

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 27, 2008 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Melissa Doeblin, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Senator Peggy Palmer
Prof Kris Kobach
Texas State Representative Debbie Riddle
Dennis Bixby
Anna Myers
William Gudde, Gudde Farms, Inc
Michael Ross
Barb Nichols, Kansas for Immigration Reform Effort
Craig Barbee, Kansas for Immigration Reform Effort
Ed Hayes, Minute Man Civil Defense Corp
Paul Degener, Citizens for Immigration Reform
Greg Dye
Randy Ford
Paul Porubsky
Ralph Snyder, American Legion
Jack Shandy

Others attending:

See attached list.

Bill Introduction:

Senator Vratil requested a bill introduction that increased compensation for state wide elected officials.

Senator Vratil moved that this request should be introduced as a committee bill. Senator Lynn seconded the motion. The motion carried.

SB 458- Immigration reform

Chairman Brungardt opened the hearing on **SB 458**

Senator Peggy Palmer spoke in favor of the bill. (Attachment 1) The bill will prevent Kansas from becoming a sanctuary state by removing the incentives that attract illegal immigrants, equipping businesses with effective verification tools like the E-Verify System, and empowering our state and local law enforcement agencies with the authority needed to deal efficiently and fairly with illegal immigration situations.

Professor Kris Kobach appeared in favor of the bill. (Attachment 2) The bill is necessary to ensure that Kansas complies with federal law prohibiting states from providing public benefits to illegal aliens, making it more difficult to work illegally in Kansas and removing incentives for illegal aliens to remain in Kansas in violation of federal law.

State Representative Debbie Riddle, Texas, states that Texas educates illegal aliens through in-state tuition at state universities and that thousands cross illegally with intentions other than working. Drug cartels find Texas a good point of entry to get drugs to kids throughout Texas, Oklahoma, and Kansas. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 27, 2008 in Room 313-S of the Capitol.

Dennis Bixby appeared in favor of the bill. ([Attachment 4](#)) The bill has the potential to level the playing field and bring Kansas up to the same or better status as our four neighboring states with regard to immigration reform. Mr. Bixby lost his daughter when an illegal alien from Mexico ran a stop sign while eluding a sobriety check point.

Anna Myers spoke in favor of the bill. ([Attachment 5](#)) Other states have taken common-sense measures to provide accountability of illegal aliens, and with proper steps the problem of illegal immigration is solvable.

William Gudde, President, Gudde Farms, Inc., appeared in favor of the bill. ([Attachment 6](#)) Uneducated bare hands are not worth the saving in using undocumented workers against the new technology of manufacturing and operation of farm machinery. Relying on bare hands will only hinder technology assimilation, putting America behind in productivity and efficiency in the world market.

Michael Ross spoke in favor of the bill. ([Attachment 7](#)) To insure that the federal immigration laws be upheld in the state, Kansas needs to pass this bill.

Barb Nichols, Kansas for Immigration Reform Effort, (KIRE) appeared in favor of the bill. ([Attachment 8](#)) KIRE wants to emphasize that it is not against legal immigrants who have come to Kansas through legal channels and have worked hard to become productive citizens, but there are huge numbers of illegal aliens sneaking across the borders bringing with them all manners of disease into our state.

Craig Barbee, Kansas for Immigration Reform Effort, spoke in favor of the bill. ([Attachment 9](#)) The bill would establish a clear and easy policy for illegal immigration that has a real penalty for those that violate the law and provide for the enforcement of the law in Kansas.

Ed Hayes, Minute Man Civil Defense Corp, appeared in favor of the bill. ([Attachment 10](#)) Mr. Hayes urged the committee to pass this bill because the Federal Government will not uphold the rule of law and the oath of office under Article IV, Section 4 of the United States Constitution.

Paul Degener, Citizens for Immigration Reform, spoke in favor of the bill. ([Attachment 11](#)) The bill is supported because it is comprehensive in its coverage of the illegal alien dilemma facing our state; makes it unlawful to hire illegal aliens, requires employers to register and utilize the e-verify system, and allows law enforcement officers to inquire into the citizenship status upon violation of law.

Greg Dye, Kansas for Immigration Reform Effort, spoke in favor of the bill. ([Attachment 12](#)) All illegal aliens in the US must be removed in order to be in compliance with our federal laws; the bill is way overdue and must be passed.

Randy Ford, Kansas for Immigration Reform Effort, spoke in favor of the bill. ([Attachment 13](#)) Mr. Ford states that illegal immigrants in the Dodge City area are the reason for most of the crime, and Dodge City will be building a new jail just to house the illegal offenders; his business as a bails bondman went under due to "Failures to Appear."

Paul Porubsky, Kansas for Immigration Reform Effort, spoke in favor of the bill. ([Attachment 14](#)) Provided crime victims information, chart and stats from Numbers USA, and Union News. (Located in Kansas Legislative Research Department)

Ralph Snyder, American Legion, spoke in favor of the bill. ([Attachment 15](#)) Kansas is in violation of federal law and is the reason the American Legion supports the bill.

Jack Shandy, Kansas for Immigration Reform Effort, spoke in favor of the bill. ([Attachment 16](#)) Mr. Shandy states that anyone that is an illegal alien should not be allowed to own a home, automobile, business, have a job, to use social services, or be allowed education benefits.

Richard Fatherley provided written testimony in favor of the bill. ([Attachment 17](#))

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 27, 2008 in Room 313-S of the Capitol.

Rick Babinger, American Legion, provided written testimony in favor of the bill. ([Attachment 18](#))

Jim Snyder provided written testimony in favor of the bill. ([Attachment 19](#))

Dr. Curtis L. McCauley, Kansas for Immigration Reform Effort, provided written testimony in favor of the bill. ([Attachment 20](#))

Jessica Vaughan, Center for Immigration Studies, provided written testimony in favor of the bill. ([Attachment 21](#))

Roy Beck, Numbers USA, provided written testimony in favor of the bill. ([Attachment 22](#))

Rhonda Johnson provided written testimony in favor of the bill. ([Attachment 23](#))

Amanda Bien provided written testimony in favor of the bill. ([Attachment 24](#))

Homer G. Taggart provided written testimony in favor of the bill. ([Attachment 25](#))

Chairman Brungardt closed the hearing on **SB 458**.

The meeting was adjourned at 12:05 pm. The next scheduled meeting is March 4, 2008.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 2-27-08

| NAME | REPRESENTING |
|--|---------------------------------------|
| Nancy Houshka | LEGAL Ks. taxpayer |
| Loretta Kelley | Overland Park - Calif expatriate |
| Paul Muller | District (Westph. Rep. & Libber) Padd |
| Ed Hayes | Minuteman Civil Defense Corps Ks & MO |
| Michael & Rose | Concerned Citizens |
| Greg Dye | Concerned Citizens Wichita K 67211 |
| Joe D. D. P. | Olathe Ks. |
| Richard W. Atterley | Self |
| Roger Thompson | self |
| Mary M. Thompson | grandchildren |
| Richard W. Atterley | self |
| Tom | self |
| Angela Land | self |
| B. J. Blaylock | ✓ |
| Randy Thompson | ✓ |
| Teril Babbitt | Grinic Men |
| JOHN BASSKI | " " |
| David Stallard | self |
| Harrell Brock | self |
| Jan Talm | Self |
| Debbie Swoon | Kansas Catholic Conference |
| Sister Theresse Banzett Ks. CATH. CONF. | " " " |
| Cynthia Treaster | KOHE |
| Emily Jacques | LKM |
| Denise Kirby | NKTB |

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 02/27/08

| NAME | REPRESENTING |
|---------------------------|---|
| J. Kent Eckles | O.P. Chamber of Commerce |
| Wayne Shaw | KACCT |
| Phoebe Brown | self |
| Natalie Jurden | Self |
| Nicholas Schau | " " |
| Richard Verstaler | Self |
| <i>Suzie Bernhart</i> | <i>KDOC</i> |
| Charlynn? Rathman | Self Self |
| Patricia Jo Ann Anderson | children/grandchildren/self/Seniors etc!! |
| Mary Frey | Self |
| Jay Jay BEFORT | Ks. Dept. of REVENUE |
| David R. Corbin | KDOR |
| Melissa Schroeder | DuPont Boat Relations |
| Mike Reese | GBBA |
| <i>Ali Dawin</i> | <i>Re Limited Assoc.</i> |
| J. Asch | DMCA of KS |
| Phil Woods | SRS |
| Ardin Hayden | then law |
| Jerry Allen | ALR 136 Mulvane KS |
| George Bair | ALR 189 Augustay KS |
| Carl B. O'Leary | ALR Post 406 Andover Ks. |
| Roger A. Thomas | MCDC |
| Myron Hocter | MY OWN FAITH 2, com |
| William J. Lube | Grude Farms Inc. |
| R. Munn | TOPICA KS |

State of Kansas
Senate Chamber



PEGGY R. PALMER
Sixteenth District

“The Kansas Illegal Immigration Relief Act” (SB 458)
Testimony by Senator Peggy Palmer
February 27, 2008

We are here today to discuss Senate Bill 458, the “Kansas Illegal Immigration Relief Act.”

Why do we need state legislation dealing with illegal immigration in Kansas?

Illegal immigration is a massive and complex issue that requires a multi-faceted solution. Obviously, a large part of the problem and solution lies with the federal government. Federal immigration laws are not enforced; this fact leaves Kansas and other states with the need to enact legislation to deal with the problem. The Kansas legislature cannot just wait indefinitely for the federal government; the citizens of Kansas are demanding that we do something now to stem the influx of illegal aliens who are streaming into our state. It is not acceptable to simply do nothing because the federal government is failing to fulfill its constitutional duty.

[See Attachment 1: “Immigration & Nationality Act”]

Our surrounding states have enacted tough laws to protect their citizens from the influx of illegals. Consequently, Kansas has now become a magnet for illegal immigrants because of our lax enforcement of immigration laws, access to taxpayer-funded welfare programs, state-sponsored tuition for illegal aliens, lack of verification of legal residency, and failure to hold employers accountable for employing illegal immigrants.

We need legislation that will prevent Kansas from becoming a sanctuary state by removing the incentives that attract illegal immigrants, equipping businesses with effective verification tools like the E-Verify System, and empowering our state and local law enforcement agencies with the authority they need to deal efficiently and fairly with illegal immigration situations.

Legal and Illegal Immigration

Kansas should be in the business of welcoming LEGAL immigrants to our great state. Their valuable skills and contributions have enhanced and improved the culture of Kansas. Most of us know, respect, and even count as family members many legal immigrants who have made Kansas their home. LEGAL immigrants follow the appropriate procedures of applying for visas to enter our country for legitimate purposes. Many of them endured hardships but persevered because they respect the rule of law and our country enough to want to be part of it. **[See Attachment 2: "Oath of American Citizenship"]**

Illegal immigrants may have arrived in Kansas on temporary visas that have now expired, requiring them to leave the country. However, they have chosen to ignore the laws and are remaining here unlawfully and indefinitely. Other illegal immigrants have crossed our northern and southern borders entering our country and state illegally, never attempting to apply for lawful entry, but expecting the rewards and rights reserved for lawful citizens. Consequently, they are living lives of fear and poverty in the underground economy. Still others have fled as fugitives and criminals and continue that path once they arrive here, trafficking in drugs, gangs, and identity theft.

The Federation for American Immigration Reform (known as FAIR) has estimated the ILLEGAL immigrant population in Kansas at 90,000 for 2007, an increase of 15,000 since 2005. The 2005 estimate of 75,000 illegals was a 60% increase above the previous U.S. government estimate in 2000, and a huge 477% increase from 1990. **[See Attachment 3: "Immigration Impact of Kansas" (FAIR)]**

Impact on State Budget and Services

Obviously, the impact of an estimated 70,000 to 90,000 illegal immigrants on all aspects of the Kansas budget as well as state and local services is HUGE! The costs for education, emergency medical care, social services, and incarceration of illegal aliens translates into an estimated \$235 million additional tax burden for the citizens of Kansas.

Post Audit Request

An audit by Legislative Post-Audit has been requested but not approved. According to a staff note, it will be impossible to accurately quantify these numbers:

"Because of the hidden nature of the illegal immigration population, it is extremely difficult to come up with reliable estimates of costs and revenues."

[See Attachment 4: "Scope Statement Estimating the Economic Impact of Illegal Immigration on the State of Kansas"]

The number of illegal immigrants in Kansas grows each day due to the influx from neighboring states that have already enacted legislation to protect their citizens.

The main reason that these costs remain hidden in the system is that no one is requiring government entities to make an attempt at verification. If documents are required, no attempts are made to verify the authenticity. Illegal aliens are accessing care and services in our social services, health care clinics, and educational institutions without valid documentation. The estimated financial impact is, in all probability, only the tip of the iceberg.

Consequences & Costs of Doing Nothing

Healthcare Crisis:

The State of Kansas and its taxpaying citizens literally cannot afford to do nothing about the influx of illegal immigrants into our state. The hidden costs of health care and Medicaid related to treatment of uninsured illegal immigrants, overburdened emergency rooms, increases in disease due to non-immunized individuals (e.g., tuberculosis), lack of childhood immunizations, and treatment of work-related injuries of workers without benefits are all enough to bankrupt the state treasury on their own.

In my efforts to determine the extent of state dollars currently absorbed by the illegal immigrant population, I learned that the Kansas Health Policy Authority (KHPA) requires only that all applicants **verify their own** legal status. KHPA stated that they verify status and obtain documents for MOST people, but not for certain exempted populations that include recipients of Medicare, foster care, and federal disability benefits. Furthermore, KHPA does not use the Systematic Alien Verification for Entitlements program (SAVE) to check the status of illegals applying for assistance. SAVE is used only to verify the immigration status of **legal residents**.

[See Attachment 5: "KHPA Memorandum: Citizen Documentation Requirements and Uninsured Immigrants," 2/01/2008]

And even if the SAVE program were utilized, the documentation states that "No action to deny, reduce or terminate benefits may be taken based solely on information obtained from the Department of Homeland Security through the SAVE primary verification system."

[See Attachment 6: "Kansas Economic & Employment Support Manual: Documentation of Legal Status" (Note 2146.4, "Verification of Alien Status through SAVE")]

This system is dysfunctional. We need to enact public policy that makes sense!

Fiscal Crisis:

Legal taxpayers bear the entire burden for social and other services rendered to illegal aliens. There is a huge loss of tax revenues due to underground economy and the associated tax evasion.

The undercutting/suppression of legal citizens' wages due to employment of cheaper labor reduces the number of jobs available to legal residents. Countless dollars of state revenues are lost due to uncollected payroll taxes in this under-the-table economy.

[See Attachment 7: "Congressional Budget Office- Impact of unauthorized Immigrants on the Budget of State and Local Governments"]

There are untold costs and hardships related to identity theft (a \$50 Million industry in the U.S.) **[See Attachment 8: "Get a Bullet-Proof Fake ID Fast"]**

as well as large increases in financial losses/insurance claims due to gang-related crimes and drug trafficking, and the increased costs and burdens on jails and prisons due to incarceration of illegal aliens.

Public Safety Crisis:

There are legitimate risks and costs of maintaining public health and safety associated with these high numbers of illegal immigrants including documented increases in communicable diseases, public health and environmental issues related to sub-standard and overcrowded living conditions, and increases in traffic accidents and injuries involving uninsured, undocumented drivers.

SB 458 will equip state and local enforcement officers with the general power that they need to investigate legal status.

Humanitarian Crisis:

There are also humanitarian consequences of looking the other way while illegal immigrants are being abused and exploited. Human smugglers extort, exploit, and abuse families and individuals who have paid to be smuggled illegally into the U.S. They are often at the mercy of their extortionists and trapped in an underground slave labor market, working for unscrupulous business owners who line their own pockets as they hire illegal aliens at slave labor wages without benefits or means to appeal their treatment.

E-Verify Effectiveness

The Department of Homeland Security's E-Verify System is an important and effective tool that equips employers with the ability to verify the legal status of potential new employees online. According to the U.S. Citizenship and Immigration Services (USCIS) Verification Office, there are 398 employers in Kansas registered to use the E-Verify System as of February 16, 2008.

[See Attachment 5: "Preventing Illegal Employment"]

The proposed legislation from the Kansas Chamber coalition advocates the continued use of the I-9 system that has been used since 1996. The I-9 is in place now and *does not* work. The Immigration Reform and Control Act of 1996 which includes the use of I-9 forms for employers has failed because the Department of Homeland Security rarely enforces the law, and, when it does, it imposes only minimal penalties. Accepting the Chamber proposal is a vote for the status quo.

Representatives from the Department of Homeland Security and from the U.S. Citizenship and Immigration Services were here on Monday, February 25th, for a detailed briefing and a question and answer session. Any concerns or lack of knowledge about the E-Verify System was addressed at that briefing.

Kansas Economy

Some people have expressed concerns about the impact on the Kansas economy if the illegal aliens who currently hold jobs unlawfully return to their home countries because of increased efforts to identify and verify legal status or through self-deportation. It is realistic to assume, however, that there will be net gains to the economy because the huge amount of tax dollars now being expended on unlawful recipients will be greatly reduced. Those tax dollars will be available for services to legal citizens and legal immigrants.

State tax revenues will increase because of an increase in the payment of payroll taxes due to the employment of legal employees. There should be a huge reduction in the "under the table" wages to illegals that currently allows the avoidance of payroll tax payments.

This decrease in expenditures coupled with an increase in payroll tax revenues will help the Kansas economy, not hurt it!

There has been concern expressed that Oklahoma's illegal immigration law has been bad for the Oklahoma economy. Oklahoma's economy is doing fine. [see attachment]

Business Accountability

The business community has the responsibility and the opportunity to be a significant part of an effective solution.

However, some business organizations have indicated that it is not fair to hold businesses accountable for *knowingly* hiring illegal aliens. Only those Kansas businesses that are *knowingly* hiring illegal aliens should fear penalties. A business owner who inadvertently hires an illegal alien due to counterfeit documentation, despite having made a good-faith effort by using the E-Verify System, will not and should not be penalized. Why would legitimate, law-abiding business owners object to these provisions?

Conclusion

When you look at the cost to our education system, our social services system, our health care system and, our prison and jail systems, our law enforcement system, and the cost of dealing with identity theft, we are looking at hundreds of millions of dollars drained from the public purse because we have not addressed this problem. The existing gaps in Kansas's law create attractions and incentives for illegal aliens to come to come to our state. [see attached news releases]

While legal Kansans are expending ever-increasing tax dollars dealing with this problem, they are also competing with illegal aliens for Kansas's jobs. If the economy declines, more legal Kansas citizens will be out of work, and they will need the jobs currently held by illegal aliens.

All of these points serve to illustrate that illegal immigration is unfair to both legal Kansas citizens and to the illegal aliens. We must stop the public benefits and jobs incentives that serve to entice illegals to our state. Senate Bill 458 provides common sense solutions.

We must not be deterred by the rhetoric of those who benefit from and exploit illegal aliens; their comments are without merit and used to advance their own agendas and their own financial gain to the detriment of Kansas taxpayers and exploited illegal aliens. **[See Attachment 10: "Mexico's Improving Economy Encourages Migrants to Stay Home"]**

We must resist the instinct to let sentiment overpower common sense and the Rule of Law. The compassionate response is to make sure that everyone here in Kansas is here legally.

We must welcome, respect, and encourage those immigrants who have come into this country and state legally, but those who break the law must not be rewarded with the benefits and privileges reserved for legal citizens!

**This is one of the most important issues for our Kansas Citizens.
They are asking us take action as soon as possible.**

**This is clearly good public policy for the State of Kansas.
I respectfully request your support of SB 458.**

State of Kansas
Senate Chamber



PEGGY R. PALMER
Sixteenth District

Introduced by Senator Peggy Palmer and Co-Sponsored by
Senators Barnett, Huelskamp, Journey and Ostmeier

SB 458 - The Kansas Illegal Immigration Relief Act will provide effective solutions for the problems that result from the:

- **Employment of illegal aliens**

Requires public and private employers to use the E-verify program to verify legal status of potential new employees and imposes penalties for businesses that knowingly hire illegal aliens.

- **Consumption of public benefits by illegal aliens**

Prohibits illegal aliens from receiving state services and benefits. In Executive Order No. 06-371 issued August, 24, 2006, Governor Sebelius clearly set forth this important public policy objective.

This will establish a unified and easily understandable process for verification of lawful presence by those seeking public benefits.

- **Lack of cooperation between local law enforcement agencies and the US Bureau of Immigration and Customs Enforcement**

Encourages and allows all state and local authorities to enforce federal immigration laws. Further, law enforcement agencies shall inquire into citizenship and immigration status of an arrested person.

- **Lack of Employment identity fraud laws.**

Creates a new crime of employment identity fraud. The penalty is severity level 8, non-person felony

- **Lack of laws regarding identity theft in Kansas Driver's License Laws**

Requires the Division of Motor Vehicles to require any person applying for a Kansas driver's license who provides documents of citizenship to sign an affidavit swearing to legal citizenship. Falsely swearing is a federal crime.

Requires that no driver's license or state-issued identification be issued to any alien until the alien has been verified by the United States Department of Homeland Security to be lawfully present in the United States.

Mr. Chairman and Members of the Committee, I come before you today in my capacity as a Professor of Constitutional Law, Immigration Law, and Legislation at the University of Missouri—Kansas City School of Law. During 2001-2003, I served as Counsel to U.S. Attorney General John Ashcroft at the Department of Justice. In that position, I was the Attorney General's chief advisor on immigration law and border security. I come before you today to explain the legal environment into which S.B. 458 fits. My testimony should not be taken to represent the official position of my law school, which does not take positions advocating or opposing pending legislation.

