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Subjecting all Americans to an International databank

E-Verify and the Emerging Surveillance State

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By Tom Deweese Tuesday, July 5, 2011

The rush is on to force into law mandatory use of the E-Verify system that will mandate that all businesses use this hand-me-down from the Social Security Administration in order to hire anyone. Republican Representative Lamar Smith has introduced HR 2164 and House action is expected at any time. Say proponents, E-Verify is necessary to stop illegals from getting jobs. Many freedom-loving Conservatives are supporting the idea in a desperate attempt to control illegal immigration. Is this the right way to protect America?

To answer that, it's necessary to ask another question. If government won't do its job, is that a reason for Americans to surrender their liberty? Do you think that is a funny question? Well, it is actually what a number of Conservative activist groups are now advocating in the name of stopping illegal immigration through enforcement of E-Verify.

The fact is, the U.S. government is not doing its job to secure the border and stop the flood of illegal aliens from rushing across it. Even though Congress has passed legislation demanding that a fence be built, the Department of Homeland Security (DHS) has dragged its feet, deliberately holding up the project. Moreover, DHS is fighting efforts in local communities to allow police to arrest illegals. There is little effort to tighten visa security, or allow law enforcement to track down and deport those who stay here past their allotted time. Those illegals caught committing crimes are still allowed to leave, only to easily and surreptitiously return at their will. The border is a sieve. There is no border control – period.

Open borders and internal enforcement
Rather than work to strengthen the borders and take steps to stop illegals from getting here in the first place, many now seek "internal enforcement" instead of the "rule of law." In other words, take action while leaving the barn door open.

The answer, say some very powerful anti-immigration forces, is to put the burden of control on American businesses. Jobs, they say, are the draw to illegals, so business

should be the first line of defense. The answer, we are told, is simply to get tough with business and stop the ability of illegals to get a job. Such a plan, while appealing to desperate Americans, can have dire consequences if a nation desires to remain free.

Chief among the schemes to "get tough" with business is the universal enforcement of something called the E-Verify System. It is the brainchild of the Department of Homeland Security and is an electronic employment verification (EEV) program. Essentially, E-Verify uses the Social Security databases to check potential employee Social Security Numbers to determine if the job candidate is a US citizen. Employers are to simply enter in the applicants Social Security Number to verify they are an American citizen (of legal status) and therefore eligible for employment.

The Immigration Reform and Control Act of 1986 made it illegal for employers to "knowingly" employ unauthorized workers, and E-Verify (then known as "Basic Pilot") grew out of the requirement for work-eligibility verification. Since its inception the program has been voluntary for all businesses. However, if Smith's bill passes, voluntary will change to mandatory.
In 2007, after the dramatic defeat of the illegal immigration amnesty bills, Homeland Security Secretary Michael Chertoff announced several changes to the E-Verify System. The agency now requires more than 200,000 federal contractors to use E-Verify, an increase of more than 1,076 percent over the 17,000 employers registered in 2007 (with only about half actually using) E-Verify. The system now requires an "enhanced photograph capability" that will allow employers to check photographs in E-Verify databases. DHS is expanding the number of databases E-Verify checks to include visa and passport databases; and the agency now wants direct access to state Department of Motor Vehicle databases. DHS will require employers to fire employees if they are unable to resolve "no match" discrepancies within 90 days. If the employers do not terminate the workers' employment, the business will fines of $11,000 or more. DHS also will raise fines against employers by 25 percent and increasingly use criminal action against employers, as opposed to administrative action.

With those changes, E-Verify is now being sold as the atom bomb in the war on illegal immigration. Described as "the most effective tool to protect vulnerable American workers from unscrupulous businesses that hire illegal foreign workers to displace American workers or depress wages." Sounds great – of course all of this confidence in the E-Verify System's ability to stop illegal immigration is celebrated BEFORE most businesses have even been required to use it.

The fact is, there are major problems with the E-Verify System. It is a hugely flawed system and will have a severe effect on both naturalized U.S. citizens, as well as those who are native born.

Millions of employees could mistakenly fall into legal limbo.

