE

DISTRICT OF COLUMBIA BOARD OF EDUCATION

BEFORE THE

U.S. COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C.

NOVEMBER 15, 1978

Members of the U. S. Commission on Civil Rights, I want to thank you for the opportunity to appear before you to share with you some of the concerns of the Chicano/Latino people living in the U. S. My name is Frank Shaffer-Corona. I am a Member At Large of the District of Columbia Board of Education. In that capacity I represent 750,000 persons, 85% of whom are persons of color, who live in the colonized capital city as yet unrepresented in the national legislative bodies. I also appear before you as the Washington representative of LaRaza Unida Party, a national Chicano/Latino political party with chapters in 22 states, and LaAlianza de Pueblos Libres, a national organization of some 50,000 members struggling to protect our property rights on our own land.

As a concerned government official serving the citizens of our Nation's Capital, I have had numerous opportunities to observe both the abuses and the effects of those abuses upon our community at the hands of the Gestapo-like agents of the Immigration and Naturalization Service. I do not want to bore you with these, because I am sure you have heard them and seen press and other reports of them. As the Washington Representative of two organizations clearly in the forefront of the Chicano/Latino struggle for equality and self-determination in this land of the free, I could relate countless horror stories to you, stories of government murder, kidnapping, racism, and other abuses. Again I am certain that your records are overflowing with these stories. I would also surmise that you are familiar with the efforts of the two popularly-chosen leaders of the Chicano Movement - José Angel Gutierrez and Reies Lopez Tijerina - to fight against the racism which leads to the abuses of not only the INS, but the FBI, CIA, and other elements of the government against our people. I will be happy to provide you with a substantial amount of documentation which will speak to these matters, for the record of these proceedings.



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I would rather take this opportunity to propose several possible solutions to the various problems created by the entire immigration mess;

1. The U. S. government could attack the problem of the abuse of undocumented persons by granting them some form of dual temporary citizenship which would obtain during their stay in this country.
2. The U. S. government could grant full Constitutional protections to all persons, regardless of their citizenship status.
3. The U. S. government could administer and enforce immigration laws, even the present restrictive ones, in a manner consistent with the U. S. Constitution, which assumes innocence until proof of guilt is provided by government, rather than the Napoleonic Code, which begins with the assumption of guilt.
4. The U. S. government could outlaw runaway shops, which create an annual permanent drain of between 300,000 and 400,000 in our economy, thus creating an ever-increasing permanent unemployment.
5. The U. S. government could begin to seriously and dramatically alter the exploitive relationship of its multi-national corporations to the rest of the world, and to the Third World in particular.

All of these suggestions are consistent with the principles upon which this country was founded. To accomplish a return to our ideals, the U. S. government must begin to re-order its priorities in such a way as to encourage, promote,

- 3 -

and bolster an educational system designed to tell the truth to people about the phenomena and the conditions that have led to the present situation. A serious commitment to quality education would be a significant step in the direction of achieving true democracy in our society. The ratio of \$120 billion for weapons and an offensive military establishment to \$12 billion for education is criminal, and must be addressed if we are to find a democratic and humanistic solution to the problems you are considering here.

In conclusion I would like to explain briefly something symbolic to you. In Spanish, the INS is called Servicio de Inmigración y Naturalización. The acronym is, therefore SIN - sin derechos, sin humanidad - without rights, without humanity. In English, we know what a sin is. I recognize that you must listen to the opposing views in an issue such as this. I ask that you not be swayed by the culprits in the immigration matter. Inviting the INS to testify here is like asking the Ku Klux Klan, with whom the INS has cooperated along the Mexico/U. S. border, to provide information on the Black movement for civil rights and equality.

If we are to overcome the problems of the past and the abuses of the present, we must do better in the future. The people I represent, both as an elected official and as the spokesperson for the Chicano leadership and organizations I mentioned earlier, believe in a better America, one where equality and opportunity for all are part of the culture, not merely phrases in a history textbook. We stand ready to assist you in reaching our common goals. Please join us and help us because we are among the we in "We the people of the United States of the United States."