I also come before you as legal counsel who helped draft and defend Arizona's 2007 Legal Arizona Worker's Act, which is very similar to the employment provisions in this bill. We recently won a very important victory in federal court. On February 7, 2008, a federal judge rejected every one of the legal challenges brought by opponents of that Act. *Ariz. Contractors Ass'n v. Candelaria*, Case No. CV07-02496-PHX-NVW (D. Ariz. 2008). I am also lead counsel defending the city of Valley Park, Missouri, in a case involving the same legal issues. I am pleased to report that the City of Valley Park won an across-the-board victory in federal court in that case, defeating all of the arguments offered by the ACLU and that the Mexican American Legal Defense and Education Fund, on January 31, 2008. *Gray v. Valley Park*, Case No. 4:07CV00881-ERW (E.D. Mo. 2008).

There are many reasons to support the enactment of S.B. 458. Today I will explain the legal impact of S.B. 458, focusing primarily on the employer provisions and the public benefits provisions. I am familiar with all of the other provisions in the bill and can state with confidence that are within the state's authority under principles of federal preemption.

I. EMPLOYER PROVISIONS

A. Kansas has Clear Legal Authority to Require Employers to Use E-Verify and to Suspend the Licenses of Employers That Knowingly Employ Unauthorized Aliens

The decision of the federal court in Arizona on February 7, 2008, was unequivocal. A state has clear constitutional authority to take these actions to discourage the employment of unauthorized aliens and to protect the jobs of American workers and of aliens who follow the law. This decision was in keeping with the guiding U.S. Supreme Court precedent in the area, *De Canas v. Bica*, 424 U.S. 352 (1976), which upheld a California law penalizing the employers of unauthorized aliens.

The decision of the federal court in Arizona also reflects the fact that in 1986 Congress expressly invited states to enact laws suspending the licenses of businesses that employ unauthorized aliens. That federal statute is found at 8 U.S.C. § 1324a(h)(2). As the federal court in Arizona concluded, "Thus, Congress expressly reserved to the states the police power described in *De Canas* to act upon the business licenses of those who knowingly employ unauthorized aliens." *Ariz. Contractors Ass'n*, slip op. at 19.

B. The E-Verify System is Extremely Efficient and Accurate

E-Verify an internet-based system that any employer in the United States may utilize to verify whether an individual seeking employment is authorized to work in the United States. Congress mandated its creation in 1996. It was originally known as the Basic Pilot Program. In 2004 Congress reauthorized the Program and expanded it to all fifty states. As a representative of the U.S. Department of Homeland Security testified before Congress in April 2007, any glitches that were reported in the early years of the program have been eliminated. The system is extremely easy to use and fast; in approximately 92% of cases, the federal government provides an answer verifying an individual's work authorization electronically within a few seconds. In the remainder of cases, a tentative non-confirmation is issued, and a final answer is provided within a few days, after the potential employee is given an opportunity to provide more information to the federal government. Of those who are work authorized, 98% are instantly verified. More than 20,000 companies across the country were using E-Verify before January 1, 2008. On that date, Arizona's Act became effective, and Arizona's 145,000

companies were required to begin using it to verify the work authorization of new employees. As of February 25, 2008, more than 55,000 companies were registered and using the system.

C. Arizona's Experience Demonstrates How Well this Legislation Works

Arizona's Act has proven extremely successful in inducing unauthorized alien workers to leave the state of their own volition. Because illegal aliens know that the E-Verify system makes it impossible to obtain employment with a false social security number or with a counterfeit ID card, many simply leave the state. Newspapers in Arizona have reported that thousands of illegal aliens departed the state immediately after the law took effect. Apartment complexes have confirmed that thousands of units formerly occupied by aliens have gone vacant. But perhaps the most significant confirmation that illegal aliens were self-deporting came from the Mexican state of Sonora, to the south of Arizona. In mid-January 2008, Sonora sent a delegation of state legislators to Arizona to complain that too many Mexican citizens were returning to Sonora and that this influx of returning citizens was putting too much stress on Sonora's schools and housing stock. I have attached to my testimony an article that I recently published in the *New York Post* explaining why this legislation has been so successful.

As of Feb. 18, 2008, the number of companies in Arizona, alone, that were using the E-Verify system was over 19,000. *These companies have enrolled in the system easily, without any problems. The E-Verify system is working extremely well, without any reported difficulties, under Arizona's law.*

Kansas will enjoy similar success in encouraging illegal aliens to leave the state of their own accord. According to extrapolations based on U.S. census data the illegal alien population in Kansas is approximately 90,000 (www.fairus.org). It is generally estimated that 60% of that total, or 54,000 illegal aliens, are in the work force and occupying jobs that should be held by U.S. citizens residing in Kansas, or to aliens who have followed the law. According to the U.S. Bureau of Labor Statistics, 65,000 Kansans are currently unemployed.¹ Those Kansans desperately need work, and those unemployment numbers are only going to increase if the country goes into a recession. I respectfully suggest to this committee that those 54,000 jobs should go to Kansans, not to aliens unlawfully present in the United States.

D. Answers to Criticisms

A number of organizations have spread misinformation about E-Verify, recognizing that, if enacted, this bill will make it impossible for their members to continue violating federal law. Most of those organizations have a vested financial interest in continuing the employment of unauthorized aliens, or they receive government grants to serve the illegal alien community, or they benefit in some other way financially from the continuing presence of illegal aliens in Kansas. I urge the members of this committee to scrutinize their motivations carefully. Because I will not be able to rebut their claims after they present them, I have offered answers to the following anticipated arguments.

Claim: E-Verify has significant inaccuracies in the database.

Answer: That is false. Although in its earlier years, E-Verify had some data discrepancies because work authorizations were being issued to aliens by district offices before they were added to the central computer data base, that problem has been solved. Work authorizations are now issued centrally by the Department of Homeland Security, and the E-Verify database is instantly updated to reflect those changes. An independent study by WestStat gave the E-Verify system an excellent review in 2007. The very few data mismatches that remain are usually due to individuals who failed to change their last names with SSA after getting married; and those cases are easily resolved within one day.

Claim: Employers shouldn't have to act like immigration enforcement agents.

Answer: Exactly. That's why E-Verify allows employers to rely on the federal government's determination of whether a person has work authorization. It is under the status quo that employers are forced to make their own

¹ In addition, another 276,000 working-age Kansans and 76,000 teenagers are not currently seeking work, although many have been on the job market or employed in the past. Source: March 2007 Current Population Survey.

judgments about the validity of various documents when I-9 forms are filled out. E-Verify was created so employers could rely on the federal government to verify work authorization, instead of relying on their own guesswork about document validity.

Claim: This is a federal issue. States shouldn't be involved.

Answer: That is legally incorrect. The Federal District Court in Arizona held that states possess the legal authority to require employers to use E-Verify. Furthermore, the Court concluded that "Federal policy encourages the utmost use of E-Verify;" and that mandating it at the state level accomplishes that federal objective. *Ariz. Contractors Ass'n*, slip op. at 28-29.

Claim: Businesses Don't Like Using E-Verify.

Answer: Survey data indicates otherwise. The overwhelming majority of businesses that have enrolled in the E-Verify program report that it is easy to use and superior to making guesses about whether documents are genuine.

Claim: This Will Result in Discrimination Against Hispanic Individuals

Answer: On the Contrary, E-Verify makes it less likely that such discrimination will occur. Survey data indicates that employers are *more* likely to have confidence in hiring someone of Hispanic ethnicity and poor English skills if they have received confirmation through the E-Verify process that the individual is authorized to work in the United States. It is under the status quo that "bad apple" employers are tempted to discriminate against Hispanic workers, thinking that such workers might be illegally present in the United States. E-Verify eliminates that uncertainty and, accordingly, results in less discrimination.

II. PUBLIC BENEFITS PROVISIONS

A. Kansas is Required by Federal Law to Deny Public Benefits to Illegal Aliens

As is plain from the language of S.B. 458, it restricts the provision of state and local public benefits to illegal aliens. However, it is important to understand that *S.B. 458 does no more than is already required by federal law*. Under federal law, illegal aliens are *already ineligible* for the state and local public benefits described in S.B. 458.

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), popularly known as the "Welfare Reform Act of 1996." In that act, Congress included numerous provisions designed to ensure that illegal aliens do not receive public benefits at the federal state or local level. Those provisions are found primarily in 8 U.S.C. § 1621. Specifically, Congress stated that an illegal alien "is not eligible for any State or local public benefit." 8 U.S.C. § 1621(a). Public benefits are defined under federal law as "any grant, contract, loan, professional license, or commercial license ... any retirement, welfare health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government." 8 U.S.C. § 1621(c)(1)(A)-(B). Exceptions are made for emergency medical services, emergency disaster relief, and immunizations. 8 U.S.C. § 1621(b).

When it passed the Welfare Reform Act of 1996, Congress expressly spelled out its objectives. 8 U.S.C. § 1601(2) states: "It continues to be the immigration policy of the United States that (a) aliens within the Nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and (b) the availability of public benefits not constitute an incentive for immigration to the United States." A few subsections later in the Code, Congress reiterated its purpose: "***It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.***" 8 U.S.C. 1601(6) (emphasis added). Congress was determined to remove the magnetic effect of public benefits in the illegal immigration crisis.

The effect of S.B. 458 is to ensure that Kansas complies with its obligations under federal law. It simply requires public officials to verify the legal status of those aliens who seek benefits. This can be accomplished easily and in a matter of seconds via internet using the Systematic Alien Verification for Entitlements (SAVE) program operated by the U.S. Department of Homeland Security.

B. The Legal Authority of States to Verify and Report an Alien's Status

Because immigration is an area of law in which the federal government maintains preemptive authority, Congress was careful to expressly pave the way for states to verify the status of aliens seeking public benefits. Congress gave the states explicit authorization to do so in 8 U.S.C. § 1625: "A State or political subdivision of a State is authorized to require an applicant for State and local public benefits ... to provide proof of eligibility." States are also authorized to verify an alien's status with the federal government under 8 U.S.C. § 1373(c).

Congress also provided that states would have a clear legal avenue for reporting to federal authorities illegal immigrants who seek public benefits. Indeed, Congress prohibited states from concealing this information if they discover it. 8 U.S.C. § 1644 states that no government entity may be "in any way restricted, from sending to or receiving from [federal immigration officials] information regarding the immigration status, lawful or unlawful, of an alien in the United States."

In 2004, the District Court for the Eastern District of Virginia found that a Virginia policy denying postsecondary education benefits to illegal aliens was permissible under federal law. The Virginia policy adopted federal standards for classifying aliens, just as S.B. 458 does, and therefore it was also on secure constitutional grounds. *Equal Access Education v. Merten*, 305 F. Supp.2d 585, 603 (2004). Nine years earlier, in the case of *LULAC v. Wilson*, the District Court for the Central District of California articulated the same principle. In reviewing a California law denying benefits to illegal aliens that had been passed prior to PRWORA, the Court found that "benefit denial provisions were not an impermissible regulation of immigration and therefore withstand scrutiny under the first DeCanas test." *LULAC v. Wilson*, 908 F.Supp. 755 (C.D. Cal. 1995).

The authority of states to enact statutes like S.B. 458 has been confirmed, and reconfirmed again, by the federal courts. Not surprisingly, several states have already taken action to ensure that they are in compliance with federal law by enacting statutes similar to S.B. 458. In 2004 Arizona, enacted Proposition 200. Virginia followed with a similar law in 2005. In 2006, Georgia, Oklahoma, and Nebraska did the same.

C. Denying Public Benefits to Illegal Aliens Will Save the State a Significant Amount of Money

It is difficult to give a precise estimate of how much money will be saved because state agencies (as well as counties and cities) do not know how many illegal aliens are currently receiving state benefits in Kansas. This is a reflection of the fact, that if the state does not verify legal status, the state cannot know how much money it is losing.

However, we can use available number to obtain an approximation of the savings that S.B. 458 would bring. As noted above, the illegal alien population in Kansas has been estimated to be 90,000. U.S. Census Bureau Current Population Survey data also indicates that two-thirds of illegal aliens in the United States have less than a high-school education, making them among the most likely individuals to seek state benefits. Assuming (very conservatively) that only 5% of the illegal alien population is currently obtaining public benefits covered by S.B. 458, that would mean that 4,500 illegal aliens are currently obtaining state, county, and local benefits—costing millions of dollars each year, depending on the benefits obtained. These are necessarily imprecise numbers. But they illustrate that the fiscal savings resulting from S.B. 458 is likely to be significant.

III. CONCLUSION

S.B. 458 is necessary to ensure that Kansas complies with federal law prohibiting states from providing public benefits to illegal aliens. It also contributes to the restoration of the rule of law in immigration. It is no

secret that the federal government is having difficulty enforcing our nation's immigration laws. Consequently, it is important that states work to assist the federal government, rather than impede the federal government, in this effort. S.B. 458 accomplishes exactly that, making it more difficult to work illegally in Kansas and removing incentives for illegal aliens to remain in Kansas in violation of federal law. There are essentially two great magnets that draw illegal aliens into this country—jobs and public benefits. S.B. 458 ensures that the power both is greatly reduced in Kansas.

S.B. 458 is also necessary in light of the fact that our neighboring states have already taken significant steps to reduce illegal immigration. Unless Kansas acts, we will become the number-one destination for illegal aliens in the Midwest. Indeed, we are already well on our way to holding that title. Nebraska passed a bill denying public benefits to illegal aliens in 2006. Oklahoma passed a comprehensive illegal immigration bill in 2007, and Missouri, by executive order, started checking the immigration status of every alien arrested in the state in 2007. It is also likely that the Missouri Legislature will enact a bill similar to S.B. 458 to reduce illegal immigration in 2008. Meanwhile, year after year, Kansas has done absolutely nothing to deter illegal immigration, and continues to reward illegal aliens with in-state tuition.

The estimated number of illegal aliens in Kansas—90,000—is higher than Oklahoma's 85,000, Missouri's 65,000, and Nebraska's 45,000. Illegal aliens also represent a higher percentage of the population in Kansas than in Oklahoma, Missouri, or Nebraska. This did not happen by accident. Illegal aliens are rational decision makers. They go to the states where the penalties are the lowest, and the probability of being able to steal a job that would otherwise go to a U.S. citizen is the highest. In the Midwest, that state is Kansas. Your action, or inaction, has consequences.

NEW YORK POST

THE IMMIGRATION ANSWER

By KRIS W. KOBACH

February 13, 2008 -- ON Jan. 1, Arizona became the first state to require all employers to confirm workers' legal status via the federal "E-Verify" system. Having survived a federal court challenge last Thursday, the law promises to transform the immigration crisis in America.

After just six weeks, Arizona's system is already working: Newspapers in the state report that illegals are self-deporting by the thousands. Apartment complexes in Phoenix and Tucson confirm that thousands of tenants have skipped town. Many are returning across the border to Mexico.

This success is proof that attrition through enforcement works. The premise is straightforward: The way to solve our illegal-immigration problem is to ratchet up enforcement while making it more difficult for employers to hire illegals.

Illegal aliens are rational people. If their chance of being able to work illegally goes down, while the chance of getting detained goes up, at some point the only sensible thing to do is go home.

E-Verify is free and easy to use. The employer simply types in the employee's name, date of birth and Social Security number (or other work-authorization number). He gets an answer back from the government in seconds.

More than 20,000 businesses nationwide were using E-Verify voluntarily before Jan. 1. Now Arizona's 145,000 businesses are obliged to join their ranks.

Illegals know that E-Verify makes it impossible for them to fabricate Social Security numbers and use fake IDs to obtain jobs. And when the jobs dry up, they leave.

But Arizona isn't the only compelling proof that attrition through enforcement works. We have another case study: the National Security Entry-Exit Registration System.

The US Justice Department implemented the program back in 2002-03, in the wake of 9/11. It required all aliens from al Qaeda-associated countries to report to INS offices to provide fingerprints and register. The non-compliant faced stiff penalties.

Of the nations concerned, Pakistan had the largest number of nationals in the US. NSEERS led directly to the deportation of some 1,500 illegal-alien Pakistanis - and also prompted about 15,000 illegals to *self-deport*.

All this debunks the common claim that America has only two choices - either round up all illegals and send them home; or unjustly grant amnesty to millions of lawbreakers (thereby virtually begging millions more to break the law in the future).

We now know that there's a third option - attrition through enforcement: Give illegals little choice but to self-deport.

This strategy demands no government sweeps or snooping; we need only require employers nationwide to use E-Verify and increase the enforcement of current laws.

Again, Arizona is a case in point. Illegals began pouring out of the state on Jan. 1 - even though no county attorney there will take *any* enforcement action until after March 1. No government official has yet lifted a finger - a credible threat of enforcement is all it took.

Attrition by enforcement has *never* been tried at the national level. Instead, the strategy for the last decade has been "triage": Deport or incarcerate alien criminals, and shut down smugglers - but rarely enforce the law against garden-variety illegals.

That approach, combined with the fact that America has only a few thousand immigration-enforcement agents to cover our nation's entire vast interior, means that most illegals know their chances of being able to work are very high.

Attrition through enforcement would change the behavior of millions of illegal aliens. Even under today's relatively lax enforcement, nearly 200,000 illegals are estimated to exit each year - while more than a million enter. Attrition through enforcement could reverse those numbers.

To have any hope of reducing the number of illegals in this country, our next president must aim for attrition via enforcement. By requiring every US employer in the country to use E-Verify, and significantly ratcheting up enforcement (against *all* illegals), it is possible solve America's illegal-immigration problem.

Kris W. Kobach teaches law at the University of Missouri (Kansas City). In 2001-03, he served as counsel to the US attorney general and was the architect of the NSEERS program. He is also a member of the legal team that defended Arizona's new law in court.

Home

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PREPARED REMARKS BY
TEXAS STATE REPRESENTATIVE DEBBIE RIDDLE
BEFORE
MEMBERS OF THE KANSAS SENATE
FEBRUARY 27, 2008

(NOTE: REPRESENTATIVE RIDDLE MAY DEVIATE FROM PREPARED REMARKS)

First, let me bring a hearty greeting from Texas to all of the Kansas legislators. It is an honor to be with you today to discuss a common problem that our two states share: that of illegal immigration.

Sam Houston once said "Do right and risk the consequences." Any lawmaker with the political courage to venture into the troubled waters of illegal immigration is doing just what Sam Houston said to do. It's not necessarily politically correct to stand as the little boy did and declare the emperor has no clothes, but the reality is our health and human services and education costs are straining under the weight of the demand of illegal aliens.

My state, Texas, is a border state, and our costs are staggering. There are those who cloak themselves with pseudo compassion and stand ready to take as much money for services as necessary to satisfy any want or need of any and all illegal aliens. All the while, there seems to be little or no compassion or concern for the hardworking American citizen or LEGAL immigrant who is actually paying the tab.

I applaud and admire the courage of Senator Palmer to stand with the hardworking, tax-paying American and legal immigrant who get up everyday, go to work, pay their bills, pay their rent or mortgage, pay their taxes, volunteer in their community, and abide by the laws and rules of our state and nation. These are the same people that work to save and struggle to educate their children and often have difficulty putting their own children through college. It often means taking a second or third job. Yet in my state of Texas, we put our hands into the pockets of these fine citizens and take their money to educate illegal aliens through in-state tuition at state universities. This is fundamentally wrong,

As a legislator from a border state, let me share with you that our country's borders are broken. Thousands illegally cross our borders with intentions other than working. The drug cartels find Texas a good a point of entry to get drugs to our kids throughout Texas, Oklahoma, and Kansas. MS-13 and other gangs create a true danger for our citizens, and that danger is spreading like a cancer to other states.

When my family immigrated to America from Finland years ago, they were checked for diseases. Any found with diseases were sent back to their county of origin. This is not the case with our southern borders. Diseases are coming into Texas and America that we have not seen for a long time or have never seen, in some cases. There are different kinds of drug resistant TBs, polio, the plague, leprosy, dengue fever, and chagas disease. The treatment of one TB patient runs from \$250,000 to \$1.2 million per year. Illegals have cost hardworking Texas taxpayers \$4.5 billion per year.

In Texas, 70% or more of the births at our public hospitals are to illegal immigrant women. Again, it seems that there are far too few who will have compassion on the hard working citizen who is paying the bills and often have fewer benefits than the illegal aliens.

I would like to read from a speech that was presented on the floor of the Texas House of Representatives by a friend and colleague of mine, State Representative Leo Berman:

THE WALL STREET FINANCIAL GIANT, BEAR STEARNS, RECENTLY REPORTED IN ATHE UNDERGROUND LABOR FORCE IS RISING TO THE SURFACE ,@ THAT THERE ARE MORE THAN 20 MILLION ILLEGAL ALIENS IN THE UNITED STATES. THE REPORT ALSO STATED THAT 5 MILLION ILLEGAL ALIENS WORK FOR CASH AND DO NOT PAY INCOME OR FICA TAXES. THOSE ILLEGAL ALIENS RECEIVING A PAY CHECK WITH BENEFITS DEDUCTED, ARE ILLEGALLY PAYING SOCIAL SECURITY WITH EITHER A STOLEN IDENTITY OR A FRAUDULENT SOCIAL SECURITY CARD. THIS IS A VIOLATION OF TITLE 42 USC 408A7B AND CARRIES A PENALTY OF 5 YEARS IMPRISONMENT, UP TO A \$250,000 FINE, AND 3 YEARS SUPERVISED PROBATION.

IF THESE NUMBERS DO NOT CONCERN YOU, CONSIDER THIS. IN THE EARLY PART OF THE 20TH CENTURY, WHEN MY PARENTS CAME AS IMMIGRANTS FROM EUROPE, THEY WERE GIVEN A COMPLETE PHYSICAL EXAM. IF ANYTHING WAS DEFICIENT IN THE EXAM, THEY WERE SENT HOME TO THEIR NATIVE COUNTRY IMMEDIATELY. NOTICE, THAT I USED THE WORD IMMIGRANTS. AN IMMIGRANT IS SOMEONE WHO COMES TO A COUNTRY LEGALLY, WILLINGLY ADOPTS THE CULTURE, WILLINGLY LEARNS AND USES THE LANGUAGE, WILLINGLY PAYS ALL OF THE TAXES, AND THEN WILLINGLY RAISES HIS OR HER RIGHT HAND AND SWEARS ALLEGIANCE TO A NEW COUNTRY. MEMBERS, AN ALIEN IS SOMEONE WHO OWES ALLEGIANCE TO ANOTHER COUNTRY. THUS, THE FEDERAL TERM, ILLEGAL ALIENS.

