

# January U.S. Immigration Alert!

**A Monthly Newsletter from National Immigrant Solidarity Network**

**December 2005 - January 2006 Issue, Volume 12**

**No Immigrant Bashing! Support Immigrant Rights!**

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## **Anti-Immigration Bill Passed By U.S. House! We Need To Defeat It At Senate on Feb 2006!**

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### **Commentary: National Immigrant Solidarity Network**

Unfortunately, despite the strong protest from the immigrant, human rights, labor and civil liberty groups the, On December 16 U.S. House had passed the racist and disgraceful anti-immigrant H.R. 4437 the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005" by House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) and House Homeland Security Committee Chairman Peter T. King (R-N.Y.).

It's clear that President Bush along with the Congress, again spinning their rhetoric to blaming immigrants for causing all the World's problems (away from the failure war in Iraq, decline economy, and Congress-corporate corruptions).

It's also clear that the President, right wing Republicans and even many Democrats will use immigrant as scapegoat for their Nov 2006 mid-term elections. They will use any possible mean to secure conservative/right wing voters by focusing on blaming people of colors, immigrants and support anti-abortion and anti-gays/lesbian rights.

Yes, we still have long and difficult struggles, but that doesn't mean we don't have hope. While the U.S. House vision of the anti-immigrant Bill was passed, we still can mount our strong opposition campaign against the upcoming Senate vision—it will be introduced and debated at sometime February, 2006. Therefore, when we finished our Holiday seasons, we should gear up our fighting spirit to build multi-ethnic community actions against the final passage of the bill in early next year!

Unity is very important! This is NOT only about fighting for the immigrant rights, it also about the Human Rights for everyone! Because injury to one is injury to all!

### **More on the Sensenbrenner/King Bill and Next Steps in Comprehensive Reform Advocacy**

**December 22, 2005**

**National Immigration Forum**

#### **H.R. 4437: Observations from the House Floor Debate**

Last week (12/16), the House passed H.R. 4437, the "Border Protection, anti-Terrorism, and Illegal Immigration Control Act." If enacted and fully enforced, it would make millions of undocumented immigrants felons, fine or jail hundreds of thousands of American employers, and put millions of other Americans behind bars as 'alien smugglers'. It would require the hiring of tens of thousands of prosecutors, judges, and court personnel, and require the building of hundreds more jails.

James Sensenbrenner (R-WI), chief sponsor of the legislation, told the House during the floor debate that this portrayal of the legislation was just alarmist rhetoric. 'There is such a thing as prosecutorial discretion,' he said in responding to critics of the bill.

So, here was the chief sponsor of this punitive legislation telling us that, really, the law will not be enforced except at the 'discretion' of a prosecutor. Not only would H.R. 4437 not fix our broken immigration system, but it promises to lead to a perception of greater lawlessness, as there will be yet more laws on the books that will be routinely ignored. This should only strengthen our arguments for comprehensive immigration reform.

## **Civics Lesson: Immigration is Not a Partisan Issue**

Warning: The following paragraphs may not be suitable for idealistic audiences.

In our previous policy update, we listed the Democrats who voted for the Sensenbrenner/King bill and provided the House Republican leadership with their margin of victory on this anti-immigrant legislation. That was not the whole story.

At the outset of the House floor debate on H.R. 4437, despite repeated requests, we never received assurances that the Democratic leadership would 'whip' the vote. The Democratic Whip is the second-highest ranking member of the Democratic caucus. Since November 2002, the Democratic Whip has been Steny Hoyer of Maryland. The Whip is responsible for talking to Democratic members about their level of support for a piece of legislation before it comes to the floor for a vote. The Whip also works with Members to build strong support within the caucus for the Democratic agenda. If the Whip's office failed to whip this vote, it was because the leadership had decided that this bill was not high enough on the Democratic agenda to corral Democrats into voting against it.

Since a number of advocacy groups in Washington were focused on this bill, we set up our own informal whip operation, contacting all Democratic offices to find out where the members stood on the bill, and feeding the intelligence to friendly congressional offices. As the final vote approached, we discovered that the lack of help from Democratic leadership on the vote was not the only roadblock being erected by the Democratic leadership.

According to its mission statement, the Democratic Congressional Campaign Committee serves as the official national Democratic campaign committee charged with recruiting, assisting, funding, and electing Democrats to the U. S. House of Representatives. In other words, this organization is focused on gaining more political power for Democrats. Rahm Emanuel, a representative from Illinois, chairs the DCCC. Apparently, it was his judgment, and that of other leaders in the Democratic Party, that at least in certain districts a vote against the Sensenbrenner bill might interfere with the mission of gaining more power for Democrats. As has been reported in the press, Emanuel and Hoyer were whipping this vote, but they were urging members they considered 'vulnerable' to vote for the Sensenbrenner bill. While the Republican leadership was open about its support for this anti-immigrant legislation, the Democratic leadership was supporting it by subterfuge. They were not entirely successful in keeping it quiet. There were witnesses, and now the matter has been reported in the press.