Appendices to Mr. Corona's statement are on  
file with the U.S. Commission on Civil Rights,  
1121 Vermont Avenue, N.W., Room 600, Washington,  
D.C. 20008



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 Director

November 22, 1978

Dr. Arthur Flemming  
 Chairman  
 U.S. Commission on Civil Rights  
 Room 800  
 1121 Vermont Ave., N.W.  
 Washington, D.C. 20425

Dear Dr. Flemming:

I recently sat through two full days of hearings by the Civil Rights Commission on the subject of Immigration, and I take the liberty of adding these comments and observations to the testimony formally presented to you.

Before proceeding further, I would like to clarify our interest in the immigration issue. The National Parks and Conservation Association is a major environmental organization with a broad range of interests, including population. It has long advocated policies that lead to eventual population stabilization in America. Without such demographic equilibrium, we have no hope for restoring the environment, protecting wildlife, conserving natural resources and open space. Thus, we are gravely concerned about current immigration policies, which have made us the fastest growing industrialized nation in the world, despite a birth-rate that is well below the replacement level.

First, I want to state that I deeply appreciate the Commission's interest in the difficult problem of illegal immigration. Illegal aliens reside in our midst in violation of our laws; by definition, they are outside the full protection of our laws, and thus easily subject to exploitation and to various abrogations of their human rights. I would not want this occasion to pass without commenting that these hearings are indeed remarkable and show the strength of our democratic instincts; in no other country I know of is there likely to be such a visible demonstration of high level official concern for the treatment of individuals whose very presence in the country is unlawful.

In the course of the hearings, some allegations were made about the conduct and the motives of the U.S. Border Patrol. Last month, I had the opportunity to spend some time observing the Border Patrol in operation in Arizona and in California. At no time did I see any behavior that was in any way unprofessional or even questionable. We must remember that these men and women

are working under very difficult conditions -- grossly understaffed, totally outnumbered, and handicapped by shortages in equipment and with no ready access to relevant data about the immigration history of the individuals they apprehend. They are operating in a tense situation in which serious injuries can and do occur. I am personally aware of two very vicious attacks upon Border Patrol agents, which left them with permanent injuries and work disabilities -- something that has not been mentioned at the hearings. It is to the credit of the Border Patrol that, though they are armed, they have been extremely restrained in the use of their weapons, and tragic confrontations have been averted. Essentially, illegal border crossers are not in any danger to life or limb from our enforcement officers. And, in truth, there is less fear of Border Patrol agents among illegal border crossers than there is of marauding gangs who prey upon the vulnerability of these people to rob and assault them.

I also had occasion recently to visit one of the INS "Processing and Service" Centers, formerly known as a Detention and Deportation Center. The illegal aliens waiting there for the disposition of their cases have the further protection of the Mexican authorities, in the form of frequent visits from the Mexican consul who hears complaints and takes suitable action. It is surely relevant to the complex issue of what measure of protection must we afford aliens who are here in violation of our laws, to note that the Mexican officials will forcefully press us on perceived wrongs suffered by their nationals, but will assume absolutely no responsibility of any sort for these persons, such as treatment or assistance to nationals who are ill and in need of help.

Finally, though I don't know the parameters within which the Commission wishes to define its mission, I believe it is useful to point out that there are differences between human rights -- natural rights, if you will -- and civil rights, which are secured and maintained through the political process. We must be vigilant, of course, to assure that all within our borders, whether legal or illegal residents, are treated with human dignity and fairness, and that their basic human needs are met. However, equal protection under the law and the full protection of the United States Constitution cannot, and was never intended to extend to all the billions of people in the world today who would like to live in America, and to those millions who somehow manage to actually cross our borders unlawfully through accidents of geographic proximity or of greater travel opportunity.

I realize that this is an area of law that is somewhat hazy and undefined. Still, in looking for answers and guidelines, we must assume that there are significant nuances between the rights of citizens and legal residents, and those who are here in violation of our laws and therefore, against the will of the American people. To confuse these and to ignore the differences is to cheapen the value of United States citizenship, into eventual

-3-

meaninglessness, at great peril to future generations of Americans.

I thank you, and the other Commissioners who serve with you, for this opportunity to state these ideas and observations. Again, I want to express my personal gratitude to the Commission for their interest in this matter.

Sincerely yours,

Gerda Bikales  
Administrative Assistant  
Population/Immigration

GVB:ro

The remainder of Ms. Bikales' submitted materials are on file with the U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Room 600, Washington, D.C. 20008.