WE CANNOT EXAMINE ILLEGAL ALIENS AS THEY CROSS THE BORDER. ACCORDING TO THE AMERICAN JOURNAL OF PHYSICIANS AND SURGEONS, THEY HAVE BROUGHT WITH THEM MULTI-DRUG RESISTANT TB, POLIO, THE PLAGUE, LEPROSY OR HANSEN=S DISEASE, MALARIA, DENGUE FEVER, AND CHAGAS DISEASE. THE TREATMENT OF ONE TB PATIENT RUNS ANYWHERE FROM \$250,000 TO \$1.2 MILLION PER YEAR. TO BRING IT CLOSER TO HOME, AT THE BEGINNING OF 2006, ACCORDING TO HHSC, TEXAS HAD:

1,535 TB PATIENTS
130 MALARIA PATIENTS
23 LEPROSY PATIENTS
AND 31 WITH DENGUE FEVER

I DO NOT KNOW HOW MANY OF EACH CATEGORY IS ILLEGAL.

IF THIS DOESN=T CONCERN YOU, CONSIDER THIS: AS OF AUGUST, 2006, THERE WERE 12,500 ILLEGAL ALIENS IN THE TEXAS PRISON SYSTEM. THERE WERE AS MANY MORE IN COUNTY AND MUNICIPAL JAILS. ILLEGAL ALIENS MAKE UP THE BULK OF VIOLENT GANGS IN MAJOR CITIES ACROSS THE UNITED STATES AND TEXAS.

IF THIS DOES NOT CONCERN YOU, A DETAILED REPORT, A THE ECONOMICS OF U.S. IMMIGRATION,@ COMPLETED BY THE LONE STAR FOUNDATION AND PRESENTED TO THE ROCKFORD INSTITUTE IMMIGRATION CONFERENCE ON SEPTEMBER 19, 2006, IN WASHINGTON, D.C., CONCLUDED THAT THE 1.5 MILLION ILLEGAL ALIENS IN TEXAS COST TEXAS TAXPAYERS \$4.5 BILLION PER YEAR. CONSIDERING THAT ILLEGAL ALIENS SPEND ALMOST \$1 BILLION IN SALES AND A SMALL AMOUNT OF PROPERTY TAXES, TEXANS ARE LEFT WITH A BILL OF \$3.5 BILLION PER YEAR.

LOOK AT THE MULTI-MILLION DOLLAR SCHOOL BOND ELECTIONS BEING HELD ACROSS THE STATE TO ACCOMMODATE THE CHILDREN OF ILLEGAL ALIENS. LOOK AT THE CHAOS IN OUR HOSPITAL EMERGENCY ROOMS.

THOSE OF YOU IN THE DALLAS DELEGATION KNOW THAT 70% OF THE NEW BIRTHS AT PARKLAND HOSPITAL ARE OF ILLEGAL ALIENS. IN THE FORT WORTH DELEGATION, 75% OF THE NEW BIRTHS AT JOHN PETER SMITH HOSPITAL ARE OF ILLEGAL ALIENS, AND IN HARRIS COUNTY, THE BIRTH RATE OF ILLEGAL ALIENS IS OVER 70% IN THE PUBLIC HOSPITALS.

LAST FALL, BEFORE SHE LEFT OFFICE, THE COMPTROLLER OF TEXAS, ISSUED A REPORT RELATING TO ILLEGAL ALIENS. ONE OF THE HIGHLIGHTS WAS THAT ILLEGAL ALIENS INPUT \$17.9 BILLION PER YEAR INTO THE TEXAS ECONOMY. THAT SOUNDS GOOD, BUT LET US EXAMINE THE TEXAS ECONOMY.

THE GROSS STATE PRODUCT OF TEXAS IS OVER \$900 BILLION PER YEAR. THAT MEANS THAT ILLEGAL ALIENS, WHO MAKE UP 7% OF THE TEXAS POPULATION, PRODUCE 2% OF THE GROSS STATE PRODUCT. MEMBERS, ANY FINANCIAL EXPERT WILL TELL YOU THAT ANYONE EARNING UNDER THE FEDERAL POVERTY LEVEL FOR A FAMILY OF 4, MAKES LITTLE OR NO CONTRIBUTION TO THE ECONOMY.

MEMBERS, A GOOD PORTION OF OUR MIDDLE INCOME CONSTITUENTS HAVE LESS BENEFITS THAN ILLEGAL ALIENS. MANY OF OUR MIDDLE INCOME CONSTITUENTS MAKE TOO MUCH MONEY TO QUALIFY FOR MEDICAID AND TOO LITTLE TO BUY HEALTH INSURANCE FOR THEMSELVES. THEY MUST PAY WHEN THEY VISIT AN EMERGENCY ROOM WHILE ILLEGAL ALIENS PAY NOTHING.

LET=S LOOK FOR A MOMENT AT THE BENEFITS THAT ILLEGAL ALIENS RECEIVE. (EMTALA), THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT, PROVIDES FREE HEALTH CARE. A SUPREME COURT RULING ALLOWS FREE EDUCATION, BUT THE MOST LUCRATIVE BENEFIT OF ALL IS THE ONE WHICH ALLOWS A PREGNANT ILLEGAL ALIEN TO CROSS THE BORDER, CHECK INTO A TEXAS HOSPITAL, RECEIVE PRE-NATAL CARE, DELIVER A BABY, PAY NOTHING, AND THEN BE REWARDED U.S. CITIZENSHIP UNDER THE 14TH AMENDMENT TO THE U.S. CONSTITUTION.

FINALLY, MEMBERS.....

ON JANUARY 9, 2007, WE ALL STOOD IN THIS ROOM AND TOOK AN OATH TO PRESERVE, PROTECT AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES AND THIS STATE-- NOT 98% OF THE LAWS, BUT ALL OF THE LAWS. WE ARE A NATION OF LAWS. IF WE CAN ARBITRARILY IGNORE THE IMMIGRATION LAWS, WHAT=S NEXT MEMBERS?

Dennis Bixby
02/27/08
704 East St.
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Testimony SB-458

I come today in support SB-458. A proposal which has the potential to level the playing field and bring us up to the same or better status as our 4 neighbor states with regard to immigration reform. Some speaking here today will no doubt tell you that the vast number of illegal immigrants are law abiding citizens who just want a better life or that Kansas needs these workers because they fill jobs that no one wants. I am here to dispel those myths. Some might call me a racist for my views on illegal aliens. Let me set the record straight. First off, some of my ancestors were Pottawatomie Indian. I know the full value of discrimination and what happens when borders are not respected. Today 160 years later, history is repeating itself. Foreigners left the place where they were from to come to a place of greater opportunity. In 1858 however there were no government agencies to subsidize the efforts of the invaders.

Today we offer a full buffet of social services, instate college tuition, allow the foreigners to live among us and we perform law enforcement tasks on the one hand while not letting the other hand know what we are doing. That is also how the events of 9-11 were allowed to take place.

I have seen construction crews having to hire illegals in order to stay competitive with other companies. The choice was hard but it was do that or go out of business because other companies were doing that in order to cut costs. Kansas companies began breaking the law because (1) There was little consequence and (2) It was for survival (3) until now there was no way to verify phony documentation.

A year ago, the illegal immigration issue became personal. My 19 year old daughter Amanda Bixby had called at 9:00 pm to say she was coming home from work. It was only a 15 minute drive but she never made it. On US-24 near Basehor, Kansas, she was killed and 3 people were injured when Ricardo Flores, an illegal alien from Mexico ran a stop sign while eluding a sobriety check point on nearby K-7. Ironically, at the time of her death, Amanda was planning a party for Heidi Cokely of Tonganoxie, KS who was born in the Phillipeans but had passed her citizenship test after 4years of waiting. Her swearing in ceremony was Feb.24, 2007.

At the time of the accident, he had been working for Timothy Hickok of Hickok-Dible, a Johnson County developer. Although he was allowed to purchase a vehicle and the minimum insurance requirement listing him as the primary driver, he had no valid driver's license. He was originally charged with vehicular homicide but the charges were later dropped and he was convicted of running a stop sign, no driver's license and excessive speed. He was fined \$170 plus court cost and was released. Leavenworth County officials never called Immigrations and Customs Enforcement. I did call I.C.E. Ken Lovesee of I.C.E. made the arrest and booking but once again he was released when a Federal Judge released him on bond. He is scheduled for an August 2008 immigration hearing. I was told by Lovesee that during this time Flores would not be allowed to drive or work. Those same laws were in effect prior to Amanda's wreck and I have no confidence in Flores sitting at home waiting for his court appearance. Timothy Hickok told me later that Flores had paperwork and that was all that was required of their company and it was not his job to determine if it were fraudulent.

I also believe that hiring illegal aliens creates an underground economy. To even exist in Kansas as an illegal alien, an estimated 27 federal and state laws have been broken. It establishes a pattern of breaking laws and having no consequences attached. If you have already broken that many laws and nobody seems to care, what is the big deal about one or two more? Income and services which go untaxed is only the beginning. Illegals are exploited and are the victims of crimes because of their inability to communicate and fear of reporting crimes against themselves. The illegals are targeted a crime victims because of large amounts of cash that they carry.

I do not consider myself a racist. I admire any person who is willing to work hard to better themselves. However when we see this many undocumented immigrants in such a short time span, the system is overloaded

and not equipped to handle the problems that go along with it.

**Memorandum to the:
Senate Federal and State Affairs Committee
Anna Myers
Testimony as a concerned citizen
February 27, 2008
Senate Bill 458
Proponent**

**Introduction
Premise
Fear
Money and Family
Identity Fraud
Exploitation of Illegals
Humanitarian Motives?
Driver's License Security
Conclusion**

Introduction

Sen Fed & State

Attachment 5
2-27-08

Good morning. My name is Anna Myers, and I'm from Whitewater. I would like to express my support today for Senate Bill 458.

Some of my best friends are illegal immigrants. I have worked among Latinos for 3 years now. I have enjoyed teaching ESL in Wichita and at the Children's Haven orphanage in Mexico, attending a Latino college where my sister and I were the only Americans in the dorm, working as a bilingual state-certified classroom aide at a public middle school in Newton, serving as the director of Wichita's Planeview Hispanic Community Center, and worshiping regularly at a Latino church. Through these experiences, I have had some of the most wonderful times and developed some of the most important relationships of my life. I have been the guest in Latino homes, as they have been in mine. I have found that there is nothing so beautiful as the excitement of a Quinciénra, or so fun as the laughter of a birthday fiesta.

It's time we looked at this issue from a truly compassionate, caring view. The stories I share today are true. I have changed the names of the illegal immigrants involved.

Premise

The toleration and de-facto encouragement of illegal immigration foists huge costs onto the public at large in our educational, healthcare, criminal justice, and public safety sectors. What is less appreciated, however, is that it also exposes the illegals themselves to exploitation, fear, and poisoned relationships. Unfortunately, current efforts to curb illegal activity in Kansas are not sufficient. State government must take stronger measures to encourage law and order. One of my middle school students told me, "The immigration officials are so stupid. Once in a while they come to the businesses around town and deport the illegals. But they're so dumb, because the Mexicans just come right back again. They aren't keeping us away."

One morning at the middle school, we were watching the news as usual. The announcer was covering recent protests in Mexico. The TV screen zoomed in, displaying the angry crowds burning the American flag. Immediately a cheer erupted from many of the Latino students, with shouts of "Cool!" "Yeah!" and "Way to go!"

Many say that immigrants have come to America to live out their dreams. How come we see America, the land of the immigrant's dreams, become the land of their nightmares?

Fear

Many of the illegal immigrants live in fear, and understandably so. Fear at home — so they lock and bolt their doors. Fear in the streets — that a policeman will stop them and ask to see a driver's license that they don't have. Fear at work — that the immigration officials will come today and deport them.

One afternoon, Joana called me for help. She and her children had to run away from her husband that morning. They had trouble with him at times, especially when he was drunk. Because Joana and her children are illegals, they were fearful who to contact, even in times of great danger. Their lives were dominated by constant fear. Their deceptive lifestyle, using false names at work, living in violation of our laws, was not paying off.

Joana once told me, "I have dreams." — dreams of a better life for her whole family. Yet, I doubt that on that afternoon, when she called me out of desperation, that she was seeing a realization of those dreams.

Money and Family

Many illegal workers send money to their families in Latin America. Many, however, do not. Pedro left his wife and children behind in Mexico, promising to support them financially through his work here. That promise didn't last. Pedro runs around with other women, and has all but forgotten his family back home.

Miguel drinks and uses illegal drugs. Several years ago, he married an American girl, Sue, so he could file for legal status. As soon as until his paperwork went through, he divorced Sue and abandoned their 3 children. Now, Sue and the children were left to pick up the broken pieces of their lives — and their hearts.

Sandra's husband came US illegally several years ago. For a few months, Sandra heard and regularly received finances from her husband. As time went on, however, the money slowed and finally stopped. Eventually, Sandra herself made the illegal crossing. Her first priority was her husband. Was he alive and well? She came to Kansas, and learned that he had married an American, and was no longer interested in Sandra. For Sandra, America was the land where her worst dreams came true.

Identity Fraud:

Identity fraud is a very sad, but real fact. My friend, Juan, was telling me, "Many of us live a lie - we always put down a false name on our tax returns — we say our name is Pedro, when it's really Pablo." He explained that this often brings undesired complications and consequences. "Many people are in jail unjustly, because someone else with the same identification committed the crime. It's hard for the government when prosecuting cases like this because there are many people running around the country with the same identification."

Monica showed me the identification card she and her husband bought for \$2000 last year, when I helped translate several job applications for her. Both she and her husband work the same shift under the same name in different locations.

David and Rosa came to the US, leaving their 2 young children behind in Central America. They had dreams of a new future, and hoped their children could join them very soon.

One afternoon, they excitedly shared with me that a Native American Chief promised Indian citizenship to the Latinos that filled out his paperwork and paid him \$15 per person. David showed me copies of these papers. They were hopeful.

Later, I heard that this Native American Chief was being charged because he had made thousands of dollars by cheating Latinos, promising them citizenship, when he could not grant it.

David and Rosa were in anguish over having left their children. After one agonizing year, they sent for their children to come to the U.S. They were charged almost \$15,000 to buy fraudulent identification papers for their children. Whereas, normally a plane ticket from their country costs a few hundred dollars, they were charged this astronomical price. During the year that the David and Rosa were here by themselves, they had raised about half the amount. Now, they are overburdened by their debt. They are not seeing the fulfillment of their dreams.

It breaks my heart to know that there are people out there who take advantage of the illegal immigrants, and make so much money off of them.

Exploitation of Illegals:

Sad to say, because illegal immigrants usually have no legal recourse of action, many Kansas businesses and other entities are exploiting them.

Antonio got a job at a woodworking company. He had an accident with one of the machines, and fractured a bone in his left shoulder. His boss witnessed this happen. His employers, which knew Antonio was an illegal, told him that if he dare go to a doctor, they would fire him. They directed him to take pain pills and continue to show up for his shift at 6 every morning.

After 3 weeks, Antonio could not bear it anymore. At a meeting between him, the company's executive manager, and a translator, the manager told Antonio that the company would mail him a check for \$8000. so he could go down to Mexico to get treatment there. Antonio signed a document in English, which the translator declared to be the aforementioned agreement. The company indicated that Antonio need not show up at work anymore; he could stay home and wait for the check. The check never arrived.

Finally, Antonio decided to go to the hospital. When the hospital called up the company, the person they spoke with was the same boss that witnessed the accident. He declared that they never had an employee by Antonio's name, and that he definitely did not have an accident at their workplace. Afterwards, the company contacted Antonio and told him that if he ever showed up at their work site, they would call the police.

Manuel told me that recently in Wichita, some attorneys have been getting called on the carpet for taking advantage of illegals. These attorneys had been promising to take care of paperwork regarding residency status for illegals. After taking the illegals' money, the attorneys did what attorneys are famous for, either taking an extremely long time to do anything or not doing anything at all. The illegals didn't have a way to take recourse of action against the dishonest attorneys.

Manuel shared that at times difficulties will present themselves for parents who are here illegally whose kids were born here. Isabel also spoke up, she cited a case in southern Texas, where the mom would not allow her daughter to participate in an extra-curricular school event, The daughter really wanted to attend the event, but her mother stood firm. The daughter was so determined to go, that turned-in her parents to the immigration authorities for it.

Carlos had purchased someone else's Social Security number in order to work. Little by little, he saved \$7000. in his savings account. One day at the bank, he was informed, to his dismay, that no money remained in his account. Apparently, the con men who sold him the Social Security card had waited for his bank account to grow and then stolen all his money! Yes, you could certainly say that this was beyond his wildest dreams!

Julia and her husband had also purchased fraudulent identity documents. They opened a checking account. However, after a few months, they noticed a lot of extra items being charged on their credit card.

Once, when I was looking for a job, Lulú recommended a certain factory in town. She had worked there for 5 years. She said that many Latino women worked there too.

I dropped by the factory. A Latino woman outside greeted me in Spanish. At the front desk, the man looked over my application. I'm sure he noted that I was bilingual and a US citizen. He then looked up, "We'll call if we want to interview you." I asked him if a brief tour were possible. "No, this job is dangerous. You could hurt or burn yourself. It's not really a place for a woman."

Since then, I have met several Latino women who hold full-time jobs at this factory.

Humanitarian Motives?

Every Friday afternoon, during the Fall of 2006, I participated in a ministry at the prison in Reynosa, Mexico, and held Bible studies with women there. I remember Silvia in particular. She showed me photos and often spoke of her 4 grown children. One afternoon she shared with me her story. Silvia helped immigrants illegally cross the border to the US. Normally, she assisted Mexican nationals. However on one occasion, when she was helping some Guatemalans, the Mexican officials caught her. They were unhappy that she was assisting non-Mexicans, so they put her in prison for several years.

This suggests that Mexico is mainly interested in offloading onto America because of the largely failed economic system in Mexico. If they had true humanitarian motives in mind, they would not have a problem with needy Guatemalans coming to the US.

Driver's License Security

I would also like to make mention that the state does not have a system or database where they can make notations in regards to a specific driver's license number. This poses a significant breach of security for Kansans. Last August, my purse was stolen 10 miles north of the Texas/Mexican border. Both the Andover and El Dorado license offices insisted there was no way for them to place in the Kansas drivers license database a warning for law enforcement that anyone presenting my license as an ID was using a stolen license. This clearly left me exposed to fraud and identity theft, and exposed the state of Kansas to harm as well. I encourage you take action to remedy this threat to our security.

Conclusion

Other states have taken common-sense measures to provide accountability of illegal aliens. As a result, these states have seen thousands of illegal immigrants leave of their own accord. Indeed, I personally know one illegal alien family who left for Mexico earlier this month, at the prospect of similar legislation being passed in Kansas. This proves that with reasonable steps, the problem of illegal immigration is solvable.

Our current situation with respect to illegal immigration is unfair, costly, harmful, and dangerous both to Kansans and to the illegal immigrants themselves. I solicit your strong support of Senate Bill for 458. Let's pass it, for the sake of our children, our country, our future, and the American dream.

FARMS IN KANSAS SUPPORT SENATE BILL 458

I am W.D. Gudde, President of Gudde Farms Inc., a Kansas family farm corporation. We farm about 2,500 acres of wheat, soybeans and corn. I am a proponent of Senate Bill 458.

My grandmother told me this story and I want to share it with you. In 1907 my grandmother started to school at Neodesha, KS in the 2nd grade. The second morning she explained to her papa that she didn't want to go to school because she couldn't understand the English spoken by her teacher, because my grandmother could not **speak** a word of English.

Her father was determined that she was going to school, so he took a willow switch and explained to her, all the way to school, that he would always sound like a slop bucket Dutchman, (Meaning only good for feeding pigs.) but that she was going to school and she would learn English, she would learn to SPEAK English and she would sound like an American and would be a part of this great culture.

My Granny graduated Valedictorian of her Class of 1918 in Neodesha, KS. She became a schoolteacher and her claim to fame was that she was the first Catholic schoolteacher in Wilson County Kansas.

My point being that she joined the American culture and through education she was able to overcome many obstacles. Anyone who joins our culture *must* be able to read and write, and most of all they *must* have a driver's license, especially for insurance reasons.

Farming is a complex operation - it isn't simple.

First, most all modern farms use a multitude of onboard computer control systems. FOR EXAMPLE: application computers, GPS equipment, automatic steering, row guidance and seed monitors. All of these computerized controls have to be calculated according to the crops being planted or harvested. To program, to calibrate and to operate 5 separate onboard computers require knowledge and English. Again the point is, education.

Farming is done in US ACRES not HECTARES. And Kansas farmers are required to file reports with the United States Dept.of Agriculture, crop insurance, and the Census Bureau. All of these are done in acres not hectares.

Secondly, at .70 cents an hour, 100 undocumented workers would cost \$70 an hour to pull weeds by hand. Two tractors at \$35 an hour would also be \$70 an hour. With the new technologies the two tractors would finish hours ahead of the “undocumented” bare hands.

Uneducated “bare hands” are not even worth, to my farming business, the .70 cents an hour that the undocumented workers expect to earn in their native country. Of course minimum wage would be out of the question.

I can only assume that new technologies will soon make “BARE HANDS” obsolete in the meat processing industry as well; just as it is in the manufacturing and operation of the farm machinery today. Relying on bare hands will only hinder technology assimilation, putting America behind in productivity and efficiency in the world market.

In closing, my Granny, who I spoke of earlier, grew up in a sub-standard class of coal miners in eastern Kentucky. They owed more to the company store than they could ever hope to earn, but yet they overcame this obstacle by learning English and joining our culture. Undocumented workers will not be allowed to work on my farm. Join my culture... join my quest for the AMERICAN dream.