It is part of the unfortunate context within which we advocate for fair and generous policies for immigrants that leadership in both parties is focused on gaining more power for their party. As long as they perceive that beating up on immigrants is the politically expedient thing to do, they will do so. We must make sure that perception is changed, so that the leadership perceives that beating up on immigrants is what will make their party vulnerable. At the risk of stating the obvious, we cannot rely on them to do the right thing just because it is the right thing to do. That is not part of their mission statement.

### **Where was the President?**

Oh yeah. The President has been largely absent from the discussion on this issue, and little attention is being paid to the administration in this fight. The President has made some vague pronouncements favoring comprehensive reform over the past several years. Unfortunately, when the administration gets specific about specific legislation, it has taken a position (as with the REAL ID Act) in favor of punitive legislation. The administration issued a Statement of Administration Policy (SAP) on H.R. 4437. While it expressed concerns about provisions which it felt would interfere with various policies or operations of Department of Homeland Security, the SAP opened with: The Administration strongly supports House passage of H.R.4437.

### **What to Do?**

By now you're probably digging out that magazine clip you saved of the remote Pacific island you'd like to retire to in order to get away from all this corruption.

If your representative voted against this bill, call or write to thank him or her. This is especially important for those of you who are represented by one of the 17 Republican members who went against their leadership, most of whom objected because of the way business is treated in the bill, or because the bill did not contain comprehensive immigration reform. If your representative voted for H.R. 4437, call or write with your strong disapproval. This is not going to change the vote. It's still important to do.

Why? Here's an example. One moderate Democrat who does not always vote our way, but who did this time gets, on average, 200 anti-immigrant letters a week (many are form letters). This wears on the staff that must respond, and creates the perception that the public is overwhelmingly in support of tougher measures against immigrants. Party functionaries concerned with getting more Democrats or Republicans elected do not want members or candidates taking a position that is contrary to what is perceived to be a safe stance.

Our public opinion research shows the public would support a solution that includes legalization of the undocumented with certain conditions. When presented with choices, the public is realistic. But this message is difficult to get across to politicians

who are hearing every day from constituents who want a clampdown. The 'silent majority' is not going to communicate this message to the politicians. People are busy, and immigration is not much of an issue for most Americans.

Communicating a pro-immigrant message is our job. It is our job because we are the immigration attorneys who must deal with the Byzantine legal system in which our clients are trapped. It is our job because we are the leaders of the communities of faith to whom immigrants are turning because they have no one else to go to. It is our job because we are the owners of businesses who need immigrants to work for us. It is our job because we are the labor organizers who see how difficult life is for people working on the margins of our economy. It is our job because we are advocates for immigrants and, well, that's our job.

So, do whatever you can call or write, have your clients call or write, have your family call or write, have your fellow workers call or write. We need to be regularly and in great numbers contacting our representatives. And I apologize for sounding like a broken record (defective CD).

After you are done with your representative, it is important that you reach out to your individual Senators, to members of the Senate Judiciary Committee, and to Senator Arlen Specter (R-PA) who chairs the Senate Judiciary Committee and urge them to reject any and all measures resembling HR 4437, which will do absolutely nothing to fix our broken immigration system or make us safer. When the next session of Congress begins, there may not be much time between Senate Judiciary Committee consideration of immigration reform and the consideration of immigration legislation on the floor of the Senate. Specifically, we need to tell the Senate:

- The debate about how to fix our broken immigration system will begin in the Senate, most likely in February 2006.
- We expect the Senate to approach this from a more thoughtful and rationale perspective than did the House of Representatives. We expect the Senate to offer a comprehensive and workable immigration reform plan.
- The only way to get control of our borders and make us safe is through a comprehensive approach that will address the 11 million people here without papers. It must also allow for greater legal opportunities for workers who will enter in the future to fill needed jobs, while protecting the rights of US and foreign born workers, and for family members coming to reunite with their families.
- We have spent the last 20 years tightening immigration enforcement. It hasn't worked. It is not rationale to try to enforce unworkable laws that do not match the reality of the economic and labor needs of the country. Until the laws are in line with reality and provide a safe, legal, and orderly way for migrants to come to work and be with family, and for those here to come out of the shadows and become integrated into society, we cannot hope to gain control of our broken immigration system.
- We urge you to enact truly comprehensive immigration reform, reform that will work. We urge you to reject enforcement-only measures which hurt communities and do nothing to move us closer to getting control of our borders.
- We also urge you to realistically address the issue of the 11 million undocumented people in this country, many of whom have substantial ties to the U.S. and will not comply with a program that will require them to leave the country in exchange for a temporary work visa.