*Exhibit No. 43*

Consular Officers' Association  
Room 819, SA-2  
Department of State (CA/VO)  
December 11, 1978

Mr. Don Chou  
U.S. Commission on Civil Rights  
Office of the General Counsel  
1121 Vermont Avenue N.W., Room 600  
Washington, D.C. 20425


Dear Mr. Chou:

As we had discussed in our recent telephone conversations, I am forwarding the comments of the Consular Officers' Association on the circumstances affecting the performance of consular work overseas for inclusion in the record of your recent hearings.

The issues discussed are hardly a complete treatment of the state of the consular world. They are among the most important, however, and they are ones in which the Department of State is presently engaged in addressing in various ways. We do our best to try to put the "right" options before the decision-makers; we hope that the accompanying paper will make interesting reading for you as well.

Thanking you again for your receptivity to our comments, I am,

Sincerely yours,



Wayne S. Leininger  
Chairman  
Consular Officers' Association



The Consular Officers' Association is pleased to have this opportunity to present its views on certain aspects of the performance of consular work to the Commission.

The Consular Officers' Association is an informal association of Foreign Service and GS consular specialists, presently numbering one-half to two-thirds of the entire consular cone. COA is concerned about the professional quality of the consular services provided by the United States Government, as well as with the career interests of our membership. We believe the two goals to be inter-related.

Reduced to essentials, the consular dilemma can be summed up by contrasting the enormous increase in the quantity and complexity of the consular workload in the face of virtually static conditions with regard to the quantity and quality of the consular work force. The recent increases in junior officer positions have barely offset reductions suffered in the BALPA and OPRED exercises, with the result that consular positions overseas number only 12% more than in 1962, while workload has increased by a factor of 3.6. In addition, the cone has always absorbed more than its share of non-standard entrants to the Foreign Service (i.e., non-exam candidates), with the result that it is perceived as--and in some degree actually is--staffed with officers not up to the standard of those employed in other cones.

To some extent this condition has been exacerbated by career prospects that do not measure up to those of other cones, with a consequent temptation to migration to the ambitious and a lowering of morale to the dedicated. Both result in a threat to a high

standard of performance.

In 1973, the COA broadly addressed the problems facing the consular cone and presented 18 recommendations to remedy them. In 1977, a special inspection of the consular function was undertaken by the Office of the Inspector General of the Foreign Service at the behest of the House Committee on International Relations. That report covered much of the same ground, with--unfortunately--much the same findings as did our earlier report. Copies of both documents are enclosed. We will focus on several areas of concern that quite directly impact on the quality of consular service rendered in the field.

#### TRAINING

The Department has, in our opinion, taken a forward-looking attitude toward the training of consular officers. More consular officers are now in university training, economics training, or at various senior government seminars than ever before. The Foreign Service Institute now offers <sup>THREE TIMES A YEAR</sup> an advanced consular course to mid-career officers that focuses heavily on managerial topics, ~~three times a year~~, and will soon begin a series of overseas consular workshops and supervisory seminars. Junior officer basic training has been vastly improved with the experiential "ConGen Rosslyn" approach.

Yet consular officers still have difficulty in acquiring the necessary amount of language training and area study before going to post. Work pressure plays a part in this: there is simply not enough time to devote to another six or twelve weeks of language training when the post needs another visa officer now. Further,

the designation of certain positions at posts abroad as requiring the incumbent to have a certain degree of language proficiency--the "language-designated position" (LDP) program--is left in the hands of senior DCM's or Ambassadors who themselves have an incomplete grasp of the complexities of consular work in the 1970's. Lastly, the Department's traditional view of consular work as a technical and functional specialty--as opposed to a "substantive" one, such as political analysis--has for some reason led it to conclude that area specialization is not in order. This attitude seemingly ignores the cultural and political differences in the host country milieu that make consular work in Santo Domingo a distinctly different activity than consular work in Amsterdam.