Please support Senate Bill 458.

W.D. Gudde, President of Gudde Farms, Inc.
A Kansas Family Farm Corporation

Federal and State Affairs
Senate Bill 458

As a concerned citizen, I thank you for allowing me to speak today in support of bill 458. And I would also like to thank State Senator Peggy Palmer for being brave enough to bring forth this important legislation, along with her co-sponsors.

This is a constitutional duty of the governor and the legislators to enforce the laws of this great nation. And if the federal agencies cannot or will not enforce these laws, then it is to the states to do so for the protection of its citizens. This state cannot afford the cost incurred by such an extensive influx of illegal aliens.

With our surrounding states enacting similar state laws protecting their citizens, we also need a tough law to keep Kansas safe, and from becoming a magnet for illegal aliens. With the citizens of Kansas being so heavily burdened with taxes, as it is, we can ill afford the costs of state sponsored tuition and access to taxpayer founded social programs. I would like to point out Senator Peggy Palmer's article in The Augusta Daily Gazette February 7th 2008 The strain on this state has an estimated cost of 250 million dollars which I respectfully submit to this committee that this state cannot at this time afford.

So I appeal to your good judgement on this issue and to insure that the federal immigration laws be upheld in the state of Kansas and to pass bill 458

Respectfully,

Michael Ross
Michael Ross

TESTIMONY IN SUPPORT OF SB 458

1. Federal and State Affairs Committee

February 27, 2008

Barb Nichols

Committee Members:

My name is Barb Nichols and I am the director of Kansas Immigration Reform Effort known as K.I.R.E.

K.I.R.E. is a statewide, non-partisan grassroots, citizens group organized for the purpose of informing Kansans of the enormous costs and many devastating effects associated with the illegal alien invasion into our state.

Our stated goal is the pursuit of reform of Kansas immigration laws through the legislative process to remove the magnets that encourage illegal aliens to come to Kansas due to the passage of laws against illegal immigration in states that surround Kansas.

I want to emphasize that we are not against legal immigrants who have come here through legal channels and have worked hard to become productive citizens. Misplaced sympathies and rewarding illegal aliens for breaking our laws by giving them all of the benefits due hardworking legal immigrants and our own citizens is an injustice pure and simple.

Illegal immigration has a devastating affect on every area of our lives. It affects our economy, our security, our health care and education systems and our way of life and the people of Kansas believe it is the responsibility of the members of our duly elected Legislature to pass SB 458 to protect us from those who break our laws.

We are concerned about illegal immigration for a number of reasons among which are:

Illegal aliens sneaking across our borders in huge numbers bringing with them all manner of diseases into our midst.

By Federal law we are required to provide emergency care for them which is bankrupting our hospitals, and other health care facilities and health insurance coverage.

Our taxes continue to rise to fund the social programs, education, health care and other benefits being provided to illegal aliens thereby potentially denying our own citizens of these benefits.

We, the citizens of Kansas look to you as members of our legislature that we have duly elected, to protect us from those who would take away all that we have worked so hard to build and keep them from destroying our way of life.

We ask you, as members of this committee, to please vote to pass SB 458 out of this committee without delay and on to the floor of the Senate for debate.

Thank you for your cooperation.

Sen Fed & State

Attachment 8

2-27-08

Sincerely,

Barb Nichols, Director

Kansas Immigration Reform Effort (K.I.R.E.)

35 Mohawk Drive

Emporia, Kansas 66801

SB458 Proponent Testimony
Federal and State Affairs Committee
February 27th 2008
Craig E. Barbee

Members of the Committee,

I support the passage of SB 458 to protect the Citizens of Kansas and all future Citizens of Kansas. SB458 is a very straight forward bill that simply states that it is time to establish a clear and easy to understand policy for illegal immigration that has a real penalty for those that violate it and provides for the law enforcement of Kansas to enforce it.

We have allowed the Citizens of Kansas to carry a large burden in taxes, health care costs, quality of education (primary, secondary and post-secondary), quality of health care and many other areas.

The tax burden has been seen in a large number of areas;

We see additional costs in our education system, when we have to hire additional teachers, aids and support personnel to maintain our school system just because of the additional costs brought on by illegal immigrants. We have to increase the number of classrooms, busses, and multiple language curriculums. Since the legislators of Kansas decided to offer in state tuition to illegal immigrants, we are seeing the Board of Regents asking for more money to sustain our institutions of higher learning. It isn't always apparent why we can't maintain the status quo on the same percentage increase every year, but it is easy to see that every illegal immigrant student in our elementary schools, high schools, colleges and universities brings with them a higher cost to the taxpayer.

Legally, any student from any country in the world that wanted to get a cheap education could simply immigrate to Kansas illegally, receive free medical care, receive lower cost tuition, tax subsidized housing, welfare, etc. etc. When these foreign nationals leave, our legislators would simply say;

“Don't worry we will let our citizens pay for it with higher taxes.”

We have seen health care cost increase due to illegal immigrants seeking medical care in our emergency rooms; in many instances those hospitals cannot recoup any of the costs since they receive invalid and fraudulent identification and addresses. Not only do the illegal immigrants seek medical attention in the ERs, but their condition may result in longer stays or tests that they cannot pay for and as a result those costs are passed on to taxpayers through the indigent programs that we as a compassionate people have set up.

We see additional costs in law enforcement, as State Troopers, County Sheriffs and local Police deal with increasingly burdensome issues. Each non-English speaking perpetrator requires tax payers to pay for translators to investigate crimes, translators to help deal with their safety when incarcerated; it requires trials to last longer thus requiring additional court costs to ensure we ensure a speedy trial process. It requires more jury members which reduces Kansas business productivity. Illegal Immigrants require much more attention in each step of the legal process and Kansas Taxpayers are paying those additional costs.

In each of the above simple explanations you can see direct costs that are passed on to the

Kansas Citizen taxpayer. In health care we see increased costs as any Doctor, clinic, or other health care provider (that does not receive tax support) must charge more for paying customers to cover the losses attributed to non-paying illegal immigrants.

Other costs associated with the illegal immigrant population are listed below;

When classrooms have translators and a teacher has a one hour lecture, the teacher either has to space out her presentation to allow for the translator to interpret which requires either longer class time or the teacher must simply cut their presentation to allow time for the translator. Which do you think is happening? You are right, school days are the same length and so are school years. With less material being presented the students, we find that they are falling behind. Also the non-English speaking students are being cheated since they are not learning in English but rather in Spanish. (So far we only offer Spanish language teachers and interpreters) Those students are hindered from being able to fully apply their classroom experience into productivity in the work force since they are not learning in English.

Kansas Citizens wait longer in Emergency Rooms, pay more for their health care, and receive **lower quality** and **less quantity** of education.

I work as a professional at Wolf Creek Nuclear Operating Corporation, as a Senior Nuclear Station Operator and Project Manager. I understand the health care industry as my wife is an RN and I spend a great deal of time working with health care professionals. I am also the Chairman of the Board of a Private School and have a great deal of professional contacts in education. I have discussed this with Doctors, Lawyers, Engineers, Business Managers, Teachers, School Superintendents and Principals, Nurses and the business offices of these various areas and my support of SB458 is the very clear and concise conclusion to all that I have been able to ascertain from this investigation.

Please pass SB458 without delay. The future of Kansas Citizens, our children and grand children rest in your capable hands. Do not falter in your duty.

Sincerely,
Craig E. Barbee
1021 Lincoln St.
Emporia, Kansas 66801
Life time resident, born and raised Kansan.

Addendum to Proponent testimony for SB 458

This is a continuation of my testimony in support of SB458. I recently read the position paper of the Kansas Chamber of Commerce which opposes any and all attempts to stop illegal immigration in Kansas.

It is quite interesting to note several absolute errors in their position:

- 1) They state that ***“Kansas businesses do not condone the hiring of illegal immigrants; however, our members cannot accept bearing the brunt of a problem we did not create.”***
 - a. They forget that without the jobs they are offering to illegals, there would be no reason for illegals to come to Kansas. So for all logical people, the Kansas businesses that hire illegals are in fact completely responsible for creating this problem. No jobs, no illegal immigrants, it is just that simple.
 - b. We do not imply that all Kansas businesses are involved in hiring illegal immigrants, but according to this letter they all support those businesses that do hire illegal immigrants and according to Federal law that would make them accomplices to the act of aiding and abetting illegal immigrants.
- 2) They state that some of the bills proposed would ***“...put Kansans businesses out of business for a simple paperwork error.”***
 - a. The E-Verify system is a simple system that sends a confirmation or non-confirmation letter to the employer to allow the employee to provide correct information or for any typo to be corrected and re-submitted. This process allows for errors to be corrected in a simple fashion. If a non-confirmation is accurate then steps are in place to handle the situation.
 - b. My business is registered with E-Verify and it only takes 30minutes to an hour to register, it takes approximately 45 minutes to complete the tutorial and it only takes 5 minutes to complete the process for each new employee. All businesses are currently required to fill out an I-9 form on every employee. This process just takes the information provided by the employee to the employer and puts it into the computer to be verified. If you hire 500 employees a year (or 2 a day every day for normal business days) it would only take you 10 minutes a day. Even the largest of Kansas employers don't hire 500 employees a year. If you hire any number less than that it would take less time than that.
 - c. Our company does not have a Human Resources department and our Administrator is a School principal with only one school secretary and we are able to complete the process. If any of these businesses are worried about their ability to complete this process, maybe they shouldn't be able to run their business in the first place.
- 3) They state that; ***“Kansas businesses are engine of the Kansas Economy, but they were not created to enforce laws.”*** This is also a red herring designed to make you afraid to pass this legislation as we all know that Kansas business carry out and enforce hundreds of laws. Some of those laws are as listed below:
 - a. Social Security collection and enforcement, Income tax collection and enforcement, OSHA, KDHE, Fair Labor Standards Act, National Labor Relations Act, Child Labor Act, Americans with Disabilities Act, Building codes, etc. etc.
 - b. Truth be told, these businesses may need to be checked out for compliance with many of the above listed laws. If they are not complying with these laws, then that would explain why they don't want a law that all of the citizens of Kansas will be watching to see if they are in compliance

4) **They state that** *“Immigration is a Federal issue and can only be truly solved at that level. Failed Federal policy is not justification for expansion of state government and increased burdens on business. Simply put, Kansas business should not be penalized for following federal immigration guidelines.”*

- a. a. A Kansas Business is not put out of business *“...for following Federal immigration guidelines”*, nor would they be put out of business for following Kansas Law. The statement in their position paper is trying to throw you, the legislature, off base by presuming that they are all following Federal law. We know that to be false, since we have 70,000-90,000 illegals in Kansas and although many receive tax payer funded benefits, a large percentage of them work for Kansas businesses.
- b. This is truly a Kansas issue. The Federal Government is failing to protect our borders and as such, we as Kansans are allowed to protect ourselves as stated in Amendment 10 to the United States Constitution:

Amendment 10 - Powers of the States and People. Ratified 12/15/1791. *Note*

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

- 5) **We must ask ourselves if each of the listed groups took a poll of their membership to find out if they are opposed to this legislation or is this simply a group of “leaders” that are speaking out of turn.** Please look at the list below and ask yourself if you believe that the citizens represented by these groups:
- a. Want to pay higher taxes to support illegal immigrants in our health care systems,
 - b. If they want to pay higher taxes to support illegal immigrants in our school systems,
 - c. If they like paying higher prices for health care because many of our health care providers must charge those of us that do pay, a higher amount to cover for those that don't pay.
 - d. Ask them if they like knowing that our school systems are losing ground since lessons are delayed to wait for translators, and lesson plans are cut to fit the time it takes to wait for the translators. If our children are missing out on important information because the translator talks over the teacher.?
- 6) Right now a college age student from anywhere in the world could cross the southern U.S. border and come to Kansas where we would give them ***In State Tuition, free medical care, reduce cost housing, reduced cost lunches***, and then give them a student loan that would not be paid until they graduate. Upon graduation they return to their home country and we are unable to collect on that student loan when it goes into default. Then the people in this room and many others are required to pick up that tab and many of these citizens of Kansas cannot afford to pay for their child to go to college. Why is that allowed by the very Senators and Representatives we elected to stand for us? Why would you do that to the very people you are elected to represent? Will each of you give an account of your actions to your constituents?

People of Kansas, this year every Senator and Representative are up for re-election. If you are tired of picking up the tab for irresponsible legislators, if you are tired of men and women like you see before you then let them know about it. Lets find some real Kansans to stand in the gap for you and I and realize that we are tired and won't take it anymore.

Sincerely,

Craig E. Barbee
1021 Lincoln St.
Emporia Kansas 66801
620-342-0729

Ed Hayes, Director
Minuteman Civil Defense Corps
Heart of America Chapters
913 620 0771

mcdcofkansas@sbcglobal.net
www.kansasminutemen.com
www.minutmanhq.com

My name is Ed Hayes. I am the Kansas and Missouri Director of the Minuteman Civil Defense Corps, a national grass roots organization. As a third generation law enforcement officer (ret), I have been required to uphold the laws in my job. As a citizen I have been required to obey the laws of the land, the one's we are now asked to disobey by some, to look the other way as it pertains to illegal aliens. I cannot believe that I am now compelled to stand before you legislators and beg you to pass laws in relation to illegal alien invaders in the state of Kansas, this only because our Federal Government will not uphold the rule of law and their oath of office under Article. IV, Section. 4 of the United States Constitution.

Public awareness continues to grow despite the refusal of the drive by media to report it. The American Legion and other grass roots organizations are demanding that this invasion be stopped and I am here today on behalf of the MCDC and citizens of Kansas asking you to stand up and take control of this problem that will only worsen if house and senate bills are not passed.

In the next few days, you will have others here to testify against the Senate and House Bills. I ask that you look at each and every one of them closely because there is not a single one of them who are pro illegal that will not or do not profit from this invasion in one way or another! They will tell you that they and Kansas needs illegals to survive, that we should all break the rule of law and accept this, that Americans will not do the jobs of those who work as cheap labor. And when they tell you this rubbish look at their agendas, you know the list; they may tell you that it is all about skin color or race, more rubbish. We/you should not condone ignoring the rule of law so these irresponsible, corrupt, exploitive, and greedy people can line their pockets with cash or build their memberships, as in the case of the Chamber of Commerce, at a huge cost to Americans and Kansans now and in the future.

Let's discuss crimes and Victims of illegal aliens. The Ft Dix Six, New Jersey teens executed, shot in the back of the head, three teens killed in Virginia by an illegal drunk, this is happening all over America on a daily basis, an average of 12/25 killed daily, most recently the illegal's vehicle which collided with a school bus killing 4 kids in Cottonwood Minnesota.

Refer to the Web site: "Victims of illegal aliens." Go to that site and read about US Citizens killed by illegal aliens, which includes Kansans. They include police and fire, servicemen and women, Americans from all walks of life and all ages, families killed outright in vehicular accidents, killed by drunken illegals! In Kansas on 2/14/07 a young Tonganoxie lady (Amanda Bixby) was T boned, a Nurse from Olathe Kansas (Jodie Hatzenbihler) run over by illegal in Lawrence Kansas, Coach Ray Bassore killed in a car crash caused by an illegal on I 35 in Kansas City Kansas.

Other victims are residential neighborhoods overrun by illegals that break into our country and refuse to assimilate. Citizens of the Border States cannot leave their homes unattended, they are afraid for the safety of their families; I hear the same thing from some of the folks in Kansas, mainly the meatpacking cities, but that will progress to other Kansas Cities unless proposed SB's and HB's are passed.

Diseases that had been eradicated are now on the rise. Those who come into our country illegally are not screened for disease. Drug resistant TB is on the rise and has been, you have heard the news. Check out disease in South

Texas and you will see a rise in many you have not heard of for some time, this is not scare tactics as some would tell you, it is the truth. The New York Times reported that 1 in 7 East Asians in New York City have either TB or hepatitis. In the SW States hospitals have closed, gone bankrupt because of ER care and the delivery of anchor babies and if the current trend continues, that's coming here, talk to our health care workers.

A drain on social services! Social Security, identity theft, this can be eliminated on the part of illegals

Side note: The Tulsa World News reported in December of 2007 that Medicaid in Oklahoma has dropped 6000 members since Oklahoma SB 1804 was voted in by the Oklahoma Legislature. Why? Because families of illegals have left for states that are sanctuary states that welcome illegals that includes Kansas folks! They will be drawing Medicaid in Kansas at our expense.

I have talked to many Kansas and Missouri citizens who call me because they have lost their jobs and livelihood because of the people and employers who are either illegal work groups or hire illegals who are taking American jobs. These American Citizens are not able to maintain a workforce when they are underbid by unscrupulous contractors that pay minimum wage or below and therefore can low bid anyone who pays a living wage to their workers. They call us looking for help.

This includes all areas of the builders industry.

Fast food, go into almost any fast food restaurant, this includes all fast food chains, you have seen it! A McDonald's manager in Topeka Kansas boasts about hiring illegals and says they all do. He' will keep on he says.

And let's not forget the meatpacking industry, these are not jobs Americans will not do, American citizens were lined up around the block after the Swift raids to take those jobs and did after 1282 illegals were arrested in the December 2006 raids. (Numbers from the Wichita Kansas AP)

We are here today to ask you to agree with Senator Palmer's SB 458. If not we will all pay the price as some have and continue to do unless you are willing to step up and honor your oath of office to protect Kansans. We Kansans are here to beg you to ignore the Chamber of Commerce and the other usual suspects who want the rule of law ignored in Kansas for their own selfish and personal gain at a huge cost to Kansans in many ways.

Thank you for your time!

Captain Ed Hayes (ret)

W. Paul Degener
518 NW 56th St.
Topeka, KS 66617
(785) 246-0215
w.degener@sbcglobal.net

February 23, 2008

SUBJECT: SB 458 Kansas Illegal Immigration Relief Act

Mr. Chairman, and members of the committee, my name is Paul Degener, and I represent the Citizens for Immigration Reform (CFIR). Our group supports legal immigration; however we are opposed to illegal aliens entering this country in violation of federal law.

It is unfortunate but necessary that we meet here today. It is unfortunate from the standpoint that our federal government refuses to secure our borders and is necessary from the standpoint that we must protect Kansas from this invasion of illegal aliens. Surrounding states have passed similar legislation and if we fail to do the same, we will experience an even greater influx of illegal aliens. According to the Federation of Immigration Reform (FAIR), Kansans are currently spending \$235,000,000 annually for emergency medical care, education and incarceration of illegal aliens. It is very important that we address these problems of illegal immigration, but you also have to understand that illegal immigration is but one part of the total picture. After addressing our problems in Kansas, I would urge each legislator to explore the picture that will adversely affect our entire nation in the very near future. .

We support this legislation for the following reasons:

- It is comprehensive in it's coverage of the illegal alien dilemma we are facing.
- It makes it unlawful to hire an illegal alien.
- It requires employers to register and utilize the e-verify system.
- It denies public benefits to illegal aliens.
- It allows law enforcement officers to inquire into the citizenship status upon violation of law.
- It requires proof of lawful presence in the Unites States when applying for a driver's license.
- It requires proof of lawful presence in the Unites States when applying for a Kansas Identification Card.

The above are all good reasons to support this legislation. It is good to see that the states and hopefully the state of Kansas are taking steps to protect their citizens from the uninvited influx of illegal aliens. We must pick up the slack when our federal government ignores the security of our country.

Thank you for your time.

Paul Degener

Sen Fed & State

Attachment 11
2-27-08

Federal and State Affairs
Senate Bill 458

Thank you chairman for allowing me to speak in support of this bill. As you know, congress has failed to resolve the problem of immigration relief all across America. They have passed the buck to us, we must keep in mind the states created all the branches of government. The final delegated authority is right here today to enforce the state and federal laws already on the books.

To enforce the United States code that is shown on page 1 line 16 of this bill title 8, section 1101. Id like to show another authority the states have it is the executive powers of our governor especially when there is an emergency.

The Kansas Constitution Article 1 Section 3.

Executive power of the governor. "The supreme executive power of the state shall be vested in a governor who shall be responsible for the enforcement of the laws of this state"

Because of the oath of office that our elected representatives take to support and depend not only the Kansas Constitution but the US Constitution, the state and federal laws must be carried out.

Whereas, the United States Constitution makes it the duty of Congress to call forth "the Militia to execute the Laws of the Union . . . and repel invasions" (Article I, Section 8), and to "protect each of them [the states] against invasion" (Article IV, Section 4);

All illegal aliens in the US must be removed in order to be in compliance with our federal laws. This bill is way overdue and must be passed

Signed Concerned Citizen,



Greg Dye

Illegal Immigration Notes for Topeka

I have seen the rapid growth of Hispanics in the school system in Dodge City. I was on the Site Council for a few years and saw the numbers grow each year, twenty six, thirty four, and fifty two percent. We had to build three schools to hold the huge amount new people and they were full on opening day. Who paid the taxes? Wasn't them. Yet they have free meals, breakfast, lunch and supper, free books. They would send their kids to a school over 2 miles away so they could ride the bus to school and not be taken by the parent. On parents appreciation day you wouldn't see these parents show up and see how their child was doing in school. Nor would they participate in school functions like birthdays parties where the parent would furnish the treats. As for the Mexican holiday Cinco de Mayo, USD 443 always teacher's conference on this day giving the Mexicans a day off in school. This does not show assimilation into our culture.

They seemed to be here to take advantage of everything they can. I don't blame them only; our government looked the other way as they leached off the reputable citizens of this great country. People that are users don't respect those who they are using. I've seen this in gangs, large increases in shoplifting and blatant disrespect for those in authority. Shop lifting has skyrocketed.

My daughter worked in a video store and she said they had to keep the Latino CD's, DVD's under lock and key. This should tell us who is responsible for the majority of the crime in Dodge City. In Dodge City Daily Globe the vast majority of arrests are Latino's.