Currently those voluntarily using E-Verify have experienced near double-digit error rates
Independent analysis of existing government databases have found unacceptably high error rates. Currently those voluntarily using E-Verify have experienced near double-digit error rates. Forcing more than 7 million employers to verify the legal status of more than 160 million current employees, as well as the millions of future hires, means that potentially, as many as 17 million citizens and legal US residents will be mistakenly found "ineligible" to work.

The fact is, the Social Security Administration (SSA) never purges a Social Security number once it's assigned. The Numident database (which E-Verify uses) currently contains 435 million records; more than 100 million more than the nation's total population, legal or otherwise. In December 2006, the SSA Inspector General reported approximately 18 million of these records are not accurate. Yet, DHS wants E-Verify

made mandatory for the entire American work force.

"As a matter of simple math," says Jim Harper at the CATO Institute, "that means that if E-Verify were to go national, on the first day 1 in 25 legal hires would be bounced out of the system and asked to go down to the Social Security office and straighten out the problem."

Imagine the problems faced by honest, law abiding Americans who are thrown out of the system. In most cases, these are not well-to-do executives who can simply take the afternoon off to fix the problem. They are lower level workers who depend on every dime they earn to pay the rent and feed the kids. Simply taking a day off to go down to the local Social Security office isn't an easy thing.

From the moment they are found to be a "tentative non-confirmed" they have eight days to contest the claim and to prove they are legal. A day off work is required because the Social Security office is only open from 8:30am to 5:00pm. If the employee fails to make it to the office in the 8 days, the employer is required by threat of fine and criminal charges to fire the employee.

Moreover, as the E-Verify system is forced on all employers and the large numbers of employees (as reported above) are thrown from the system, there will be a massive run on the Social Security office. The SS Administration is simply not equipped to handle such a massive influx of cases. The infrastructure to handle it is not in place.

As anyone who tried to get a passport a few years ago after the government makes significant, mandatory changes in a system, knows how badly managed typical-government inefficiency made for massive lines. New rules concerning passports forced Americans to flood passport offices, but the offices weren't prepared to receive and process the massive number of applicants. The E-Verify System would force much larger numbers into unprepared Social Security offices.

Now, under E-Verify, employees that do make it to the SS office may be forced to return day after day. Jobs and income will be lost as the Employment Eligibility Verification (EEV) process does not permit employers to hold the jobs or delay start dates. The clock starts to tick the second the tentative non-confirmed notice is issued and runs out in exactly 8 days.

If it's all been a mistake, the burden of proof is on the employee to prove who they are and that they are legal citizens or residents eligible to continue working. These law-abiding American citizens enter the Social Security Office as criminal suspects with the potential of being deported. Contrary to American law, they are guilty until proven innocent. Incredibly, there is no appeals process in place to challenge the findings of E-Verify.

More Fraud – Not Less
The E-Verify System is promoted as the only foolproof way to stop illegals from obtaining jobs. Advocates say the program has enough safeguards to protect citizens. Not so fast. Once the system is in place there are huge gaps that allow massive fraud.

To work efficiently, an E-Verify System allows employers access to a centralized record of all legal residents and citizens. Given the government's mixed record on data security, this could become a one-stop-shop for identity theft.

First, illegals and those employers wishing to hire them can simply work under the table, paying cash, hiding the transaction from any official source. Illegals don't regularly file income taxes, so the hire isn't hard to hide.

On a larger scale, it must be understood that illegal immigration is big business and it

has the money and the means to create false documents and to provide "legal" identification, complete with matching names and Social Security numbers.

Today, many illegals simply make up names and Social Security numbers, hoping not to get caught. Of course, the E-Verify system would catch them. However, in response, an illegal only has to obtain the name and SS number of a legal citizen. While that legal person may already be working a job, it will not create an alert if the information is used by someone else.

Such information can be available through a wide variety of situations, including stolen lists and select employees with access to databases like the Social Security lists. Organized crime can certainly have well placed cohorts. The process would create a massive criminal market for Americans citizens' personal information. The only way to stop it is for the federal government to create a new database that records every new hire and monitor all employees in the nation. The real losers in this game are the people who now have had their identity stolen in the process. They may be the ones accused of identity theft as they suddenly discover someone else is using their name and SS number.