#### STAFFING

In many ways, the Bureau of Consular Affairs has done an extraordinary job in justifying what increase in junior officer positions has come about in the past few years. Tools such as the "Consular Package"--an annual statistical report of workload and personnel resource situations at every post--have been used in presenting arguments to the rest of the Department and OMB, as well as to the Congress, in supporting requests for more consular positions. What has made this endeavor difficult has been the imposed requirement that whatever growth is mandated in the consular area come at the expense of the other functions of the Department; incredibly, the Department's overall employment ceiling is virtually the same as it was in 1960. This necessity of "robbing Peter to pay Paul" has in some cases intensified the resentment of officers of other cones against the "resource drain" consular work has become,

and led in some instances to attempts to resort to the use of less-than-officer caliber personnel instead of the fully-qualified officers the work demands.

In this atmosphere, it is perhaps understandable that arguments for the staffing of consular sections to meet peak season demands have fallen on deaf ears; staffing for what is too often a mythical "slack season" is the rule. What often takes place is that all leave requests must be denied during the busy season so the section does not fall too badly behind; leave is then crammed into the slack season, making it, too, "busy" for those still on duty. Overall, it is estimated that for every 20 positions justifiable in gross staff-hour/workload comparisons, an additional 3 positions are actually necessary after annual and sick leave computations are made. Failures to staff consular sections adequately, of course, result in the infamous "3 minute visitor visa interview", the "110 immigrant visa cases a day" phenomena, and the delayed and eventual brusque and rushed visit to the jailed American in the provincial prison.

#### SUPERVISION

Consular sections at posts overseas are notoriously thinly-layered. As a consequence, the officer whose main occupation ought to be the supervision of the junior officers and the general management of the consular program is more often than not pressed into duty as a caseworker, eight hours a day.

That presupposes, however, that a nominal supervisory consular officer exists. Actually, at about one-fifth of the posts in which consular work is performed, there is no full-time consular officer, let alone supervisor. At an additional one-third, there

is but one consular officer, who is almost invariably on his or her first or second tour and who, at such posts, is most likely to have the least qualified and helpful local national staff. An additional one-sixth of all consular establishments are two-officer operations, with the senior-most of those being no more than an O-5 and more frequently, an O-6. In offices such as these--over two thirds of all consular sections--the only available senior supervision comes from officers whose own consular experience dates from twenty years ago when they were junior officers.

At posts such as these--and even at some larger missions at which local practices may have come to dominate what is regarded as standard procedure--the ability of the Inspection Corps to function as an instrument that assures equitable and consistent application of law and regulation and provides helpful insight into consular management problems is paramount. Sadly, the Inspection Corps itself has not been able to staff its teams with senior, experienced consular officers, primarily because there simply are not enough of them to go around. The consular cone has only one-third to one-fifth the number of senior officers (O-3 and up) acceptable to the Inspection Corps as do the other functional cones. We believe that the assignment of experienced O-4's to the Inspection Corps would result in far more relevant and helpful consular inspections than are produced by more senior, but less substantively qualified, Inspectors. The Acting Inspector General is currently reviewing his office's policy in regard to accepting officers of O-4 rank; his decision is expected within the month.

CAREER ADVANCEMENT

Consular officers have long been perceived by the rest of the Service as "second class citizens", and many have come to take on that view of themselves. Certainly, an examination of the promotion patterns of the last ten years gives evidence that the Department values consular skills less highly than those of other cones. In nearly every one of those years, the consular promotion rate is less than the average rate for the whole of the Service; in most of them, it the lowest of any of the four major functional fields (consular, political, economic/commercial, and administrative.) The situation is even more grim when promotion to the most senior grades-- FSO-2 and FSO-1--is examined separately. These hard facts of life are common knowledge among consular officers, and serve to embitter and disillusion them. When morale and motivation suffer, job performance can not help being deleteriously affected.

A major contributing factor to the "lid" on consular career expectations is the depressed position classification scheme under which the cone labors. Adequate weight has never been given the management and leadership demands placed upon consular section chiefs in setting the position classification, and in most Embassies the senior consular officer is outranked by his colleagues from other cones--even if the consular section has half of the American contingent of the entire mission. As the following chart illustrates, the situation is not getting better; the "flagpole" atop the conal "mound" is as disproportionately thin as it ever was. This situation dooms the vast majority of consular careers to stunted development; there is, literally, no room at the top.