As a bail bondsman they filled up the jails in Southwest Kansas. Since they weren't as bondable as an American citizen my bail bonding days came to an end. I saw many Latino bondsmen go under due to "Failures to Appear".

Dodge City is going to build a new jail to house these illegal's that shouldn't even be in Dodge City. This is going to cost the taxpayers an astronomical amount in taxes for generations.

Dodge City has over 60 Mexican businesses and is looking more like Mexico than the Cowboy Capital of the World, which we will loose if we don't stop this invasion. In fact I am hearing the name "Little Mexico" more.

If we don't take immediate action and turn this around we'll have given these illegals Amnesty, thus giving them citizenship that they don't deserve. If this happens the day will come that there will be United States citizens, sitting in our State and National Legislatures that came into our country illegally. Do we want this?

Randy Ford

Romans: 13

1 Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God.

2 Therefore he who resists the authorities resists what God has appointed, and those who resist will incur judgment.

3 For rulers are not a terror to good conduct, but to bad. Would you have no fear of him who is in authority? Then do what is good, and you will receive his approval,

4 for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer.

5 Therefore one must be subject, not only to avoid God's wrath but also for the sake of conscience.

6 For the same reason you also pay taxes, for the authorities are ministers of God, attending to this very thing.

7 Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honor to whom honor is due.

Senate Federal and State Affairs Committee
RE: SB 458 Illegal Alien Relief Act
Hearing Date February 27, 2008

Mr. Chairman.

Committee members.

Thank you for extending this opportunity to address each of you.

My name is Paul Porubsky.

I am here to speak out against the illegal invasion that is devastating our state and our nation.

I speak to you not as racist, not as a xenophobe, not as chattel, not as a unit of labor, but as a citizen of a sovereign nation.

Immigration is a privilege, not a right.

I am a product of legal immigration.

Illegal immigration should not and cannot be tolerated under any circumstance.

Any business that employs illegal labor should not be doing business.

We current allow over one million legal immigrants into our nation each year.

This does not even take into consideration the multitude of guest worker and foreign visitor programs currently in place.

Legal immigrants embrace our concept of the rule of law.

Illegal immigrants show only contempt.

My ancestors respected the rule of law. The very foundation of our nation.

When they came to America, they renounced and all loyalties to any other foreign nations or flags.

Their loyalties were with one flag, one nation, The United States of America.

They had a deep respect and appreciation for the rule of law. They taught me that same respect for the rule of law...to love my country.

My ancestors did not come to America expecting special treatment.

Only the yearning to be free.

They did not receive food stamps, welfare, subsidized rent, free medical care or any other form of entitlement.

Nor did they seek it.

They did not march in the streets like anarchists, waving foreign and communist flags.

They came to America to escape such ruthless individuals.

My ancestors did not engage in violating federal, state, and local law.

My ancestors did not engage in document fraud, identity theft, income tax evasion, voter fraud, social security fraud, drug smuggling, human smuggling, sex trafficking, gang activity, murder, manslaughter kidnapping, extortion, child endangerment and exploitation, or any other manner of illicit activity.

They did not bring disease of any kind to America.

So why do illegal aliens get a pass?

New breeds of immigrants have come to America.

They are REVOLUTION and ANARCHY.

Not exactly the immigrants our founding fathers intended on welcoming.

Illegal immigration is in reality an illegal invasion orchestrated by well funded, well organized groups who do not believe in the concept of free and sovereign nations and the right of citizens to engage in self determination.

Illegal immigrants are the foot soldiers for these anarchists whose eternal quest is to control the levers of power to the detriment of all free peoples.

Illegal immigration is about dissolving our constitution, our bill of rights, our very sovereignty.

A nation without borders is not a nation....states without boundaries are no longer states.

Sen Fed & State

We are rapidly becoming the United States of ANARCHY.

The true goal of this illegal invasion is to create a NORTH AMERICAN UNION.

The merging of Canada, The United States of America, and Mexico, thereby dissolving our sovereignty.

This is being done without any input or consent from WE THE PEOPLE.

NAFTA and subsequent FREE-TRADE AGREEMENTS as well as the SECURITY AND PROSPERITY PARTNERSHIP OF THE AMERICAS are the framework for this union.

The SPP calls for THE FREE MIGRATION OF PEOPLES.

There will no longer be immigration. Only never ending migration.

It is the effects of this 'FREE MIGRATION' that brings us here today.

This merging of sovereign nations can only occur if the proponents can successfully intertwine the economies and the citizens such that we are unable to undo its effects.

This is the framework of NAFTA and the SPP.

This merger can only be accomplished by legally or ILLEGALLY embedding enough foreign nationals in every community such that they ultimately take over control of our political process.

You can see the effects already.

They have become impatient.

The result...an ILLEGAL INVASION.

The goal of this ILLEGAL INVASION is to use our laws, our political process, and our own human sympathies against us.

We Americans, for all the criticisms we endure, have always been the ones the world looks to in time crisis.

It is we Americans who are stewards of the one nation on earth everyone wishes to come to.

It is we Americans who have always been a thorn in the side tyranny, anarchy, and oppression.

That is what this battle over ILLEGAL IMMIGRATION is about.

ILLEGAL IMMIGRATION is not about treating others with human dignity.

It is a ploy to attack our national sovereignty using the dispossessed to tug at our heart strings.

ANARCHISTS always hide behind the mask of humanity. They fear being unmasked.

We must not and cannot allow this state, and this nation, and the principles upon which they were founded, to be in any way eroded or eradicated.

I urge each and every one of you to take a stand in defense of this state, this nation, and help end the STATE OF ANARCHY that is gripping our nation.

Do not let fear or intimidation be your companions.

We the people place our public trust in your hands.

If we fail to preserve the RULE OF LAW, then the only course of action will be for you to turn out the lights, close the door, and fade into history's obscurity.

For once the RULE OF LAW has been vanquished, so will the need for the guardians and institutions that were entrusted to uphold and preserve the RULE OF LAW.

May God grant you the wisdom and courage to work through these grave times.

Thank you for the opportunity to address each of you.

Thank you for your public service.

Respectfully yours,

Paul Porubsky

701 S. Kansas Ave

Topeka, KS 66603

Arguments and Talking Points

I. The rhetoric of “jobs Americans won’t do” and “labor shortages” are myths

1. There is no labor shortage in the U.S.

While the official unemployment rate of about 5 percent is relatively low (not historically low, as supporters of a guest worker program argue), these official numbers do not tell the whole story. Significant numbers of workers have simply given up and dropped out of the labor market entirely. According to a 2004 CIS study, in that year 1.2 million working-age natives left the labor force, and say that they are not even trying to find a job. Many more are working at one or more marginal jobs at incomes that are far below what they used to make. Still more workers are now “self-employed,” or “independent contractors,” which, in many cases, are euphemisms for “occasionally employed” and increasing numbers of people are “working off the books,” which means their work is not captured by official statistics. Virtually all economists caution the official unemployment rate is an inaccurate and often misleading indicator of the true conditions of the labor market.

Even so, 5 percent unemployment means about 7 million Americans out of work. If we assume only 33 percent can work (which is a ridiculously low assumption) that leaves almost 5 million men and women in need of a job. We have no shortage of American's looking for work.

2. There is no shortage of labor in the U.S., but rather a shortage of employers willing to pay competitive wages

Millions of jobs President Bush frequently claims are “jobs that Americans won’t do,” are, more accurately, jobs Americans used to do, and will do for decent wages. Without massive numbers of illegal aliens in the labor market, or unlimited access to foreign guest workers, employers would be forced to improve wages and benefits, which would make these jobs attractive again for American workers.

There are currently about 7 million unemployed Americans and another about 24 million persons over 16-years of age not in the workforce (after subtracting out U.S. college students and those over age 65). Other millions currently in the workforce are working part time or are underemployed. This is an enormous pool of potential additional U.S. workers.

Illegal aliens take whatever job they can find. They will work for less than US workers, so, over time as more illegal aliens are hired wages go down to the point US workers seek other work or drop out of the job market. If employers are weaned off their artificial dependence on illegal alien workers those wages will rise enough to attract US workers.

3. The “baby boom” scare

U.S. Chamber of Commerce President Thomas Donohue is asserting the need for a new guest worker program is based on the impending retirement of 77 million baby boomers. That sounds like a major shrinkage in the U.S. workforce. But, in fact, over the next decade there will be only 50 million people reaching retirement age – not all of whom are in the workforce, and they will be over-balanced by about 40 million

births and more than 10 million immigrants. That non-gap in our population will be true for future decades as well. In fact, our population is growing by about 3 million persons per year because of natural increase and immigration.

4. A high-technology economy does not need muscle power like an industrial or pre-industrial economy.

Our economy certainly does not need thousands of poorly educated and poorly skilled guest workers. Unfortunately, the current availability of illegal low-wage workers – those who President Bush wants to turn into legal workers – has led many businesses to try to maintain a third-world economy alongside a modern one in America. So we have sweatshops operating next to global investment firms.

Today's immigration is different in the dichotomy between the needs of the U.S. economy and the skills of the illegal workers. We benefited from large-scale unskilled immigration in the past when our economy was less modern, but even the last massive wave of immigration a century ago, which was smaller than the one we are now experiencing, was so large the U.S. public demanded it be halted because of its harmful effects on the job market and the burden on social services.

Today's illegal alien workers may be generating profits for their employers, and some may even be paying taxes, but in general they are a fiscal burden, especially on U.S. taxpayers at the state and local level, and they fuel the increasing income inequality in our society. The 'definitive' study by the National Academy of Sciences in the mid 1990s (*The New Americans*) documented the fiscal burden of immigration.

5. There is no job an American will not do

In areas where there are no concentrations of illegal alien workers, construction and service sector jobs are done by Americans. Even in areas with concentrations of illegal workers, there are Americans and immigrants working alongside them. But the Americans and immigrants are earning much less than they would if the illegal workers had not depressed the wages in those areas.

II. The benefit for a guest worker program goes to big business; the cost is borne by society at large

1. America is a nation, not an economy

The justification for a massive guest worker program is predicated on the "needs" of the economy. No one denies the importance of a vibrant, growing economy to any nation. However, the economy exists to serve the interest of the nation and its citizens, not the other way around. Economic growth that does not enhance the lives of the vast majority of the citizenry undermines the very foundation of society.

Would you trust businesses to be the arbiters of what is in the interest of American society? Businesses have proven since our founding they have the health of their stock or corporation at the heart of their decision making processes not the health of our nation. Most Americans agree, with respect for the old truism about GM, that what is good for Bank of America is not always good for America.

2. The existing illegal alien population is not an immutable fact of life

We did not get into this illegal alien crisis overnight, and no one should realistically expect that it will be solved immediately. Over time, the estimated population of 11 million or more illegal aliens can be reduced by attrition. Enacting and enforcing laws that make it difficult for illegal aliens to gain employment and access nonessential public services and benefits, and increasing the participation of local law enforcers will effectively stem the invasion of illegal aliens. It will also convince many of the current illegal aliens to leave of their own volition. Even under current circumstances, many illegal aliens leave for a variety of reasons. The problem has been that newly arriving illegal aliens outpace those who are leaving. By enforcing our laws we can reverse this trend. More will leave and fewer will come.

3. Arguments for a guest worker proposal ignore the fiscal and social costs

Guest workers have human needs. Neither the president nor congressional advocates of a vast new guest worker program have put forth a plan to educate the millions of foreign children who would enter American schools, provide for the health care needs of these mostly low-wage workers, or provide subsidized housing or other social needs. As documented by the National Academy of Sciences, these fiscal costs are in excess of the taxes collected from the illegal alien population, especially at the state and local level.

Based on the research of Donald L. Huddle, a Rice University Economist, FAIR estimates today's fiscal burden from illegal immigrants is at least \$70 billion a year, and the costs likely would increase if these illegal workers were granted legal status. The study does not include billions of dollars lost to the U.S. economy every year as a result of remittances sent out of the economy or the \$35 billion a year in income tax collections Bear Stearns estimates the United States loses because of the number of jobs that are now off the books.

4. The American public opposes any increase in immigration and the Bush guest worker plan in particular

A recent Zogby poll asked, "Do you support or oppose the Bush administration's proposal to give millions of illegal aliens' guest worker status and the opportunity to become citizens?" A sizable majority (56%) opposed it.

5. Many jobs that employers want to fill with guest workers were never intended to be jobs on which workers supported themselves, much less their entire families

A 2005 report published by Northeastern University found last summer was the worst season in more than half a century for high school and college students seeking summer or part-time jobs. The reason cited was that many jobs that had historically gone to youth looking to earn spending money are now filled by immigrants who are attempting to support themselves and their families. Flipping burgers and bussing tables are not and never have been jobs that pay a living wage, because no one ever thought they would be occupied by people seeking to raise a family or put money aside for retirement.

6. There should be no jobs in America that depend on employment of low-wage foreign workers

Any assertion that our economy depends on low-wage workers is an effort to justify dependence on a form of indentured servitude much as plantation owners attempted to justify slavery a century and a half ago. The perpetuation of today's employment of low-wage foreign workers – let alone an increase in reliance on those workers – increases the growing income inequality and looming social injustice and tensions in our society.

7. America is experiencing a hollowing out of the middle class that is economically and socially damaging

American workers are being whipsawed by the massive importation of low-wage foreign labor on one hand and the massive outsourcing of manufacturing and high tech jobs to lower wage workers overseas on the other hand. A guest worker program along the lines of the one envisioned by President Bush would be a further blow to an already diminishing middle class in America. The continuing shrinkage of the middle class undermines the possibility of upward mobility, dangerously damages the fabric of American society and would inevitably undermine the very economy that a massive guest worker program is supposed to benefit.

III. A guest worker program will not stop illegal immigration

1. We already have three guest worker programs: H-1A, H-1B, H-2B

The president has yet to explain why we need a new one. The agricultural industry has the highest percentage of illegal foreign workers. Its guest worker program, the H-1A, is under-utilized because agricultural employers and contract employment businesses want cheap labor in the short run—this season and are willing to break the law to get it. Neither these employers, nor the Chamber of Commerce which lobbies so intently for cheap foreign labor, act for the long term economic health of the nation when it comes to the choice between hiring American workers and cheaper foreign workers – regardless of the greatly increased aggregate social costs attributable to foreign workers.

2. Even with a guest worker program, employers could opt for even cheaper illegal alien labor

Proponents (including President Bush) of a massive guest worker program, promise such a program will be accompanied by vigorous enforcement against employers who hire illegal aliens. Unfortunately, such promises have been made and broken too many times for anyone to give them any real credence. After decades of unfulfilled promises to enforce our nation's immigration laws, clear evidence of actual enforcement must be a prerequisite to consideration of any change in our current guest worker programs.

2. Providing new “legal avenues” for people to take American jobs is not a rational plan for securing our borders

Any illegality can be “cured” simply by declaring the activity legal. However, there is a reason why we limit immigration and our existing guest worker programs. Immigrants and guest workers have an impact on the American workforce and society. While in

theory illegal immigration could be eliminated by declaring America's borders open to all comers, the harmful effects of mass immigration would be compounded, not eliminated, and that is true as well for the proposed new guest worker program.

3. An amnesty/guest worker program will not remove the threat from potential terrorists now in our country

Guest worker amnesty proponents argue if we "legalize" the illegal alien population after "inspecting" them we can identify terrorists and others who enter with the intent of doing us harm. That argument is disingenuous. The Kennedy-McCain proposal for background checks on illegal aliens applying for legal status excludes access to the amnesty applicants' files by the law enforcement community.

4. A guest worker program will not end the threat of terrorists sneaking into our country

It is widely acknowledged that with millions of people sneaking across our borders every year, terrorists will be able to wash in with the tide. Until effective immigration law enforcement is in place and widely seen as effective, illegal entry will be undiminished. In the meantime, the prospect of benefiting from a benign attitude towards immigration illegality would likely increase illegal entry.

5. We can enforce our immigration laws without a temporary guest worker program

We correctly decided in 1986 immigration law enforcement requires the active involvement of the nation's employers. We have yet to make that requirement effective, because we failed to make employers accountable. The Sensenbrenner enforcement approach attempts to correct that. Job site enforcement – by denying jobs to illegal aliens – will eliminate the majority of the U.S. economy's continuing attraction for illegal aliens, and the remaining small percentage will require increased monitoring of the employers and enforcement against off-the-books employment of illegal aliens. These actions will not harm employers as long as they are done even-handedly so that some employers are not put at a competitive disadvantage by non-complying competitors.

IV. A guest worker program is an amnesty

1. Any program that confers legal status on aliens currently illegally in the country is an amnesty

President Bush says he opposes an amnesty, but that is what he is proposing by offering legal status to aliens now working illegally in our country. He does not even oppose their permanent stay in our country. He says he opposes a path to automatic citizenship for those illegal aliens, but he does not rule out their "earning" permanent residence or even citizenship.

Any law that offers legal status to illegal entrants and those here illegally after overstaying their visas is a form of amnesty. That is true whether it is a general amnesty as adopted in 1986, rolling amnesties such as Temporary Protected Status, or a guest worker amnesty program that hands out work permits to illegal aliens. These measures exacerbate the already untenable illegal alien situation because

they send the message abroad that we do not care if people break our immigration law. That encourages others to break our law.

2. The White House guest worker proposal is an amnesty on a six-year time delay

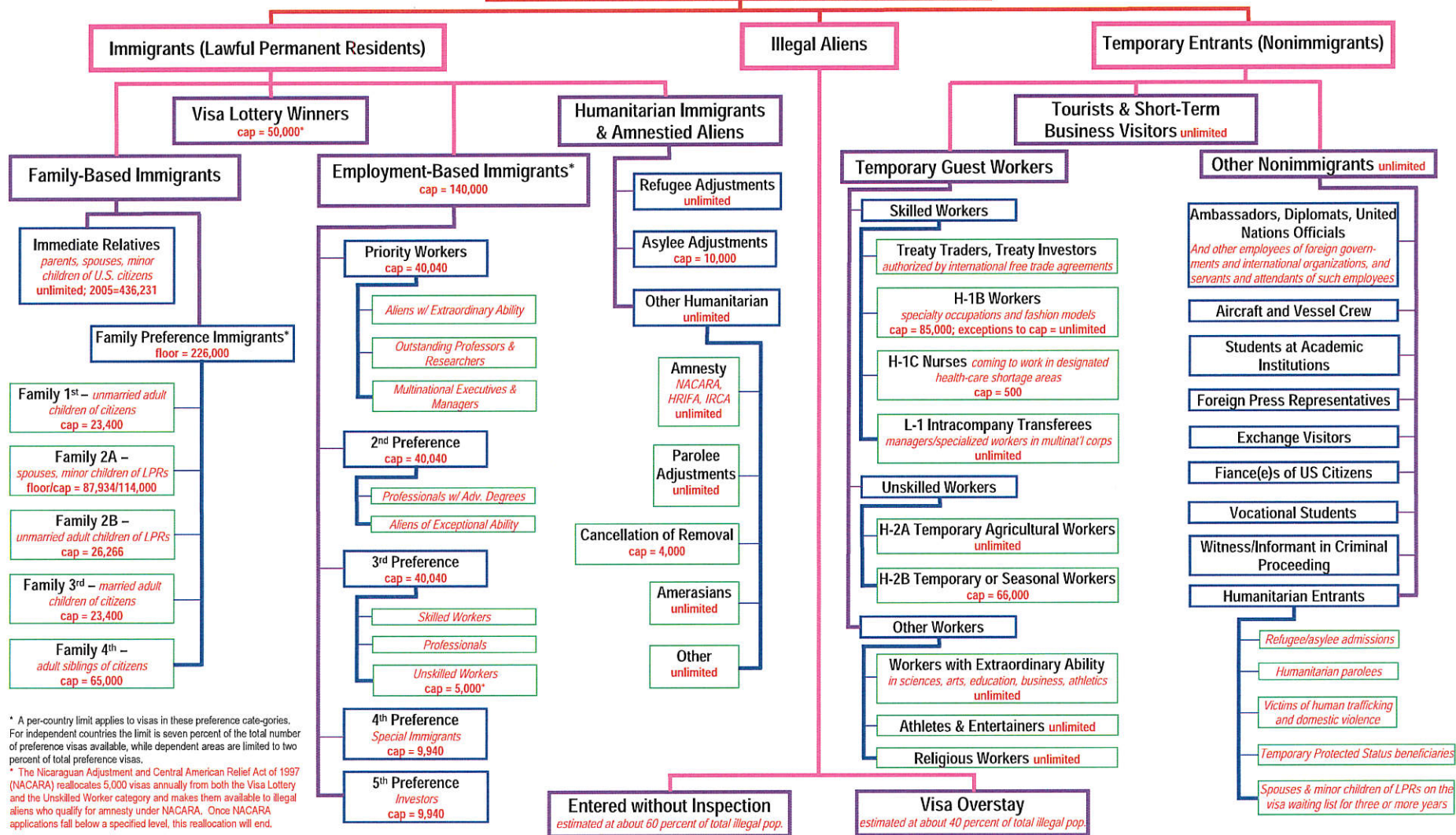
President Bush professes to oppose an amnesty. However, as a practical matter, what he is proposing is an amnesty that will occur after he has left office. There is no reason to expect people who have already been living illegally in the U.S. will depart six years from now if we grant them guest worker status. The most likely scenario is that the six-year period will simply give time for the amnesty proponents to increase their argument that these former illegal aliens have put down roots and it would be unfair to require them to leave. Even if that argument were not to result in an all-out amnesty, the other option would be for these aliens to revert to illegal status. It is ludicrous to assert that millions of former illegal residents would depart voluntarily because their legal status had lapsed.

Until our policymakers demonstrate they have the political will to enforce our immigration law, why should the American people believe their assertion that they would enforce a temporary stay for guest workers? We can safely predict that when guest worker visas begin to expire the open borders coalition will present the same arguments they now use to justify the continued presence of illegal immigrants: These people have "put down roots in the community," and "our economy depends on these workers."

