

Forbes

New Immigration Measure Means Expanded Government Reach

[Stuart Anderson](#) 9/18/2011

A bill to make the electronic employment verification system E-Verify mandatory for all employers is poised to be used for purposes well beyond immigration, warn experts, conservative, liberal and libertarian alike. The concern is based on not just what is in the bill but what is left out.

In a revised version of E-Verify legislation (H.R. 2885), scheduled to be marked up in the House Judiciary Committee next week, restrictions on E-Verify being used outside of immigration appear to have fallen by the wayside. Since the system is designed to determine the legal status of workers based on names, Social Security numbers and potentially personal biometric identifiers of every working age adult in America, worries about the system becoming a tool for ever-expanding federal purposes are legitimate.

Removed from Section 3 in the earlier version of the legislation (H.R. 2164) was a subsection that read: “Notwithstanding any other provision of the law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this subsection for any other purpose other than as provided for under this section.” (Section 3 discussed the employment verification system.)

With that subsection removed, use of E-Verify data for new federal purposes is almost assured. Even with that subsection included, it would be of limited comfort, since it could be removed by a future Congress.

Still, in technical comments provided to Congress, the Social Security Administration noted the removal of the subsection from the earlier version of the legislation: “The [current] language does not include protections against the improper use of data collected in the system. These protections were included on page 44, lines 1-8 of H.R. 2164. The data in the system must be protected from improper use, and limitations on improper use must be included.”

Noting how E-Verify is being merged with other data, Jim Harper of the Cato Institute [explains](#), “Using E-Verify, the Department of Homeland Security is rapidly assembling a national ID system that can be converted to boundless uses. In addition to controlling employment, E-Verify can be put to use in regulating access to health care and housing,

in gun control and registration, in monitoring travel and lodging – the list goes on and on.”

[A letter from the Liberty Coalition](#) signed by a variety of conservative, libertarian and Tea Party leaders identified these and other problems with H.R. 2885: “It is anathema to limited government, the right to privacy, free enterprise and prosperity. It violates the philosophy of the Constitution and intent of the Framers by subordinating the liberty of citizens to the administrative convenience of government.”

Supporters of E-Verify should concede that making the system mandatory will lead to its use for purposes well beyond immigration enforcement. For those who care only about immigration enforcement, that may be fine. But Americans who think a vastly expanded federal government is likely to do more harm than good should think twice.