	<u>Total in Cone:</u>	<u>1973</u>	<u>1975</u>	<u>1978</u>
FSO-1		4	8	8
FSO-2		16	13	15
FSO-3, FSS-1		62	52	62
FSO-4/5, FSS-3/4		221	307	309
FSO-6-8, FSS-4-7		265	297	296

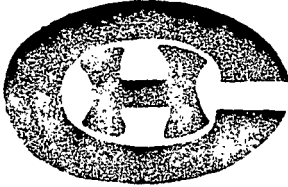
The only real hope of remedy to this situation--the Foreign Service position classification system alluded to in the December, 1977 Inspection Report--still has not emerged from the Civil Service Commission, to our knowledge. Certainly, no upward revision in position classification levels of consular jobs has taken place. In the meantime, promotion opportunities continue to be computed in accordance with projected "needs at class" figures that must dovetail with the above profile, compounding and continuing the inequity.

#### CONCLUSIONS

As the foreign relations implications of consular work continue to make headlines and as public and Congressional interest in how the Department carries out its responsibilities in this area has grown, some steps have been taken by the Department's top management to improve the situation in the consular field. Its efforts in several key areas can only be described as lethargic, incomplete, or misguided, however, especially in light of government-wide hiring and budgetary restraints, dramatic improvements are not likely overnight. We do believe the current management of the Department to be open to suggestions and constructive criticism; while it can hardly be said to have taken the consular perspective to its bosom, it seems prepared to deal with consular concerns as inescapable facts of life. In a cooperative spirit, COA plans to urge it along that path.

Appendices to the COA letter are on  
file with the U.S. Commission on Civil  
Rights, 1121 Vermont Avenue, N.W., Room 600,  
Washington, D.C. 20008.





**metropolitan washington  
COUNCIL OF HISPANIC  
COMMUNITY AND AGENCIES**

1736 Columbia Road, N.W., Washington, D. C. 20009

Telephone: 387-4655 - 387-4689

**Andromeda Mental Health**

**Ayuda Legal Services**

**Bilingual Program**

**Change, Inc.  
Social Services**

**Community Group  
Health Foundation**

**Community Representatives -**

**Dupont Circle  
Counseling Center**

**Eofula, Inc.,  
Elderly**

**Gala Hispanic Theatre**

**Latin American Youth Center**

**Program of English Instruction  
For Latin Americans**

**Rosemount Daycare Center**

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Community Center**

**Spanish American  
Police Association**

**Spanish Catholic Center  
Community Services**

**Spanish Education  
Development Center**

**United Planning Organization  
Spanish Office**

**Woodrow Wilson Center  
Social Services**

IMMIGRATION TESTIMONY

METROPOLITAN WASHINGTON

WHITE HOUSE TOWN MEETING

SEPTEMBER 15, 1978

TESTIMONY ON IMMIGRATION

I AM HERE TO TESTIFY ON IMMIGRATION ISSUES ON BEHALF OF THE  
HISPANIC COMMUNITY OF D. C., VA. & MD.

SOME OF THESE ISSUES ARE LOCAL OPERATIONAL CONCERNS, WHILE OTHERS  
ARE RELEVANT NATIONAL Y. AND SOME NATIONAL ISSUES, SUCH AS STAND-  
DARDS FOR QUESTIONING AND ARREST BY THE NATIONAL HISPANIC  
ORGANIZATIONS WHICH ARE WORKING TO SOLVE SPECIFIC PROBLEMS.

MINIMUM ESSENTIAL SERVICES FOR THE UNDOCUMENTED

UNDOCUMENTED IMMIGRANTS LIVE IN FEAR OF RECEIVING ANY GOVERNMENT  
SERVICES. THIS FEAR IS JUSTIFIED BY FEDERAL AND LOCAL POLICIES OF  
HEALTH, POLICE AND WELFARE AGENCIES THAT REPORT PEOPLE TO THE  
IMMIGRATION SERVICE. AS A RESULT, MANY HISPANIC CITIZENS AND LEGAL  
RESIDENTS ARE OFTEN RELUCTANT TO USE GOVERNMENT SERVICES. FURTHER-  
MORE, THE UNDOCUMENTED SUFFER FROM MEDICAL PROBLEMS WITHOUT  
TREATMENT, THEY MAY KEEP THEIR CHILDREN OUT OF SCHOOL AND ILLITERATE  
AND THEY SUFFER CRIMINAL ACTS WITHOUT CALLING THE POLICE. MINIMUM  
WAGE AND OTHER EMPLOYMENT PROTECTIONS COVER THEM INEFFECTIVELY,  
BECAUSE A JUSTIFIED COMPLAINT TO THE PROPER AUTHORITIES CAN RESULT  
IN DETENTION OR DEPORTATION BY THE IMMIGRATION SERVICE.