3. A massive guest worker program will not win the Hispanic vote

Political pundits argue that Hispanic voters will reward political parties that favor open immigration and punish those that set and enforce limits. The pundits, as is often the case, are wrong. Public opinion polls document that Hispanic voters want what other Americans want: reduced immigration, good jobs, good schools, affordable health care, affordable housing, etc.

A massive new guest worker program would be a threat to Hispanic workers and jeopardize their aspirations. According to a Pew Hispanic Center poll released in August 2005, "Most Hispanics think that the number of legal immigrants coming to the United States from Latin America should stay the same (43%) or be reduced (13%). A little less than a third (31%) believe the number should be increased." While the poll did not probe attitudes towards a new flow of foreign guest workers, it is likely that a solid majority would be opposed.



* A per-country limit applies to visas in these preference categories. For independent countries the limit is seven percent of the total number of preference visas available, while dependent areas are limited to two percent of total preference visas.

* The Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA) reallocates 5,000 visas annually from both the Visa Lottery and the Unskilled Worker category and makes them available to illegal aliens who qualify for amnesty under NACARA. Once NACARA applications fall below a specified level, this reallocation will end.



The Average Annual Legal Immigration Level During:

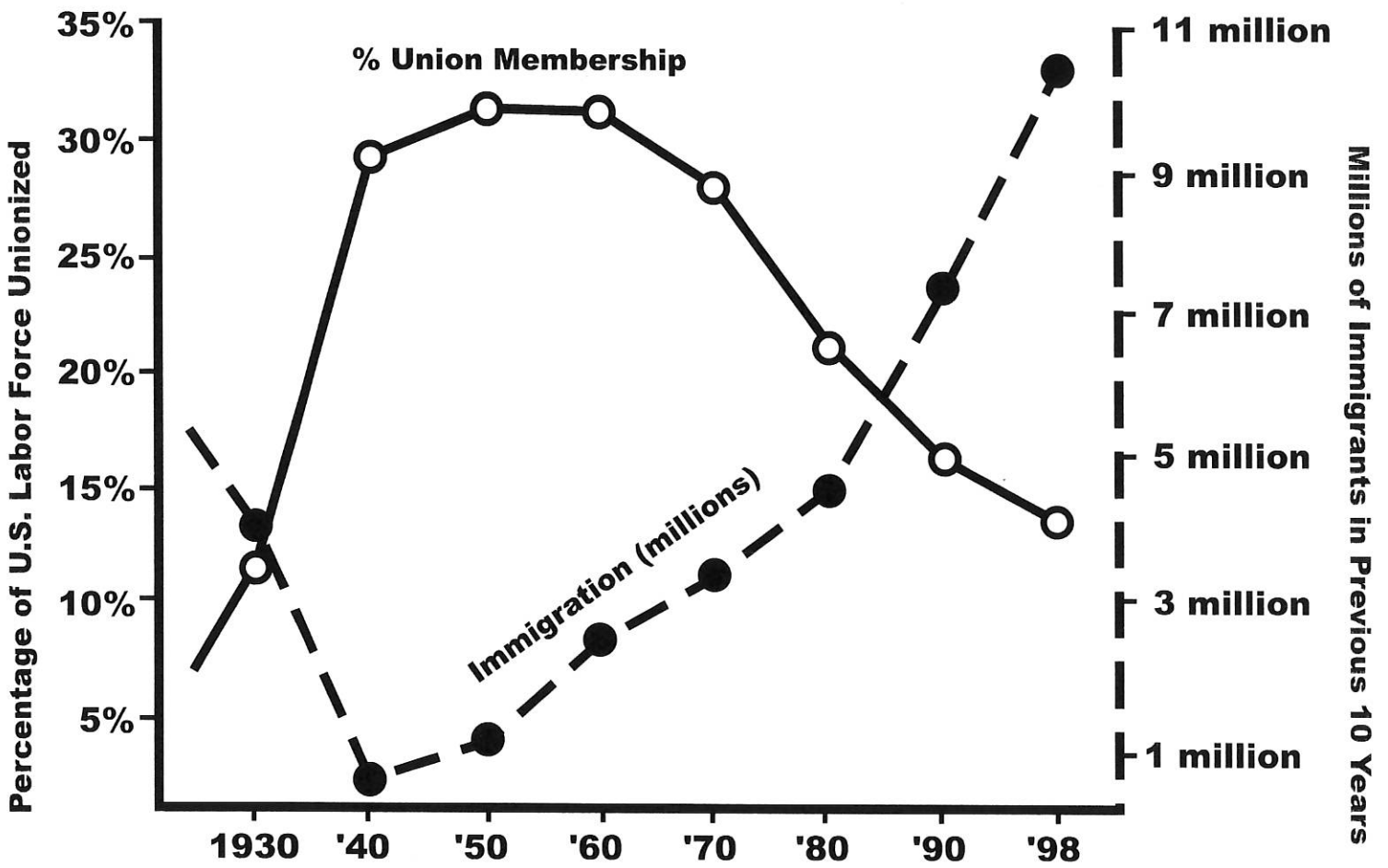
| | |
|---|---------|
| The Colonial Era (1607-1775): | 3,500 |
| The Nation Building Era (1776-1819): | 6,500 |
| The Era of Continental Expansion (1820-1879): | 162,000 |
| The Great Wave (1880-1924): | 584,000 |
| The Rise of the Middle Class (1925-1964): | 178,000 |
| The Civil Rights Era (1965-1989): | 507,000 |

The Average Annual Legal Immigration Level Since The Immigration Act Of 1990:

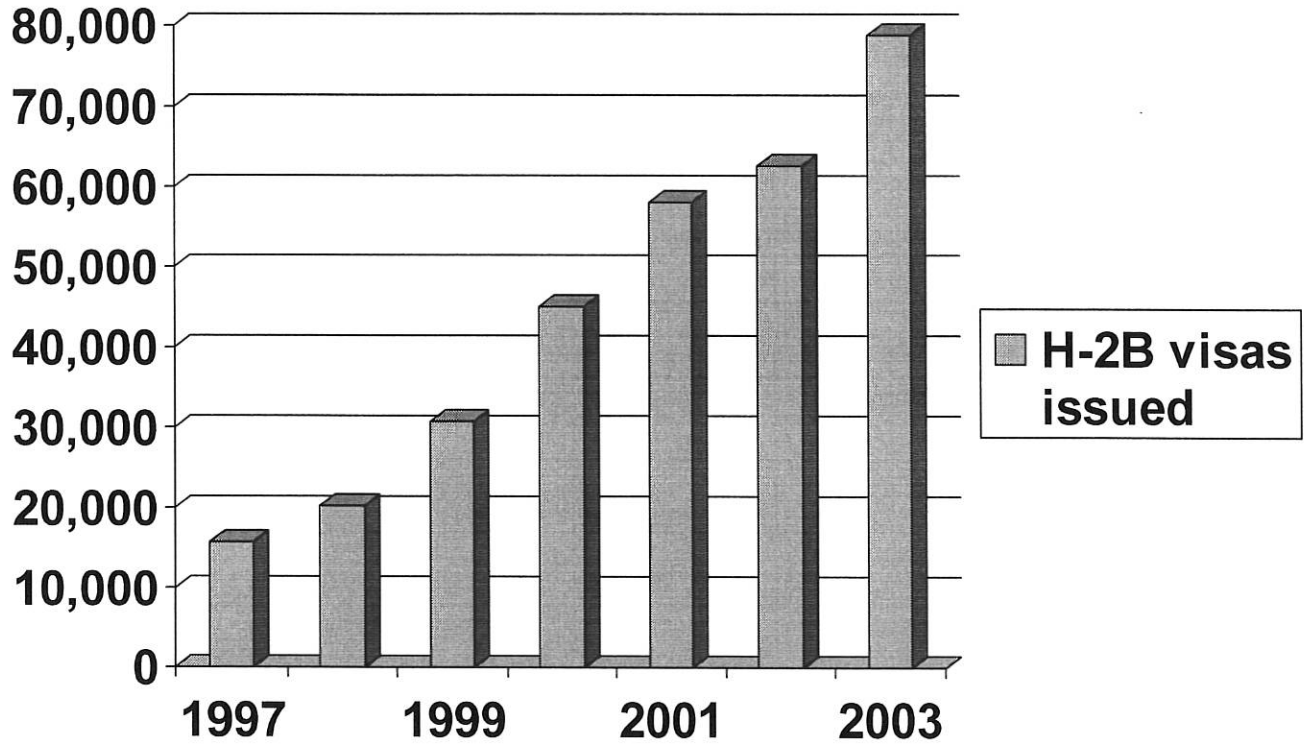
1,000,000

Unions Weakened During High Immigration

When Immigration was Low, Unions were Stronger



SOURCE: www.NumbersUSA.com from U.S. Departments of Labor and Justice



Source: Bureau of Consular Affairs, Department of State

SENATE BILL NO. 458
Senate Federal and State Affairs Committee
Wednesday, February 27, 2008
State Capitol Building
Room 313 (S)

Testimony By
Ralph Snyder
Department Legislative Chairman
The American Legion Department of Kansas

Illegal immigration is a thorny issue which pits almost every segment of American society at odds with one or more other segments of our diverse and multifaceted society; yet as Americans we have but one choice and that is the rule of law. Sadly Kansas is in violation of federal law and that is just one reason why The American Legion supports SB 458 and urges you to promote its passage.

The American Legion supports SB 458 and urges you to promote its passage. Attached to my testimony today is the booklet, "The American Legion Policy on Illegal Immigration", "A Strategy to Address Illegal Immigration in The United States". My testimony is based largely on this booklet which is a compilation of Resolutions approved by The American Legion's National Executive Committee and by the delegates of American Legion National Conventions dating as far back as 2003. I urge you to take time to review this booklet and its common sense answers to complex questions presented by illegal immigration.

Since our inception in 1919, The American Legion has been at the forefront of assisting migrants who choose to follow our laws become citizens by mentoring them in language skills, our laws, our history, and how our government works. We do so because as American Legion members we subscribe "To uphold and defend the Constitution of the United States of America; to maintain law and order and to foster and perpetuate a 100 percent Americanism." Simply put, those who migrate to our country and follow our

existing laws as the path to citizenship make some of the most dedicated citizens of our nation and as veterans who have served to uphold and defend our constitution; we welcome those who follow our laws.

The protection of our nation's borders is a Federal matter. But just because the Federal Government is failing its citizens by not protecting our borders doesn't mean states like Kansas should violate Federal Law by granting in-state tuition rates for illegal aliens. Title 8, Chapter 14, Section 1623 clearly states: "an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State...for any post secondary education benefit unless a citizen or national of the United States is eligible for such a benefit." How in good conscience can the State of Kansas charge a US citizen from another state higher out-of-state tuition rates while granting in-state rates to someone who is here illegally? How can Kansas deny the child of a career soldier, whose home of record has always remained in Kansas, in-state tuition rates?

Who are these illegal aliens who are flooding our nation? While it could be argued our nation's northern border is almost as porous as our southern border I invite you to look at the nationalities of those detained along the US – Mexican border on page 12 of the booklet I've provided for you today. Remember those 288 citizens of seven mid-eastern countries only represent those who were caught in five months. Until our Federal government secures our borders and reduces the national security threat our borders currently provide Kansas can do its part by making our state unwelcome in the eyes of illegal aliens. Missouri, Oklahoma, and Colorado have all enacted laws similar to SB 458 and Nebraska is expected to follow their lead. Kansas has an opportunity to send an individual message to every illegal alien---"Law Breakers Are Not Welcome in Kansas", and a collective message to Washington, DC----"Secure Our Borders".

The United States is a nation founded by the sons and daughters of immigrants and although our history is marked with quotas and limits on immigration one ideal has always remained true and was best expressed by President Theodore Roosevelt in 1907. "In the first place, we should insist that if the immigrant who comes here in good faith,

becomes an American and assimilates himself to us, he shall be treated on an exact equality with everyone else for it is an outrage to discriminate against any such man because of creed or birthplace, or origin. But this is predicated upon the person becoming in every facet an American and nothing but an American...There can be no divided allegiance here. Any man who says he is an American, but something else also, isn't an American at all. We have room for but one flag, the American flag...We have room for but one language here, and that is the English language...and we have room for but one sole loyalty and that is a loyalty to the American people."

"The Kansas Illegal Immigration Relief Act" (SB 458)
Testimony by Jack Shandy
February 27, 2008

Kansas Enforcement Against Illegal Criminals

Outline

Mandatory Corrective Measures

- 1.) No employment
- 2.) No housing
- 3.) No motor vehicles, licenses, insurance
- 4.) No social services
- 5.) No real estate ownership / business operatorship or ownership
- 6.) No criminals allowed (history of unlawful acts)
- 7.) No education holdbacks (not "no child left behind" but "no child held back")

Concurrent legislation:

Welfare reform to mandate tighter "handout" constraints – replace illegal workers with able bodied individuals (U.S. citizens) that are currently living off the taxpayer.

Kansas Enforcement Against Illegal Individuals

The author of this paper has determined that there are seven steps that can be taken in the enforcement of certain laws and/or regulations that can rid Kansas of illegal Criminals (AKA illegal aliens) that have infested our State and Nation. Restrictions on employment, housing, motor vehicles, social services, real estate ownership, criminal acts, and education would force the majority of these individuals to flee our towns, cities, and rural areas. Presented below are enforcement suggestions that could be made into law that would place enforcement responsibility on various segments of society, i.e., employers, rental and real estate owners/agents, city and county licensing agencies, schools and the court systems.

- 1.) Employment: Employment of all individuals that entered the country through illegal means would be prohibited. All potential employers, regardless of size would be responsible of verifying the status of all job applicants (thru a federally generated verification system, i.e., social security number verification or "e-verify") to ensure that the applicant possessed the legal right to be employed in the U.S. and Kansas. This verification would also help to ensure that payroll taxes were being withheld and paid and remitted to the appropriate taxing agency. Each employer's employment records would be subject to review and audit by the State. Any and all employment violations would be dealt with severely via the assessment of substantial monetary fines against

the employer as well as the potential seizing of business and personal assets of the violating employer. For instance the first violation of illegal employment would require that a \$10,000 (per employee occurrence) fine be paid to the State by the violating employer. A second violation would require that a \$50,000 (per employee occurrence) fine be paid to the State. A third violation would require the employment violating employer to surrender all business and / or personal assets to the State. As a starting point (given a specific date, say July 1, 2008), all current employees as of that date would be required to provide legal proof of legal status. The documentation received would be placed through substantial scrutiny. If such documentation was not presented by each employee, or if the documentation was determined to be falsified, all unpaid wages would be seized by the State (to compensate the State for unpaid taxes) and the employee would be immediately terminated. The name, photos, and all other forms of identification of all such terminated employees would be placed in a data bank to help ensure that further employment in Kansas and other states would be impaired. All illegitimate (false) identification would be seized from the perpetrator. Anyone involved in the aiding of an illegal individual for the purpose of gaining employment would be subject to a monetary fine of \$25,000.00 and/or imprisonment of no less than 6 months. The Kansas data bank would be made available to any State (or subsection thereof or the federal government) requesting such data. A grace period of 90 days would be given to all employers to rid their employee rolls of such illegal persons. A list of all terminated employees, including

known addresses and photos (if available) would be submitted to the State.

- 2.) Housing: The renting (leasing) or otherwise providing of housing to any illegal individual would be prohibited. It would be the responsibility of the real estate owner or his agent to determine the legality status of all persons seeking housing, either temporary or permanent in nature. A similar method of legality verification as is used by potential employers would also be required by all "landlords". A grace period of 90 days after the enactment of this law would be given to all housing owners (or others providing housing to illegal tenants) to evict such illegal persons from their housing units. For each rental infraction, the lessee would be fined \$10,000 per rental unit for the first offense, \$25,000 per rental unit for the second offense, and asset seizure for the third offense. The names, photos, and other forms of identification of the illegal individual(s) would be placed into a data bank to help ensure that future wrongdoings by the perpetrator(s) would be prevented. All illegitimate (false) identifications would be seized from the perpetrator and submitted to the State.
- 3.) Motor Vehicles: This law would make it unlawful for all illegal individuals to own and/or operate any form of motor vehicle on any roads, urban or rural or any street or other thoroughfare within the State of Kansas. Further, it would be unlawful for the State of Kansas or any county to issue any form of driver's license or driving permit, or to issue a vehicle registration (tag), or to process any motor vehicle title work in behalf of any illegal person. Further, all insurance companies licensed to do business

within the State of Kansas would be prohibited from insuring any motor vehicle insurance policy to any and all illegal persons. All illegal persons would be granted a 90 day grace period in which to physically transfer their motor vehicle back to their country of origin, provided they possessed a title free of liens. Any vehicle not free of liens would be required to be paid for in full (to free up the lien), or could be sold by the owner, or turned back to its original seller. Anyone assisting an illegal person in the acquisition, registration, or the insuring of a motor vehicle will be subject to a monetary fine of \$25,000 and/or imprisonment for a period no less than 6 months.

- 4.) Social Services: All persons that have entered the U.S. and the state of Kansas by illegal means shall be prohibited from obtaining any and all forms of taxpayer paid social benefits. Some of the major benefits being referred to here are all types of medical, dental, optical, medicine and drugs, food stamps, rental subsidies, all forms of monetary assistance, and child care. This list is certainly not all inclusive, but simply highlights some of the more frequently thought of services. The intent of this section is to prohibit access to any and all types of services or other forms of benefits (that would impose a cost to the Kansas taxpayer, either directly or indirectly). Further this law prohibits any citizen or entity, (profit or non-profit), church-affiliated group, or any other form of profit or non-profit organization from the providing any or all types of services or benefits, or any other form of aide to any and all illegal persons within the State of Kansas. All forms of State governments (city, township, county, or State, etc.) shall be held responsible for the strict enforcing of this portion of this law.

5.) Real Estate/Business Ownership: All illegal persons shall be prohibited from owning any type of real estate (business, residential, religious, rural, urban, or any other form of real property) or from operating any and all types of business venture(s) whether owned or leased within the boundaries of the State of Kansas. Any illegal person that currently owns any real estate or owns or operates any business venture of any type will be granted a 180 day grace period in which to divest his interest within such property. If it is determined that any taxes have been unpaid or underpaid, such monies shall be seized (via a lien against such property) from the proceeds of the property disposal and paid to the taxing agency or agencies. In the event the real estate hasn't been disposed of within the 180 day grace period, the real estate will be auctioned and sold to the highest legal buyer and the proceeds paid to the illegal owner after the payment of all legal encumbrances (against the property or the illegal person) has been satisfied via full payment. If the business or other venture which was operated by an illegal person has not been disposed of, the business will be auctioned if it has monetary value; if not the business will be closed. As with the real estate, the proceeds of such auction shall be distributed to the illegal owner, but only after all known encumbrances have been paid in full to known debtors.

6.) Criminal Offenses: All illegal individuals that have committed crimes within any state in the U.S. and residing in Kansas or has been apprehended within the State of Kansas by any level of law enforcement official shall either be deported back to his country of origin or held in prison for the length of time commensurate for

the crime that was committed. Any assets owned by such person shall be seized by the State and the proceeds generated from the liquidation of such assets shall first be used to cover the costs and expenses related to the legal proceedings of the State and the related incarceration costs, then the payment of any taxes owed if known, then a payment to the individuals injured by the crime, and finally the balance shall be returned to the individual upon his return to his native country. Each and every criminal will be informed that in the event he (she) chooses to return to Kansas after his (her) deportation, and he (she) gets apprehended within the State of Kansas, a jail sentence of no less than five years and up to twenty years or more (depending of the original crime) will be assessed.

7.) Education: COMMENTARY: Our educational system has been virtually destroyed as a result of permitting illegal individuals and/or their children to enter our public schools. Not only are the illegal students costing the taxpayer a fortune, the worst impact is the holding back of English speaking (citizen) students, waiting for the (illegal) non-English speakers to learn at a much slower pace. One can't begin to imagine the frustration that Kansas citizens, both elementary and secondary must go through on a daily basis, waiting for the foreign spoken to laboriously wade through daily assignments. And then one wonders why academic standards continue to be lowered in order to be able to pass students on to higher grade levels.. President Bush said "NO CHILD LEFT BEHIND"; more appropriately, "NO CHILD HELD BACK"; where do you, as a State Legislator stand on this issue? It is imperative that immediate action be taken to correct the educational violations

that are being forced upon our children and grandchildren. It should be understood by all that English is our (the U.S. and Kansas) official spoken and written language, not Spanish of some other foreign tongue. It is a complete waste our schools time trying to teach basic language skills to foreign individuals. The basic language skills should be taught at home during per-school years and only the development of such skills should be every schools requirement. Why are you, as legislators willing to let our children be abused in this manner? You were never faced with this educational lifestyle (crisis) when you attended school; why must it change for our children today? It may become necessary for Kansas government to take the Feds to the mat over the forced educating of illegal individuals, however Kansas could come out ahead on this issue and may set a standard for our nation to follow.

Immediate measures must be taken that will remove illegal, non-English speaking students from our school system. We as a country (and a State) cannot survive if our school age attendees continue to be taught at a sub-standard level.

A Related Issue:

A favorite cop-out for those who favor the continued illegal invasion of our country and State is the overwhelming need for fulfilling our labor needs. A possible solution to the alleged labor shortage problem (if one truly exists) may be to tighten our welfare laws, by requiring able-bodied citizens to learn a trade and go to work rather than simply fulfilling their financial needs via State handouts. It is not the legitimate worker's responsibility to provide support nor is it the State's right to impose income

redistribution for the purpose of supporting “dead beats” that choose not to work. We have countless numbers of citizens that have become second and third generation welfare recipients. They have never been taught any form of work ethic, and long as taxpayer handouts are so easily made available (by you, the State Legislator), this issue will only get worse to deal with. As to the issue concerning the welfare recipient being untrained, who is currently training the uneducated illegal border crosser to do our nation’s jobs?

