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# Influential Conservative is Dangerously Wrong on E-Verify

## Peter Gadiel



Tom De Weese of the American Policy Center has recently attacked the existence of the E-Verify system from what is supposedly a libertarian perspective. However his facts are erroneous and apparently based on falsehoods provided by "studies" cooked up by members of the pro-illegal immigration lobby.   Thus his conclusion, that E-Verify is some horrendous threat to American liberty is wrong. If his view were to become widely believed and the E-Verify system dismantled, the results would be disastrous not just from the Libertarian point of view but from that of any good American.

The Federal E-Verify program allows employers, at no cost to them, to check in seconds via the internet whether a current or potential employee is legally permitted to work in the U.S. It has been in place since 1996, but employers have never been required to actually **use**it. This left unscrupulous employers free to knowingly hire illegals who show them obviously false documents and if ever charged with intentionally hiring illegals they skate free by claiming reliance on those documents. Requiring that employers use E-Verify is so important to ending illegal immigration that it is necessary to consider and debunk Mr. De Weese's misleading statements one by one.

De Weese claims that E-*Verify*

> "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." This, he says, is because "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."*

U.S. Supreme Court Chief Justice John Roberts addressed that issue in the recently decided case of Chamber of Commerce v. Whiting in which the Court held that States are free to implement their own mandatory E-Verify laws. Roberts noted that E-Verify has an accuracy rate of 99.7%. In other words Mr. De Weese's claim that the error rate is *"near double digit[s]"* is only correct if, in an error rate of **zero point three percent,** we were to count the zero as a digit.

Justice Roberts' findings on the accuracy of E-Verify thus give the lie to De Weese's claims that "as many as 17 million citizens and legal U.S. residents will be found 'ineligible to work.'"

De Weese also raises the specter of huge fines being imposed on employers, but again as the Chief Justice noted, in addition to the minuscule rate of error there is a fair and rapid route of appeal for both the employee and the employer from an unfavorable finding of eligibility.

Mr. De Weese's claims that the E-Verify system is hugely flawed and will have severe impact on Americans and legal immigrants are utterly lacking in foundation. And his statement that *"Millions of employees could mistakenly fall into legal limbo"* can be dismissed as mere fantasy.

As to allegations that E-Verify will *"overload the federal system"* Chief Justice Roberts dismissed that as easily as he dealt with the claim of inaccuracy.

De Weese also asserts that the system will lead to massive fraud and identity theft, because the system *"allowsemployers access to a centralized record of all legal residents and citizens."*

This is fiction. The only information available to the employer is that which the employee provides on his Employment Eligibility Verification Form (Form I-9), which is already required of *all* employers whether or not participating in E-Verify. The employer inputs the requisite information through his computer and the only information he gets back is a response within a few seconds of either "Employment Authorized" or "Tentative Nonconfirmation."

Neither the employer nor anyone else has access to any database.

Equally erroneous is De Weese's claim that E-Verify creates a new database that records new hires and monitors all employees in the Nation, and that this will be a huge resource for organized crime.

There is no new database with new information. The information is already in the computers of the IRS and the Social Security Administration.  All E-Verify does is match the information provided by the employer and employee and confirm that an employee is or is not listed in those databases as being legally eligible to take a job in the United States, with the employer being informed of the finding.

De Weese adds that the system is useless anyway because

> "illegals and those employers wishing to hire them can simply work under the table."

He continues:

> "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."

As to the first part of that claim, one might as well say it is useless to outlaw murder because some people will ignore the law. As to the second, he does not understand the raison d'être of the E-Verify system. *Of course* crooked employers and employees will create false documents. What E-Verify does is expose false documents because they cannot be linked to any records in the IRS or Social Security Administration or if they do link up, then there will be a conflict with a different person in the system who is a citizen or legal resident.

In short, E-Verify ends the ability to rely on fake documents in the employment process.

De Weese raises the specter of "mission creep" and says that E-Verify will grow into a national cradle to grave I.D. system.