FOR PRACTICAL AND HUMANITARIAN PURPOSES, THE FEDERAL GOVERNMENT  
SHOULD ESTABLISH A MINIMUM STANDARD OF PUBLIC SERVICES WHICH THE  
UNDOCUMENTED CAN RECEIVE IN PRIVACY FROM THE IMMIGRATION SERVICE  
WITH IMMUNITY FROM ARREST AND DETENTION. IN THIS WAY WE CAN

TRY TO PREVENT THE DANGER OF A PERMANENT UNDERCLASS IN OUR SOCIETY,  
AS THE ADMINISTRATION HAS TAKEN.

SOCIAL SERVICES AND OUTSIDE CONTACT FOR DETAINED ALIENS SHOULD BE IMPROVED.

AFTER ARREST, ALIENS FACE MANY SERIOUS DIFFICULTIES IN ADDITION TO THE DANGER OF DEPORTATION. FOR FEAR OF ENDANGERING NEIGHBORS AND FAMILY MEMBERS, ARRESTED ALIENS FACE SERIOUS OBSTACLES IN ARRANGING BOND, HAVING VISITORS, CATCHING UP THEIR BELONGINGS AND SETTLING THEIR PERSONAL FINANCIAL AFFAIRS. ALTHOUGH FEW SERVICE PERSONNEL SPEAK TO THEIR LANGUAGE, INSUFFICIENT AND INADEQUATE OPPORTUNITIES TO MAKE CONTACTS, THEREFORE, ARE INTENSIFIED. AS A RESULT, ALIENS REMAIN IN DETENTION WITHOUT BOND BEING POSTED, VARIOUS PERSONAL PROPERTY IS SEIZED, AND FAMILIES ARE SEPARATED WITHOUT EVEN THE OPPORTUNITY TO PLAN A POSSIBLE JOINT DEPARTURE.

INS SHOULD ENCOURAGE AND ASSIST ONE OR MORE SOCIAL AND COMMUNITY ORGANIZATIONS IN EACH LOCALITY TO ESTABLISH A SOCIAL SERVICE PROGRAM WITH DIRECT ACCESS TO ALL ARRESTED ALIENS. SUCH A PROGRAM COULD FACILITATE COMMUNICATION WITH FAMILY, FRIENDS, PRIVATE ATTORNEYS AND LEGAL AID ORGANIZATIONS. THE IMMIGRATION SERVICE WOULD BE SAVED WORK AND EXPENSE BY HAVING MORE ALIENS RELEASED ON BOND AND BY HAVING THE PERSONAL AFFAIRS OF OTHERS SETTLED WITHOUT DIRECT SERVICE ASSISTANCE.

CONSULAR OFFICERS

UNITED STATES CONSULAR OFFICERS ABROAD PROCESS AND DECIDE ON ALL IMMIGRANT AND NON-IMMIGRANT VISA APPLICATIONS. MOST ALIEN APPLI-

-2-

CANTS HAVE CONCERNED FAMILY MEMBERS OF A REPRESENTATIVE IN THE UNITED STATES EVEN IF THEY ARE NOT IN THE COUNTRY THEMSELVES.

IMMIGRATION PROBLEMS WITH THESE CONSULAR POSTS ARE NOT OBVIOUS. THE POSTS HAVE A BUREAUCRATIC OVERLOAD AND CONFUSION ANALOGOUS TO THAT OF THE IMMIGRATION SERVICE WHICH IS VERY DIFFICULT AND EXPENSIVE TO COMMUNICATE WITH. LETTERS ARE NOT ANSWERED FOR MONTHS, IF AT ALL. IF INS WANTS INFORMATION FROM A CONSUL OR VISA VERSA, THE ALIEN OR HIS REPRESENTATIVE MUST MAKE REPEATED INQUIRY TO FORCE THE REQUIRED COMMUNICATION TO BE SENT AND THE RECEIPT CONFIRMED IN A PLACE THAT CAN OCCUR IN YEARS. IF THE INFORMATION WILL CLEARLY RESULT IN DEPORTATION OR THE DENIAL OF A BENEFIT, IT IS COMMUNICATED MUCH MORE EFFICIENTLY.