Author:

Jack Shandy

Wichita, Kansas 67212

(316)945-9850 / 737-7503

February 27, 2008

Richard W. Fatherley
P.O.Box 172114
Kansas City, KS 66117-1114
(913)-362-9793
rwfatherley@yahoo.com

Before the Kansas State Senate Federal & State Affairs Committee,
to wit:

I am Richard W. Fatherley of Kansas City, Kansas. I am self-employed as a media productions specialist and advertising consultant as Manager of AdVoice, LLC, 922 Locust Street, in Kansas City, Kansas. I am a registered Wyandotte County Democrat.

I am here to urge your support of Kansas State Senator Peggy Palmer's Senate Bill 4-5-8, otherwise known as The Kansas Illegal Immigration Relief Act.

Senator Palmer's measure expresses the will of Kansas State Legislators to exercise their Oath of Office to support The Constitution of the United States of America under Article IV, Section 4 which says, in part: "The United States shall guarantee to every State in this union a republican form of government, and shall protect each of them against invasion ..." The Article makes no mention of a "military invasion". Critics of the invasion clause therefore cannot defend their argument as it relates to illegal immigration. And invasion is an invasion by any means. If you wish, call it an "incursion". Whatever you call it, it becomes seditious if ignored by U.S. authorities including Kansas State legislators. By allowing an illegal immigrant to cross our borders into Kansas is a violation of Title 8, Section 1325 of the U.S. Code.

(more)

Sen Fed & State

Attachment 17
2-27-08

To make matters worse, employers who hire illegals become subject to Title 8, Section 1324 of the same U.S. Code.

The Palmer measure must be allowed to pass the inspection of Federal and State Affairs and move to the Kansas State Senate Floor for immediate passage., along with an over-ride provision to render the Governor's certain veto as moot.

Likewise, Kansas State Representative Lance Kinzer's companion measure should move quickly out of committee and onto the House floor.

Time is running short. November's general election is drawing closer. Allow me to pass along some "Fatherley Advice".

In Kansas, the taxpayers are restless. They're taking the names of those in the legislature who may turn their back on Kansas taxpayers, their property, and their pay-checks.

Work for swift and immediate passage of Senator Peggy Palmer's Senate Bill 4-5-8, The Kansas Illegal Immigration Re relief Act, then return to your home districts and trumpet the fact that you exercised your Oath of Office to protect the lives, the property, and the paychecks of all Kansans who deserve the name.

(End)

| | | | | |
|--|---------------|----------------------|-----------------------|-----------------------|
| RICHARD W FATHERLEY, SR | | | | |
| 922 LOCUST AVE | | | | |
| VOTING LOCATION: KANSAS CITY, KS 66103 | | | | |
| THOMAS EDISON SCHOOL | | | | |
| 1000 LOCUST ST | | | | |
| Party Affiliation: | | | | |
| Democrat | | | | |
| Ward KC12 Pct 02 | | | | |
| Congressional District | State Senator | State Representative | Commissioner At Large | Commissioner District |
| 3 | 6 | 32 | 2 | 3 |
| School | BPU | State Bd/Educ. | Drainage | |
| 500 | 3 | 01 | | |
| Voter No. | 0073502 | Issuance Date | 8/1/2005 | |
| Wyandotte County, Kansas Certificate of Registration | | | | |

Testimony in Support of SB 458
Kansas Illegal Immigration Relief Act
American Legion Post 136
Mulvane, Ks

This letter speaks to our honorable State Legislatures on behalf of the veterans and veteran supporters of Paul Stewart Irwin, American Legion Post 136 in Mulvane, Ks., in support of SB 458 Kansas Illegal Immigration Relief Act.

Our members consist of veterans whose eligibility was earned from as far back as WWII up to and including the veterans and active duty troops fighting the war on global terrorism. All have the common bond of military service. But there is much more.

Most are direct decedents of immigrants to this country. The value of immigration is not lost on any of us. It built this country. It was demanded to do so because the United States of America has been the beacon of freedom and opportunity for over 200 years. But something's changed.

Look at the citizen soldiers that stand before you. They pledge their allegiance to only one flag, and most important, they pledged to defend and are willing to die for this country. That pledge covered everyone that legally entered our borders so they could enjoy the freedoms and opportunity only our nation can provide. Their ancestors worked to integrate themselves and adapt to America. They learned the language, took their education into their own hands and made sure their children were given every opportunity to succeed. What they did not do is wait for, or expect the government to adapt to them. They were proud of their new country back when patriotism was still fashionable. At the American Legion, it has never gone out of style.

The reason we have SB 458 is simple. Our Federal lawmakers have in large part abdicated the rule of law in order to maintain power and hold onto their blind idea the government gives power to the people instead of the government deriving its power from the citizenry. When the federal government loses its way, the people, through their State legislatures must correct the path.

Opponents of SB 458 rarely look at national interests. The economic impact argument comes largely from business or agencies profiting from the fact we have not enforced the law. Contrary to what we are led to believe, this country and our economy does not depend on an unlimited supply of uneducated, low skilled workers. The argument of illegal immigrants doing work not acceptable to Americans would fade if it were not profitable to live off the government. A livable wage should be a goal of every American company, made possible by a free market, not a free exemption from the law of the land. The fact over \$45b is sent back to the country of origin while our tax money pays over \$100b for education, medical and welfare to the illegal immigrant population, should shock everyone.

Others would use racial bigotry. Our country is the most diverse and generous on earth. There is no limit to the opportunities given legal immigrants. There is no bigotry in protecting our borders and asking all who come here to obey our sovereign laws. It is, however an insult to every good citizen to suggest otherwise.

Nor is it the duty of the American citizen to educate, house, give medical care, absorb the increased crime and accept the threats to our National security, to any people that ignore our law and feel our country should adapt to their demands. No interpreter should ever be necessary at political caucuses since only citizens are allowed to vote.

Lastly, please consider the will of the people. People give the power of law to you. Amnesty was shouted down in Washington by a nation screaming for the return to the rule of law. The patriots and veterans of Mulvane American Legion Post 136, demand your adherence to the same law for the good of the country. The great State of Kansas has the opportunity to be a national leader in the fight to maintain our sovereignty. We urge your support of SB 458.

Respectfully,

Rick Babinger
Commander-American Legion Post 136
Mulvane, Ks

WRITTEN TESTIMONY
JIM SNYDER
TAXPAYER, KANSAS CITIZEN
Before the Senate Federal & State Affairs Committee
February 27, 2008

Mr. Chairman, members of the committee. I speak in favor of SB 458. The problem of illegal aliens has been getting more pronounced until today, it has become my top concern for the sanctity of our country and our governmental system.

And, since the federal government has been unable to contain this situation, it has come down to states in order to alleviate the concerns. Neighboring States of Kansas have addressed some of the undue burdens which these illegal aliens have placed upon their local taxpayers. I am extremely pleased that SB 458 addresses these same services so as to discourage their migration into Kansas.

I am a retiree of the Kansas Government. As an Auditor working with contributions to the Kansas Unemployment System in the 90's, my office was adjacent to the area in which those applying for unemployment compensation were interviewed. At that time, one interviewer had to be bi-linguistic as nearly every week there were one or more applicants who could speak very little or no English. I felt this was ridiculous that a person requesting government monies in Kansas could not, at least, ask for them in English.

During my final years, the procedure changed in that applicants no longer applied in person, but have been placed on a telephone to file. Recently, I had cause to ask about this and found that at least 2 of the State Employees have to be bi-linguistic as the applicants have a menu on their initial call as to whether to use English or a different language.

When the Government has to provide this procedure for people seeking relief dollars, it is time to change, or at least to make sure a minimum of people need this. And, now that English is the official language of Kansas, this concern takes on additional weight.

In closing, I have attached information documenting the costs of these illegal aliens nationally. I don't have information relating just to Kansas, but it must be too much. Thank you.

Subject: What Costs More Annually than the Iraqi War?

I hope the following 14 reasons are forwarded over and over again until they are read so many times that the reader gets sick of reading them. I have included the URL's for verification of the following facts:

1. \$11 Billion to \$22 billion is spent on welfare to illegal aliens each year. <http://tinyurl.com/zob77>

2. \$2.2 Billion dollars a year is spent on food assistance programs such as food stamps, WIC, and free school lunches for illegal aliens.
<http://www.cis.org/articles/2004/fiscalexec.htm>

3. \$2.5 Billion dollars a year is spent on Medicaid for illegal aliens.

<http://www.cis.org/articles/2004/fiscalexec.htm>

4. \$12 Billion dollars a year is spent on primary and secondary school education for children here illegally and they cannot speak a word of English!

<http://transcripts.cnn.com/TRANSCRIPTS/0604/01/ldt.0.html>

5. \$17 Billion dollars a year is spent for education for the American-born children of illegal aliens, known as anchor babies.

<http://transcripts.cnn.com/TRANSCRIPTS/0604/01/ldt.01.html>

6. \$3 Million Dollars a DAY is spent to incarcerate illegal aliens.

<http://transcripts.cnn.com/TRANSCRIPTS/0604/01/ldt.01.html>

7. 30% percent of all Federal Prison inmates are illegal aliens.

<http://transcripts.cnn.com/TRANSCRIPTS/0604/01/ldt.01.html>

8. \$90 Billion Dollars a year is spent on illegal aliens for Welfare and Social Services by the American taxpayers.

<http://premium.cnn.com/TRANSCRIPTS/0610/29/ldt.01.html>

9. \$200 Billion Dollars a year in suppressed American wages are caused by the illegal aliens.

<http://transcripts.cnn.com/TRANSCRIPTS/0604/01/ldt.01.html>

10. The illegal aliens in the United States have a crime rate that's two-and-a-half times that of white non-illegal aliens. In particular, their children, are going to make a huge additional crime problem in the US.

<http://transcripts.cnn.com/TRANSCRIPTS/0606/12/ldt.01.html>

11. During the year of 2005 there were 4 to 10 MILLION illegal aliens that crossed our Southern Border also, as many as 19,500 illegal aliens from Terrorist Countries. Millions of pounds of drugs, cocaine, meth, heroin and marijuana, crossed into the U. S from the Southern border. Homeland Security Report.

<http://tinyurl.com/t9sht>

12. The National Policy Institute, 'estimated that the total cost of mass deportation would be between \$206 and \$230 billion or an average cost of between \$41 and \$46 billion annually over a five year period.'

<http://www.nationalpolicyinstitute.org/pdf/deportation.pdf>

13. In 2006 illegal aliens sent home \$45 BILLION in remittances back to their countries of origin.

<http://www.rense.com/general75/niht.htm>

14. 'The Dark Side of Illegal Immigration: Nearly One Million Sex Crimes Committed by Illegal Immigrants In The United States'.
<http://www.drdsk.com/articleshtml>

Total cost is a whooping... \$338.3 BILLION A YEAR!!!

If this doesn't bother you then just delete the message, but on the other hand, if it does raise the hair on the back of your neck, then forward it.

Snopes is provided for doubters:

<http://www.snopes.com/politics/immigration/bankofamerica.asp>

-- If Nothing Is Going Well, Call Your Grandmother. Italian Proverb

SB 458 Proponent Testimony
Federal and State Affairs Committee
February 27, 2008
Dr. Curtis L. McCauley

Members of the Committee
Distinguished guests and visitors

I am pleased to speak in support of the passage of SB 458, and in my opinion, in the very best interests of all Kansas citizens. I believe this bill is long overdue, especially since our neighboring states, Oklahoma, Missouri, Nebraska, Colorado, Arizona, and others have passed similar bills. With their passage, it has increased the influx of illegal alien migrants into Kansas creating an even greater disaster for the economy and social programs of this State.

I am a retired veterinarian having served 34+ years with the USDA. Twenty five of those years were spent closely associated with the meat packing industry. I served as Inspector-in-Charge of different plants throughout the Midwest, predominantly Colorado, Texas, and Michigan. In the performance of my duties, enforcing the laws, my life was seriously threatened 7 times that I can vividly recall. The last 7 years of my tenure was in Washington, DC, as a special assistant to the Deputy Administrator, in the office of the Secretary of Agriculture.

I would like to direct most of my remarks sharing observations and experiences I encountered with major establishments where I was assigned. As Inspector-In-Charge, I had the responsibility to act in behalf of the U.S. Dept of Agriculture in enforcing the Meat Inspection regulations, 9 CFR Parts 1-199. My supervisors constantly demanded a "O" tolerance to these regulations. I have been assigned to plants owned by Swift, Cudahy, Armour, Cargill, Monfort of CO, Sigman, Con-Agri, National, and IBP. Because the same regulations were being enforced at each of these plants, very little discord surfaced between Inspection and Plant personnel. The work force at nearly all of these plants was approximately 80% black and 15% white with only a few of Spanish descent.

In the mid-70's the workforce started to change. Nearly all of the big corporations faced union labor issues, strikes, theft and destruction of company property, and various kinds of production shortfalls. It was very obvious something had changed. A number of the larger facilities were sold, such as Swift, Armour, and Cudahy, in an effort to break the unions, with only partial relief. Within a few years many predominantly Mexican workers appeared on the workforce. Except for temporary conflict with the black employees, most of the labor problems seemed to diminish. Some say today the illegal's are doing jobs that others won't do but I don't believe that for a moment. I contend the jobs were being done before they were brought in, **what has changed?** Possibly we are looking at corporate greed. That is what was being said during the Civil War era. Thousands of lives were lost trying to hold that belief. Technically, the slaves had been

were freed but are they today? Only the name has changed. The illegal alien is still in bondage to their corporate master.

Just when things seemed to settle down, INS would swarm the place and haul off much of the workforce and production would drop. The company would cut back on quota, hire a few more employees and within a few days would be back up to their desired level. This raiding by INS would take place about every 4 to 6 weeks. Eventually the illegal's would get a green card and all would be well until the cards expired. I was not privy to personal conversations but hearsay told us recruiting was being done on a constant basis. I was told, off the record, by 3 different plant managers, that Mexican nationals were being paid hundreds of dollars for each individual they recruited for the labor pool. I don't see any reason to believe these meat packers have changed their greedy desires for inexpensive labor

One company that has both sizable meat and poultry plants, namely Tyson Foods, has been involved in such practices for years, bringing thousands of illegal immigrants to the U.S. In addition to this, they sent bribes in the way of gifts, services, and monies, to the Secretary of Agriculture to lessen restrictions of USDA regulations, policies, and procedures to such an extent he was fired from office.

<http://www.cnn.com/ALLPOLITICS/1997/08/27/esp/> He was in my opinion a political whore, however, his solicitor got off unscathed, to my knowledge. It is very important to note that even though the Secretary lowered the standard of restrictions, those standards were not put back where they had been prior to his removal. In the end, Tyson Foods was the winner.. Mike Espy (Secretary of Agriculture) was cleared of wrong doing by the President (Bill Clinton). Why shouldn't he have been, the President was cleared of his immoral atrocities. That is politics, it seems. His surrogate is lurking close by in the political arena as this meeting is session.

I have written at length in my personal blog for the past two years about atrocities dealing with illegal immigration. <http://www.docsreminisce.blogspot.com/> Corporations are no different from individuals, when they develop unscrupulous business and hiring practices to their benefit, they never improved their position in society. The bottom line is all they understand.

At the Press Conference, Senator Barnett, my personal senator, friend, and colleague from Emporia, remarked that Tyson Foods has been using E-verify for over two years. I am certain that he received his information from the staff of Tyson Foods. In my close dealings with the meat and poultry industry, I would wager that if they have had an account with E-verify for that long, they have found a way to take advantage of it, by either non-adherence, or intentional failure to circumvent or comply.

We have had a myriad of meat recalls, along with several instances of disease outbreaks, (mostly coliform in nature) entering the U.S. which can be directly traced to reduced, or lack of, testing controls as well as ignored certification. The animal that was found to be infected with BSE, (Bovine Spongiform Encephalopathy) was directly traced to reduced testing controls. The recent recall of 143 million pounds of beef tells me that meat inspectors were compromised during the slaughter of over 225,000 head of cattle. This

doesn't sound to me like a 'hand slapping' infraction. I was in Washington when the Secretary mandated reduction of meat inspectors giving the Company the right to do inspections with meat inspectors randomly monitoring the activities. I believe this article from CNN will corroborate these facts. Inspectors say meat safety is threatened - Yahoo! News The taxpayer has the opportunity to pick up the bill in both finding this product, destroying it, and replacing it. Surely it can't be the responsibility of the 'lily-white' meat packer who is using E-verify in their HR department. I have told my political allies that I am available to provide facts and documents on the myriad of my experiences, and I continue to make myself available.

In conclusion, this is a brief of my testimony: This I believe, **This is a nation of laws.** The laws which were put together by our fore-fathers were developed as a culmination of their beliefs. Those beliefs were developed as a result of their moral character including integrity, honesty, and ethical conduct. The roots of these values, I am certain, came from The Word of God. I believe there are ample documents pertaining to the foundation of America to support my views. Whether or not you wish to believe is up to each of you. These truths are as inseparable in our lives as gravity.

I have been intimately associated with many facets of agriculture, animal health, inspection of meat and poultry production and processing, disease control and epidemiology. I am firmly convinced that in ALL situations, when the truth is distorted the results are chaos and catastrophe. Greed has overcome the minds and hearts of nearly every facet of our lives. There have been walls built throughout most every continent attempting to control peoples' lives and actions. There is absolutely no reason to spend the taxpayer's money to build a fence to separate the United States from any other country, to prevent the traffic of people, as long as there are individual and corporate magnets paying money to bring them in. Follow the dollars and cut the vital connection. Impose heavy fines, remove licenses or what ever it takes, on the perpetrators and the problem will subside. I believe SB 458 is a tool that can be used to do just that. Again, **This is a nation of laws!** We must cease patting the backs and endorsing those who defy our laws. No person, or group of persons, regardless of their political status, age, sex, religion, or national origin is above the laws of this land. I challenge everyone in this room to look himself, or herself, in the mirror and ask yourself "Do I want to do right or wrong?" Either our goal is to be law-abiding citizens or not. The choice is yours.

Thanks for giving me an opportunity to share. May God Bless each of you abundantly.
Dr. Curtis L. McCauley, 901 West St., Emporia, KS 66801, clmccaul@cableone.net

Preventing Illegal Employment:
Federal E-Verify Program is an Effective and Business-friendly Tool

Testimony prepared for

Senate Federal and State Affairs Committee
State Capitol
Topeka, Kansas

February 27, 2008

Statement of Jessica M. Vaughan
Senior Policy Analyst
Center for Immigration Studies

Thank you for the opportunity to submit this testimony in connection with Senate Bill 458. Along with other measures to discourage illegal settlement, the bill would help prevent the employment of illegal aliens in Kansas by requiring employers in this state to participate in the federal status verification program known as E-Verify. This program enables employers to electronically verify the work eligibility of new hires directly with the appropriate federal agencies, and is widely considered to be one of the most effective tools available to foster increased compliance with immigration laws. Employers enrolled in the web-based program, including about 300 in Kansas, report that it is easier to use than the existing I-9 paperwork system, and brings no disruption to employers and legal workers. Nearly all legal workers are verified instantaneously. The main drawback to E-Verify is that it is now voluntary, so those employers who are deliberately ignoring immigration laws can choose not to participate. Requiring all Kansas employers to use this system will disrupt illegal hiring practices that disadvantage law-abiding employers, and help reduce discrimination against immigrant workers.

Key Points

- E-Verify is effective – most users believe it helps them avoid hiring illegal workers and guards against id fraud.
- E-Verify is accurate – 98% of eligible workers are verified instantaneously and less than 1% have to update their records.
- E-Verify reduces discrimination -- employers who use it report that they are more comfortable hiring immigrant workers, as they know they will be authorized.
- No workers can be fired for typographical errors or other discrepancies before they have a chance to update their information with SSA or DHS.
- E-Verify users are overwhelmingly satisfied with the program.

Background. I am a Senior Policy Analyst with the Center for Immigration Studies (CIS)¹, based in Washington, DC. The Center is a non-partisan, independent research institute devoted to the study of immigration policy and the impact of immigration on American society. I have worked with federal lawmakers and with agencies and legislators in several states on immigration enforcement and compliance issues.

Illegal immigration is a serious and growing problem. The Center estimates that a population of roughly 12 million illegal aliens lives in the United States. The Pew Hispanic Center estimates that 40,000-70,000 illegal aliens are residing in Kansas², representing 25-45 percent of the immigrant population.

Illegal workers take jobs that could be filled by the large number of native or legal immigrant workers who are currently un- or under-employed. Our research shows that they do not “take jobs Americans won’t do,” but mainly take low-skill jobs at lower wages than employers would have to offer to legal workers, causing labor market distortions and depressing wages in low-skill sectors.³ In addition, illegal immigration contributes significantly to the size of the population living in poverty and needing social services. About 40% of all illegal alien households are accessing at least one major welfare program such as food assistance or Medicaid.⁴

The problem of illegal immigration cannot be solved with border control measures alone. Despite stepped up efforts along parts of the border, many illegal migrants still are able to elude the Border Patrol. In addition, it is believed that as many as 40% of illegal aliens arrived here on temporary visas and overstayed. For this reason, interior enforcement, including workplace compliance, is a critical tool.

In response to growing pressure from Congress, critical government audits, and a restive public, the Department of Homeland Security has stepped up workplace enforcement activities such as raids. Firm actions against rogue employers will always be needed to protect workers from exploitation and to deter others, but are costly on many levels. One recent raid last year in New England resulted in 361 arrests, but required 11 months of investigation and preparation by ICE, utilized 300 federal agents, and created some unintended victims. To really make a dent in the level of illegal employment, workplace enforcement needs to be balanced with compliance programs such as E-Verify. If illegal hiring can be prevented from the outset, then there will be less need for workplace raids.

Immigration policy is a largely a federal responsibility. However, the prospects for meaningful reforms at the federal level that would ease the fiscal, economic, and

¹ www.cis.org.