I certainly fear and oppose a national I.D., but E-Verify in no way contributes to that result.

In fact, because it relies on existing databases it expands nothing except our Nation's ability to stop illegals from taking jobs from Americans.

Mr. De Weese ignores the fact that the presence in the U.S.A. of millions of illegals was a critical to  the 9/11 terrorists being able to hide in plain sight while they planned, rehearsed and carried out the attacks. E-Verify makes it much harder for illegals, including the unknown terrorists and violent felons among them to remain in the U.S. If properly used E-Verify could lead to large numbers of self-deportations. That reduction in the illegal alien population will reduce crime and the chances of major terrorist acts and thus reduce the likelihood that Americans would demand a true national ID as a means of forestalling such catastrophes.

De Weese says E-*Verify*

> *"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 databanks is being transferred to international systems.."*

I fully share Mr. De Weese's judgment of B. Hussein Obama's dictatorial inclinations and his desire to subject the U.S. to international authority, but to repeat: E-Verify merely uses information already in the IRS and SSA databases to stop illegals from taking American jobs.

Mr. De Weese pretends to be concerned for the alleged 'victims' of E-Verify's fault's, the "lower level workers who depend on every dime they earn to pay the rent and feed the kids."

This is utter hypocrisy on his part. In fact the E-Verify system's purpose is to help those wage earners by preventing illegal aliens from taking their jobs. Conveniently, De Weese, although he wants to end E-Verify proposes nothing to takes its place as a device to protect the workers he pretends to care about. Presumably he is also in no danger of having an illegal alien take his job, so it's no cost to him to oppose a program that will affect others.

De Weese cites unnamed "independent analysis" to supports his claim that the system is inaccurate and a threat, but at the end of his column he gives "Special thanks to extensive reports on the E-Verify issue by Jim Harper at CATO [Institute] (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)."

No one should be fooled. Harper, CATO and EPIC are just as much in favor of the 'right' of illegal aliens to take jobs in the U.S. and the 'right' of employers to hire them as are other radical supporters of open borders such as the Mexican American Legal Defense and Education Fund, the ACLU, National Immigration Law Center, and the National Day Laborer Organizing Network, all of which were co-plaintiffs in the federal suit to overturn Arizona's E-Verify law.

CATO and EPIC are an integral part of the open borders lobby. In other words, in relying on Harper, CATO and EPIC Mr. De Weese was using **dis**information provided by the illegal alien lobby itself; disinformation which they have attempted to disguise as research. Thus, as to the De Weese evaluation of E-Verify, we must apply the adage "Garbage in. Garbage out."

Finally, De Weese makes the incredible statement that "many now seek 'internal enforcement' instead of the 'rule of law.' "

With this he reveals his real motive:  opposition to any effective means of immigration enforcement; for internal enforcement is not in opposition to the rule of law it **is** the rule of law.

Internal enforcement is law that adversely affects only illegal aliens and those who are guilty of aiding or employing them. Internal enforcement leaves completely untouched all of us who do not fit into those two categories, so when De Weese claims that internal enforcement stands in opposition to the rule of law he is admitting that he stands firmly with the other enemies of immigration enforcement, La Raza, CATO, the ACLU, etc.

In his bio at the end of his column Mr. De Weese describes himself as, among other things, "one of the nation's leading advocates of. . .American sovereignty and independence."

In attempting to undermine support for E-Verify De Weese is taking a position which would allow millions of illegal aliens to violate U.S law at will. He is also joining with those foreign governments such as Mexico, Guatemala, and the UN who have infringed on our national sovereignty by lobbying in the U.S. against E-Verify and other enforcement measures.

For someone who supposedly supports American sovereignty and independence those are strange allies.

*FamilySecurityMatters.org Contributing Editor Peter Gadiel is the president of 9/11 Families for a Secure America. Since the murder of his son in the World Trade Center on 9/11 he has devoted his life to working for secure borders and enforcement of immigration law. The views expressed are his own and do not necessarily reflect those of 9/11 FSA.*

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