Of course, the federal government has proven it has no ability to safeguard the records in its current databases. And the more databases established, the more opportunity for theft. Not long ago there was a major scandal as federal employees were caught "sneaking a peek" at the passports of a large number of celebrities and even presidential candidates including Barack Obama, John McCain and Hillary Clinton.

In August of 2007, the Transportation Security Administration (TSA) lost a laptop computer which contained the records of 33,000 people who had signed up for its pre-screening program, designed to give travelers quicker access through airport security. The unencrypted information in the database included names, addresses, driver's license numbers, passport numbers, Social Security numbers, Alien registration numbers, and current credit card numbers.

The laptop was in the possession of employees of a private company contracting with TSA for the project. TSA signup documents for the project promised that the records would be maintained at its headquarters in Arlington, VA and "other authorized TSA or DHA secure facilities, as necessary, and at a digital safe site managed by a government contractor." In reality, the laptop was stashed in a locked office at the San Francisco Airport. There are a lot of laptops containing personal information of Americans being taking home by government employees these days. Why?

Mission Creep
The greatest threat from the establishment of a system such as E-Verify is the creation of perhaps unintended results. As Cato's Jim Harper surmises, "The things to make a system like this impervious to forgery and fraud would convert it from an identity system into a cradle-to-grave biometric tracking system."

"Mission Creep" is the commonly used description for a program designed for a specific purpose, but is later used for much more. A prime example of mission creep is the Social Security System itself. It was designed specifically as a means for people to deposit money into a government program to supplement their retirement years. Today, there are those who want to take its databank of users and transform it into an identity system to prove American citizenship. The excuse - "well, it's already there!" That's mission creep.

As reported in the beginning, the Department of Homeland Security intends to increase the E-Verify system to include biometric photographs and extended databases. On numerous occasions DHS spokesmen have expressed the desire to create a national identification card that would include near complete information on its bearer. This would

include job, medical, tax, and school records. It would also include biometric and facial recognition, with RFID microchips that could monitor the whereabouts of every American.

E-Verify is the beginning of the creation of such a system. Is it worth it for Americans to endure an existence in a well-controlled matrix of surveillance simply to catch some illegal workers? Communities across the nation are proving that illegals will stop coming here – in fact actually leave – if they are made to feel unwelcome. Arizona's much derided immigration law has proven that a get tough policy results in illegals avoiding the area. Manassas, Virginia is another locality that had a huge illegal immigration problem, only to see a huge decrease in such activity when it passed tough new laws to arrest and deport them.

And the most dangerous aspect of E-Verify is that it sets the stage for a national workforce management system which gives the government ultimate power to decide who works and who doesn't. Will Obama appoint a "Jobs Czar" to comply with the new E-Verify law? It is designed to ultimately subject all Americans to an intrusive global surveillance system as the information in DHS databanks is being transferred to international systems through such DHS partners as American Association of Motor Vehicle Administrators (AAMVA) and the International Civil Aviation Organization (ICAO).

The federal government has been given the mandate by the people to close the borders and keep them out. It doesn't require cradle-to-grave biometric tracking of every legal American to accomplish that task. Facts show that such "internal enforcement" would not reduce the illegality, it would promote it. Border security combined with real efforts by the government to keep illegals out of the country will do much more to stop the flood than by chaining American citizens to massive, all-knowing surveillance data banks.

Those who profess a love of freedom must learn quickly that granting government massive new powers to control employment is not freedom, but tyranny beyond any ever experienced in the United States. HR 2164 and E-Verify in any form must be stopped.

Special thanks to extensive reports on the E-Verify issue by Jim Harper at CATO (Electronic Employment Eligibility Verification, Franz Kafka's Solution to Illegal Immigration), and the Electronic Privacy Information Center (EPIC), (E-Verify System: DHS Changes Name, But Problems Remain for US Workers).
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