² “Estimates of the Unauthorized Migrant Population for States based on the March 2005 CPS,” Pew Hispanic Center, April 26, 2006, <http://pewhispanic.org/files/factsheets/17.pdf>.

³ *Dropping Out: Immigrant Entry and Native Exit From the Labor Market, 2000-2005*, by Steven A. Camarota, March, 2006, <http://www.cis.org/articles/2006/back206.html>.

⁴ *Immigrants in the United States, 2007: A Profile of America's Foreign-Born Population*, by Steven A. Camarota. Center for Immigration Studies, November, 2007.

social burdens imposed on the states by illegal immigration appear remote at this time. Congress remains polarized over legislative options. Mandatory participation in E-Verify is one of the few policy tools that has been endorsed by lawmakers and opinion leaders across the spectrum of opinion, and was approved by both House and Senate last year, but because no compromise was reached on comprehensive immigration reform, it was not ultimately enacted.

Kansas need not wait for the U.S. Congress to sort out the larger issues. Any jurisdiction is free to take advantage of the E-Verify Program in order to prevent illegal employment practices. Research indicates that this action would result in a noticeable decline in the size of the illegal alien population in this state, without placing an unreasonable burden on Kansas employers.⁵ Equally important, by providing confirmation of work authorization directly from the appropriate federal agencies, E-Verify takes the guesswork out of determining a new employee's status, so that employers do not have to become quasi-immigration agents, making judgments regarding an applicant's immigration status that they are not qualified to make. Further, E-Verify helps ensure that businesses have a stable workforce that is less susceptible to identity fraud and less likely to be disrupted by the increasing level of federal workplace enforcement activity.

According to the Department of Homeland Security (DHS) Verification Office, as of October, 2007, nearly 300 Kansas companies were registered for E-Verify. There are about 52,000 employers using E-Verify nationwide.

How E-Verify Works. Participating employers must electronically verify the status of *all* newly-hired workers within three days of hire, using information that an employer is already required to collect on the Form I-9. Employers key information (name, date of birth, and Social Security number or immigration documentation) into a simple form and transmit via the internet to the USCIS Verification Office, which processes the query. The Social Security Administration system checks the validity of the information provided by the worker. The data on non-citizens is confirmed by SSA, and then referred back to DHS to verify work authorization according to that agency's immigration records. Most queries (92%) receive a positive response or "green light" within seconds. Nearly all (98%) of eligible workers are confirmed instantaneously. If the system cannot immediately verify status, the query is referred for a manual status check by the Verification office. Most of these cases are resolved within one day.

If neither agency can quickly confirm work authorization on the individual, the employer receives a tentative non-confirmation response, or "yellow light." The employer is supposed to check the accuracy of the information it submitted (e.g. for misspellings or transposed numbers). In addition, the employer is to inform the employee, who has eight working days to contact SSA or DHS by phone, fax or in person, to resolve the problem. Employers may not terminate workers, withhold training or work assignments, or take any form of adverse action on the basis of a "yellow light."

⁵ *Attrition Through Enforcement: A Cost-Effective Strategy to Shrink the Illegal Population*, Jessica M. Vaughan, Center for Immigration Studies, April 2006, <http://www.cis.org/articles/2006/back406.html>.

Fewer than one percent (0.6%) of authorized new hires are required to update their records in this way.

If workers do not contest or resolve the non-confirmation finding within eight working days, E-Verify issues a final non-confirmation notice, or “red light,” and employers are required to either immediately terminate the employee or notify DHS that they are continuing to employ the person (possibly inviting an investigation and penalties). About 5 percent of queries receive a final non-confirmation.

Accuracy and Completeness of the E-Verify Databases. E-Verify relies on large databases maintained by the Social Security Administration and Department of Homeland Security. Opponents of E-Verify have stated that these databases are “riddled with errors.” On the contrary, independent audits and evaluations by the Social Security Administration’s Inspector General and the Westat corporation have stated that the databases are remarkably accurate and improving. As mentioned above, nearly all (98%) eligible workers are approved instantaneously. Reports claiming that E-Verify has an “error rate” of 10 % are simply not true.

Some organizations, including the Chamber of Commerce, National Immigration Law Center and ethnic advocacy groups, have objected to mandatory E-Verify laws on the grounds that some authorized individuals could be denied employment due to “errors” in the database. However, employers may not terminate an individual or restrict their activities or assignments in any way as the result of a “yellow light.” Upon receipt of a tentative non-confirmation, employers have the chance to correct any data entry errors, and the employee has a chance to update information in the federal record. One common reason for a discrepancy is that the worker changed names due to marriage or divorce, but neglected to notify the SSA. Some workers may be known by their middle name, and use that on a job application, but find that the Social Security record has the full legal name. A typographical error in the name will not generally produce a “yellow light”; only major discrepancies will trigger a tentative non-confirmation. The most common reason for a “yellow light” affects naturalized citizens who many not have notified SSA of their naturalization.

Expanding mandatory use of E-Verify will actually work to increase the accuracy of these federal databases, by prompting workers to update the Social Security database well before it is time for them to begin collecting Social Security benefits.

Employers Positive About E-Verify. An independent evaluation of E-Verify commissioned by DHS found that participating employers overwhelmingly report positive experiences with the program – 96 percent think that it is an effective tool for status verification. Among other findings:

- * 92% of employers thought the verification did not overburden their staff.
- * 93% of employers thought E-Verify was easier than the existing I-9 process.

The attitude of human resources professionals nationwide is similarly enthusiastic – a recent survey by the Society of Human Resource Management found that 92% of its members support electronic immigration status verification.

Enrollment in E-Verify is free to employers. The system is web-based, and requires only a personal computer and Internet connection, which the vast majority of employers already have and use. DHS provides a software patch to enable the user's computer system to compile and transmit data. The only indirect cost is the time spent on the initial set-up and the tutorial. E-Verify users report that their companies spend \$100 or less on the initial set up, and a similar amount annually to operate it.

If the program were to be made mandatory, the only cost would be to those businesses who do not currently use the Internet. According to a private research company (Jupiter Research, quoted in a 12/15/06 e-Week.com story) already 78 percent of small businesses (<100 employees) use the Internet, and the number is expected to continue to climb over time. Companies not wishing to establish Internet connectivity can hire one of more than 300 private-sector "designated agents" to conduct the E-Verify check for them, much as many companies use private payroll or tax services. These services reportedly cost as little as \$7.00 per new hire.

Recent Upgrades to E-Verify. The Verification Office has implemented a number of improvements to enable E-Verify to detect identity fraud, which for many years was a key vulnerability of the program. First, the system now includes a photo comparison tool for some categories of workers. This will help employers detect imposters. In addition, the Verification Office recently launched a Monitoring and Compliance Unit to help guard against organized id fraud and other attempts to thwart the system. Analysts in this unit will track use of identification numbers, for example, to detect if any SSNs are submitted multiple times for the same or different employers. Also, the behavior of employers will also be monitored, to ensure that they are using the system properly.

Impact of E-Verify. The implementation of a mandatory version of the E-Verify program has the potential to affect a large share of the illegal alien population within just a few years. Reports from several other states that have implemented or experienced increased immigration enforcement activity indicate that literally thousands of illegal aliens are choosing to leave the area voluntarily when denied easy access to employment.

Between 50 and 60 percent of employed illegal aliens are working "on the books."⁶ Many of these workers are employed in sectors such as construction, food service, hospitality, and farming, where the turnover rates are high. This suggests that a mandate to verify all new hires could potentially deny employment to as many as half of the illegal alien job-seekers within two to three years.

Another important benefit of E-Verify is that it reduces discrimination against immigrant workers. According to the Westat evaluation, a significant number of employers reported that they were more comfortable hiring immigrants using E-Verify

⁶ See *The High Cost of Cheap Labor*, by Steven Camarota, at www.cis.org.

than they would be otherwise, because they felt confident that the workers would be authorized, and that they would not be fooled by the use of false documents.

Conclusion. This legislation is a reasonable approach to a difficult problem, and is consistent with the direction many states, and the federal government are moving. Arizona was the first state to require all employers to use E-Verify. The federal government, Georgia, Colorado, Oklahoma, North Carolina, Idaho, Missouri, and Minnesota require public agencies and contractors to use E-Verify.

Mandatory verification of immigration status for new employment is not a magic solution to the illegal immigration problem, but it is a very useful tool that can be adopted by states in the absence of federal solutions. After all, states bear the brunt of the costs of illegal immigration. Lawmakers should rely on an array of policies to increase the day-to-day enforcement of immigration laws, prevent employment, and encourage voluntary compliance with immigration laws. Other proven tools include electronic status verification for public benefits, immigration law training for state and local law enforcement and public agency employees, strict standards for drivers' licensing, and rigorous identification standards for financial institutions. Adoption of these policies will convince a large number of illegal aliens that they would be better off returning home on their own, thereby easing the burden on local communities, and enabling federal authorities to concentrate their resources on the most problematic cases.

Respectfully submitted by:

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February 26, 2008

The Honorable Peggy Palmer
State Senator
5 Flanigan Drive
Augusta, KS 37010

Dear Senator Palmer:

I am pleased to have an opportunity to comment on SB 458, the Kansas Illegal Immigration Relief Act. The bill would help prevent the employment of illegal aliens in Kansas by requiring public and private employers to participate in the federal employment authorization verification program known as E-Verify. The bill also would institute other important measures, such as encouraging state and local authorities to assist in the enforcement of immigration laws, but since turning off the jobs magnet is the key to controlling illegal immigration, that is the focus of my comments.

E-Verify enables employers to electronically verify the work eligibility of new hires in a manner that is fast, easy, and reliable. When employers use E-Verify, they no longer have to function as quasi-immigration agents and make judgments about the validity of identification documents they may not be qualified to make. E-Verify also provides a safe harbor for employers that make a good faith effort to comply with its rules, and helps ensure the stability of their workforce.

A 2002 Department of Justice survey of participating employers found that:

- 96 percent said it is an effective tool;
- 94 percent said it is more reliable than the current I-9 process;
- 60 percent said the system was "not at all burdensome;" and
- 83 percent said the system "reduced uncertainty regarding work authorization."

It is important to note that more than 85 percent of all queries submitted through E-Verify result in an immediate confirmation of work authorization. Of the remaining 15 percent, in which data submitted by the employer do not match data in SSA records or DHS records (if the employee is a noncitizen) resulting in a "tentative nonconfirmation," around six percent are resolved by the employee within 10 days and work authorization is confirmed. The most common reason for a resolved mismatch is that the employee got married, but failed to report her name change to SSA. The other nine percent of inquiries result in a "final nonconfirmation" either because the employees simply quit the job or they are unable to fix the mismatch because they are not authorized to work in the United States (e.g. they are here on a tourist or visitor's visa which does not allow employment).

At a press conference on February 22, 2008, Homeland Security Secretary Michael Chertoff said that over 53,000 employers currently use the E-Verify system (double the

**310 Sixth Street, S.E., Washington, D.C. 20003 + (202) 543-1341 +
www.NumbersUSA.com**

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amount in FY 2007), and that about 1,800 companies are joining each week. Participation is expected to increase to more than 100,000 employers this year and to 300,000 in fiscal year 2009. 1.7 million new hires have been queried under the system this fiscal year thus far. The \$100 million requested for E-Verify will enable DHS to deploy additional staff covering information status verification, compliance, and monitoring.

I am told that certain business interests in Kansas are supporting an alternative to your legislation that would continue to rely on the federal I-9 form, but would indemnify employers who keep I-9s, even if they are employing illegal aliens. It sounds as though these special interests are seeking a way to protect the status quo, from which they profit by forcing taxpayers to subsidize their illegal workforce.

I can assure you, though, that the cheap labor lobby does not represent the views of a majority of business owners. The National Federation of Independent Business (NFIB), the leading representative of small-business interests, periodically surveys its members on various issues affecting them. According to recent NFIB surveys:

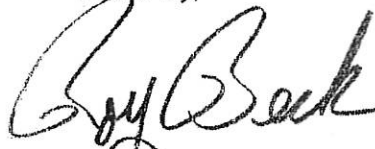
- Over 90 percent of NFIB members believe that illegal immigration is a serious problem;
- 73 percent of NFIB members agreed that employers should be required to use a government-run verification system, and that an automated system to identify eligible workers would help ease I-9 burdens; and
- 83 percent believe that employers who knowingly hire illegal aliens should be subject to fines or other penalties.

In fact, the NFIB recently endorsed federal legislation that would mandate use of the E-Verify system nationwide by every employer.

Secretary Chertoff used his recent press conference to discuss an upcoming regulatory proposal that will require E-Verify for federal contractors. Federal agencies are already required to use E-Verify. I agree wholeheartedly with Secretary Chertoff's conclusion: "I think E-Verify is something everyone should embrace."

Once again, thank you for giving me an opportunity to comment on SB 458. I have attached a NumbersUSA white paper that provides additional details on how E-Verify works and the benefits to employers of using it.

Sincerely,



Roy H. Beck
Founder and CEO

RHONDA S. JOHNSON

CERTIFIED PUBLIC ACCOUNTANT

205 N. DELLROSE

WICHITA, KANSAS 67208

(316) 683-4367

February 22, 2008

The Federal and State Affairs Committee
State Senator Pete Brungardt, Chairperson

Dear Senator Brungardt:

This letter is in support of Senate Bill 458, The Kansas Illegal Immigration Relief Act of 2008.

An ounce of prevention is worth a pound of cure.

The real issue can best be framed as a question-What will happen to the citizens and legal residents of Kansas if the Kansas Legislature fails to enact, fund, and enforce this bill?

There is compelling anecdotal evidence that illegal immigrants are leaving states which have enacted similar legislation; legislation which is withstanding legal challenge.

Where will the "displaced" illegal immigrants go? I submit to you-they will come to Kansas and the citizens and legal residents of Kansas will bear the economic costs of an expanded illegal immigrant population.

Consider education-How much does it cost per year to educate a child who doesn't speak English? Who pays the costs? In Kansas, the costs are paid primarily by individual income tax and real property tax.

How much individual income tax and/or real property tax will the "displaced"illegal immigrant pay?

Will the business who hires the "displaced" illegal immigrant be willing to make up the difference from its own funds?

Or will the business shift the economic burden to the citizens and legal residents?

Will the Kansas Legislature allow this to happen?

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Yes, this is personal.

I earned a BS in Business Administration and Economics from KU and a MS in Accounting from WSU. I completed all requirements as set forth by the Kansas State Board of Accountancy and became a CPA. I practiced public accounting as a CPA in Wichita for about 20 years.

I can no longer practice. I now receive Social Security disability.

In 2000 I was involved in an auto accident. The driver of the other car received three citations. My attorneys and I believe the other driver was/is in the US illegally. My doctors and I believe my injuries will never completely heal. I have attached a photograph as silent but graphic testimony of my injuries. I am now 56.

I have paid a very high price for the failure of the rule of law.

I encourage passage of Senate Bill 458, The Kansas Illegal Immigration Relief Act of 2008.

Very truly yours,

A handwritten signature in cursive script that reads "Rhonda S. Johnson".

Rhonda S. Johnson, CPA



O/RJ Photo 002

Senate Bill 458

February 24, 2008

Ladies and Gentlemen:

My name is Amanda Bien. I am married, have a son, and am currently completing my student teaching internship. I am also a recent victim of identity theft. On February 14th, of this year I received a letter from the IRS asking me to verify four places of employment which were all linked to my name and social security number. After reading the letter from the IRS, I contacted the local police department. I was asked to come to the police station to speak with a police officer. The police officer that I spoke to proceeded to tell me that he would have a couple of officers look into my case, but that they didn't really know what to do and that I would need to do my own footwork. Upon receiving this news, I immediately contacted my advisor at my college to ask for immediate time off from student teaching in order to try and get this issue resolved.

One of the employers listed on the IRS form is located in a small town about forty-five minutes from my home. So, the next day, my mother and I went to try and locate this company. Initially, we were unable to find the company, so we stopped and asked for directions from a deputy from the Johnson Co. Sheriff's Office that was parked in an empty parking lot near the business we were searching for. We informed the deputy that we needed to find this company so that we could gain some information about why they had reported my name and social security number to the IRS. The deputy informed my mother and me that this particular company is known to hire illegal immigrants. He proceeded to tell us that he had the very same issue arise at this company one week earlier, and that the illegal immigrant involved in that situation had escaped. When we arrived at this manufacturing company, we sat down with a manager, where I provided him with information to prove that I was who I said I was. The manager proceeded to tell us that this person working under my name, birth date, and social security number was currently employed and at the site that day. He provided us with the application she filed out, a copy of a false residency card, and a copy of a fake social security card that this illegal immigrant used to obtain employment under my identity. Her name is Rocio Diaz Cano. The police officer looked at the documentation and immediately identified the documents as fraudulent. Seeing those documents made me feel not only violated, but scared because I was unaware of what else she knew about me. Rocio Cano was asked specific questions by the Deputy about my identity and was unable to answer them. She was arrested that day right in front of me.

I spent the next few days contacting agencies including the Internal Revenue Service, Immigration and Customs Enforcement, Federal Trade Commission, Postal Service, the three major credit bureaus, and several others to let them know of the incident. On Tuesday, February 19, I went to Rocio Cano's first court appearance where her attorney attempted to modify her bail from \$2,500 to \$1,500. She was unable to do so because Immigration and Customs Enforcement had placed an ICE Detainee on her thanks to my mother's hard work, and she is still currently incarcerated awaiting trial. After her court appearance my husband started contacting the other three major billion-dollar employers that were listed on the IRS form within just miles of Rocio Cano's

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home. He ended up finding two more people working under my name. We informed the detective that has taken over my case and he has yet to arrest these suspects.

My husband, mother, and I have put our lives on hold due to this situation. It is sad to me that in this day in age, anyone can obtain your personal information and that none of these major agencies that I talked about are communicating in order to insure the safety of those who are legal citizens. In my opinion, this is a silent form of terrorism that seeks to destroy the very foundation our country was built upon. This issue has impacted many thousands of U.S. citizens, including Kansans and could very well be the downfall of this country. I hope that through my story you can see how important it is for us to start making changes in order to ensure our country's safety and protect the rights of legal citizens of all ethnic backgrounds.

Senate Bill 458
February 27, 2008

You asked me to E-mail you today at the latest on the Illegal Immigrant situation.

As you recall, I am Homer G. Taggart III, 613 Main Street, Great Bend, Kansas 67530. Fax is 1-620-792-2816 and with this E-mail you have that address.

As to occupation I run and own Mr. Tag's Tax Service here in Great Bend, Kansas 67530. In this trade and business I am exposed to a lot and feel somewhat on the pulse of the community. This especially since I serve all, both black and white, men and women, young and old and Mexicans both legal and illegal. The latter group I am especially familiar with as I do about 400 to 600 tax returns per year and of these I would estimate there are some 150 per year who are of Mexican descent. Some of these are some very good citizens, with them I have no bone to pick, but with THE ILLEGALS I GET MAD AND UP SET ABOUT.

OF THIS GROUP, here are some examples that I see. First off, they come across the border and one of the first things they set out to do is obtain transportation. Here is where the fraud starts and from then it is a continuous trail.

They put fraudulent information on the application to buy an auto. Next they have to have a license, so they can drive and get insurance or no tags. SO THEY BUY IDENTIFICATION AT \$500, \$750 TO \$1000 FOR A DRIVERS LICENSE AND ID CARD AND SOCIAL SECURITY CARD.

WHERE DO THEY GET THESE??? These come from, from what I see, someone else. Stolen identity.

They use these items to work. HERE IS WHERE I COME IN AT. BY THE TIME THEY GET TO ME, They have been in the area long enough to get their kids in school, where they get in state tuition, if they have children in college. BUT HOW CAN THAT BE, THEY AREN'T EVEN LEGAL CITIZENS. BUT, I get the Form 1098-T to file on their Income Tax Form, for Tuition paid and it shows up as an adjustment or as a credit. BUT HOW CAN THAT BE THEY ARE ILLEGAL WITH FRAUDULENT IDS.

And of course there are the W-2s. They bring them in for me to file. BUT THEY DON'T HAVE THEIR NAMES ON THEM, BUT SOMEONE ELSE'S. AND OF COURSE SOMEONE ELSE'S SOCIAL SECURITY NUMBER.

You talk about messing up a system that is hard enough to administer already, then You add to it all of these illegal withholdings for Federal, Social Security, State and Medicare. Currently, I have 5 individuals who have had their identity stolen with drastic results. One, has 15 people using his Social Security Number and name. The State of Kansas is after his house because he has not reported on his tax return income that the other party or parties have worked under his name and SSN, in at least KS, CO, CA, MN and Arizona.

Some of these apparently illegals eventually get ITIN identification, which allows them to file using that number, but it is not legal to work under. So THEY USE THE FRAUDULENT IDENTIFICATION TO WORK WITH. WHAT A MESS.

LEGAL OR ILLEGAL, they get food stamps, get other help on rentals, buying houses and autos. Plus the help on their tax return in several ways. CHILD TAX CREDIT, FOOD SALES TAX REBATES, AND ON IT GOES.

NOW WHO PAYS FOR THIS?? The legals and the State, County, and City plus a big share by the Federal. This is what is so upsetting!!

NEXT IS THE BIG LIE THAT THEY ARE DOING THE DIRTY JOBS AND THOSE THAT NO ONE ELSE WANTS. I SEE THESE FAMILIES HAVE JOINT INCOMES OF FROM \$30-40 THOUSAND ON THE BOTTOM END TOWARDS \$90000. THESE ARE IN ALL KINDS OF JOBS.

These are jobs that the legals could do and earn good livings at. But I see many in the hands of immigrants.

WE don't need to be home for such as these.

And I have not mentioned the gangs, and crime and disease that has shown up along with the drugs. DRUGS FOR YOUR CHILDREN AND GRANDCHILDREN AND MINE.

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PLEASE PUT A STOP TO THIS.
SINCERELY,

HOMER G. TAGGART III