

Operation Vanguard

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Background on INS's Operation Vanguard.

During the spring and summer of 1999, INS targeted the meatpacking industry in Nebraska for an immigration enforcement program that it dubbed "Operation Vanguard." The program is reportedly a model for future INS interior enforcement, which will de-emphasize "work site enforcement" and focus on documentary reviews of employers in industries that have traditionally been the subject of INS interior enforcement. The results so far, however, indicate that the program promises negligible enforcement accomplishments but substantial economic disruptions for the targeted industries.

Under Operation Vanguard, INS subpoenaed the "I-9" employment records of every meatpacking employer in the state of Nebraska. INS received the records of over 24,000 individuals employed in Nebraska by this industry and then checked each employee against immigration and Social Security Administration databases to determine whether these employees were in valid immigration status. From these subpoenaed records, INS developed a "suspect list" of approximately 4,700 employees whose records contained discrepancies. The "suspect lists" were distributed to Nebraska meatpacking employers, who were asked to provide employees on the list with the date on which INS would appear in the plants to interview those workers. INS's intention was not to apprehend potentially unauthorized employees, but to "chase off" those workers who were present in illegal status.

In May and June of 1999, INS conducted the plant interviews, at which over 1,000 persons appeared. 34 persons were arrested based on the interviews. The remaining 3,000-plus persons did not show up for interviews because, INS contends, they were not authorized to work. Meatpacking company officials, to the contrary, believe that a substantial number of these employees were authorized to work but chose not to appear because of the intimidation inherent in any such interview (for example, from questions such as "are you *or any members of your family* not authorized to be present in the United States?")

The departure of approximately 3,000 persons from Nebraska's meatpacking plants - even though constituting only 13% of the work force - had the effect of slowing down production lines and reducing plant capacity at a time of record cattle supply. Because of these market conditions, the Nebraska Cattlemen's Association estimated that Operation Vanguard cost their members \$5 million and cost the state's economy \$20 million. In exchange for this economic pain, only 34 illegal aliens were removed from the United States. The remaining 3,000-plus workers went to work for other meatpacking companies, or for other industries in Nebraska, or in neighboring states. School enrollments, social services caseloads, rental property vacancy rates, and similar indicators demonstrated that these 3,000 individuals did not leave the United States.

Operation Vanguard is an irrational approach to interior immigration enforcement: it was all economic pain for Nebraska residents, with no measurable immigration-enforcement gain.

Industry Response

The meatpacking industry has taken advantage of every tool offered by the government to screen undocumented aliens from their work forces. Every eligible meatpacking company in Nebraska has volunteered for the “Basic Pilot” program, which provides participating employers with an automated review of the social security number or “alien” number of new employees. The problem is that undocumented aliens have been able to defeat the Basic Pilot program - which only checks for invalid Social Security numbers, or for mismatches between a name and a number - by assuming the identity of other U.S. citizens. ***These so-called “true identity imposters” are able to escape employer detection through the Basic Pilot Program but are identified by INS in its “Operation Vanguard” initiative. INS places true identity imposters on its “suspect lists” and large numbers of these employees self-terminate in a short period of time.***

The meatpacking industry responded by proposing in May of 1999 that the INS: (1) review the immigration status of current employees in an incremental manner, and (2) provide it with immediate feedback on whether new employees are authorized to work (including whether they are “true identity imposters”). INS rejected this proposal in early November 1999.

Legislation has also been introduced in Congress to correct problems with Operation Vanguard. Bills introduced by Congressmen Barrett and Bereuter and Sen. Kerrey (all of Nebraska) would amend the “Basic Pilot” automated verification program to require INS to provide a uniform confirmation of whether a new employee is authorized to work (including whether that person is a true identity imposter). Legislation introduced by Sens. Hagel (NE) and Roberts (KS) would also require INS to provide employers with the tools to screen new hires immediately for ***all*** forms of document fraud - including “true identity” fraud. All of these bills would have a far greater immigration-enforcement benefit than Operation Vanguard, because instead of just chasing undocumented aliens from one meatpacking company to the next - or from one industry or one state to the next -- it would drive them out of the meatpacking industry entirely. The Hagel/Roberts bill takes the extra step of prohibiting INS from issuing industry-wide administrative subpoenas for I-9 forms, absent individualized probable cause to do so, until the improved automated verification system is in place.

The approach taken by these bills would minimize the disruptive impacts of immigration enforcement on meatpackers, cattlemen, and other livestock producers, by allowing employers to avoid hiring illegal aliens in the first place. If a meatpacking company is given the tools to screen out undocumented aliens at the time of hire, its plants will not be so disrupted if INS conducts Operation Vanguard programs at a later date. The legislation would also minimize disruptions to meatpacking employees, who would have been reliably screened once by INS and could proceed to any subsequent interviews with INS officials with greater confidence.

Current Status

INS is reportedly preparing to issue suspect lists for meatpacking plants throughout the state of Iowa. The agency is also working to resolve “database sharing” issues with the Social Security Administration before doing so. The exact date of further action by INS under Operation Vanguard is therefore unclear. The agency reiterates, however, that it is committed to Vanguard-style enforcement:

INS does not consider Vanguard to be a pilot This enforcement activity is a part of the natural evolution of the INS enforcement strategy that has taken place over the last few years. INS believes that this new enforcement will, in the long run, prove to be more effective in achieving a stable and legal work force along with deterring illegal immigration. We expect to expand the use of this strategy to other locations in the future.

Letter of INS Executive Associate Commissioner Michael Pearson to J. Patrick Boyle, American Meat Institute, November 9, 1999. This intention is corroborated by INS’ movement of the field headquarters of Operation Vanguard from its Omaha, Nebraska District Office to its Dallas, Texas Regional Office (which covers the states of Texas, Missouri, Kansas, Colorado, Illinois, Minnesota and Nebraska).

Conclusion

Operation Vanguard has failed to deter illegal immigration and also has caused substantial, unnecessary economic pain to livestock producers, meatpacking companies, and their employees. These industries are seeking to reform the program, through either agency cooperation or federal legislation, before it is extended beyond Nebraska. As is obvious, INS views this program as a model for future interior immigration enforcement in labor-intensive industries nation-wide.

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