IN ADDITION SEVERAL POLICIES OBSCURE CONSULAR PROCEDING AND PROCEDURE. ALIENS FREQUENTLY DO NOT GET WRITTEN REASONS FOR DENIALS OR RESCHEDULING. THE REPRESENTATIVE OF ALIENS FIND IT EVEN MORE DIFFICULT TO GET THIS INFORMATION. LEGAL AID AND COUNSELING AGENCIES CANNOT AFFORD THE ALL EXPENSIVE STATE DEPARTMENT VISA MANUAL WHICH IS ONLY AVAILABLE AT A COST OF SEVERAL HUNDRED DOLLARS UNDER THE FREEDOM OF INFORMATION ACT.

ADVERSE DECISIONS ARE ONLY SUBJECT TO A LIMITED KIND OF REVIEW BY THE VISA OFFICE AND FEDERAL LAWS DO NOT ALLOW ANY FINAL REVIEW IN THE COURTS.

POLICIES AND LAW SHOULD BE CHANGED TO IMPROVE THE RESPONSIVENESS OF THE CONSULS AND TO REDUCE THE MYSTERY AND EXCESSIVE DISCRETION IN THE VISA ISSUING PROCESS.

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THERE ARE SOME OTHER POINTS I WILL TOUCH ON VERY BRIEFLY.

-WE SUPPORT A RIGHT OF REPRESENTATION AND A REIMBURSEMENT EXPENSE OR SUBSIDY FOR ALL ARRESTED ALIENS WHO ARE UNABLE TO SECURE PRIVATE REPRESENTATION.

-WE OPPOSE THE EXCLUSION FROM THE CARTER PROPOSAL AMNESTY PLAN OF UNDOCUMENTED IMMIGRANTS WHO ARRIVED IN THIS COUNTRY SINCE 1964. THIS GROUP IS A SIGNIFICANT PART OF THE IMMIGRANT POPULATION AND THEY ARE SUBSTANTIALLY IDENTICAL TO THE GROUPS WHO ENTERED WITH TOURIST VISA OR WITH TOURIST VISA.

-WE SUPPORT FURTHER MEASURES TO REGULATE ALL THE EMPLOYERS OF THE DOMESTIC SERVANTS OF DIPLOMATS SINCE THIS IS A LOCAL PROBLEM INVOLVING THOUSANDS OF PEOPLE. THE IMMIGRATION SERVICE HAS PROVIDED A FIRST STEP OF RELIEF FOR THE DOMESTIC EMPLOYERS BUT ONLY THE DEPARTMENT OF STATE CAN ESTABLISH EMPLOYMENT STANDARDS AND ENFORCE THEM ON THE DIPLOMATIC EMPLOYERS.

-WE SUPPORT THE FURTHER DEVELOPMENT OF PUBLIC STANDARDS FOR THE MANY DISCRETIONARY DECISIONS OF THE IMMIGRATION SERVICE. HISTORICALLY DISCRETION IN IMMIGRATION LAW DEVELOPED TO PROVIDE RELIEF FROM HARSH SECTIONS OF THE LAW. PROPER GUIDELINES FOR DISCRETION WILL HELP TO GUARANTEE FAVORABLE DECISIONS FOR ALL WHO DESERVE THEM, NOT JUST THOSE WITH THE MOST EXPERT LEGAL REPRESENTATION OR INFLUENCE OR PERSONAL ACTIVITIES.

-WE SUPPORT THE FURTHER DEVELOPMENT AND EXPANSION OF COMMUNITY EDUCATION AND PUBLIC INFORMATION PROGRAMS AS HAVE BEEN INITIATED

UNDER THE OUTREACH PROGRAM OF THE IMMIGRATION SERVICE.

WE SUPPORT A CHANGE IN THE DEFINITION OF REFUGEE.  
THE PRESENT DEFINITION DISCRIMINATES AGAINST REFUGEES FROM REPRES-  
SIVE RIGHT WING GOVERNMENTS AND DISCRIMINATES GEOGRAPHICALLY  
AGAINST MUCH OF THE WORLD INCLUDING SOUTH AMERICA.