**America's real enemies**  
**Editorial: Pasadena Weekly (California)**  
**December 15, 2005**

Well, it's official. The Republican Party has finally thrown in the towel and decided that it really isn't "the party of Lincoln" any longer.

If the fact that President Bush is the first Republican since William McKinley to formally enmesh the United States in a full-blown war isn't enough to prove Republicans will never again be what they used to be, at least in historical terms, a move is now afoot in Congress to illustrate just how much the GOP really cares for the very people who made this nation what it is - immigrants.

House Resolution 698, co-authored by Georgia Republican Nathan Deal and signed by 45 equally deluded Congress people, would strip the 14th Amendment of one of its most important clauses.

Sure, equal protection under the law and due process of law are important. But what most people might not know about this all-important constitutional tool with which every civil rights cause in this country was ever fought is that it also guarantees birthright citizenship to anyone born on this hallowed soil.

In fact, the very first words of this amendment are as follows:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

Given the United States was formally created by a bunch of aging, rich white guys who owned slaves, what possible rationale could there be to include such a line in one of America's most sacred documents?

Drafted soon after the Civil War by radical Republicans who hated the South for its embrace of slavery, Congress finally ratified the 14th Amendment in 1868. Also approved during that pivotal post-war period in our young nation's history was the 13th Amendment, which prohibited slavery, and the 15th Amendment, which guaranteed all men - including former slaves - the right to vote.

Over the past century and a half, Section I of the 14th Amendment has served as a beacon for people hoping to make a better life, not only for themselves, but more importantly for their children. The notion of automatic citizenship was as radical as anything of its time, and those certainly were radical times.

The result was an influx of immigrants the likes of which was never seen in any other country and remains unparalleled.

Without that single provision, America would not be the place we know today. The Irish wouldn't have come in droves, Italians would not be here and Germans might have stayed put.

But those aren't the people who Deal and company are trying to get at, are they?

No, everyone knows who these xenophobes are really targeting, and their behavior - not to mention the messages that this type of poison legislation sends - is both repugnant and reprehensible.

Of course, these well-fed racists will come up with all sorts of historical rationale to further erode our basic freedoms. The people who wrote that section of the Constitution didn't really know what they were doing, they'll say. Or the social conditions that existed then are not the same as they today. Duh. Of course they're not the same. It's a billion times better. Besides, back then it was the Irish and the Italians and the Asians and the Catholics and the Jews that they wanted out, not necessarily Latinos, wasn't it?

But here's the best part of this twisted idea. As most people know, it takes a super majority of Congress to change the Constitution. And these idiots from Georgia want Congress - the people who routinely vote themselves obscene pay raises while voting against minimum wage increases and approving open-ended funding for wars on places and people they know nothing about - to vote for this.

Any self-respecting Republican should be ashamed at what these clowns are proposing.

We have a better idea for Mr. Deal: Rather than change the Constitution for your own racist motives, start your own party and call it what it really is, the Nazi Party, or the Klan Party, because that's how you apparently think, and that's how you are perceived by anyone who really loves America and its many blessing of diversity.

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## **Minutemen Watch**

**Please Visit Our NEW Minutemen Watch Page!**

**URL: <http://www.MinutemenWatch.net>**

## **12/10: Glendale police arrest SOS demonstrator, protesters clash over day labor center**

**One arrest made as opponents and supporters of day labor center come face-to-face.**

**By Lauren Hilgers GlendaleNewsPress.com (Glendale, CA)**

GLENDAL, CA: About 10 members of the group Save Our State gathered Saturday (Dec 10) on the corner of San Fernando Road and Harvard Street to protest the day labor center, but they were met by more than 200 counter-protesters who shouted slogans in support of the center.

One Save Our State protester was arrested at the sometimes tense event. "He shoved one of the counter-protesters," said Glendale Police Department Sgt. Tom Lorenz. "We will not tolerate that kind of behavior."

Save Our State objects to the services the labor center provides to illegal immigrants and the role that the Home Depot store across the street played in the construction of the center.

"We just want to send a message out to our government," said Don Schank, a member of Save Our State, the organization that organized the protest. "We can't take everybody that wants to come to our country." Schank said it was not the laborers themselves that he blamed. "Heck, if I was over there [in another country], I would want to get here too," he said. The real issue is securing the nation's borders and reclaiming the country, Schank said.

Veronica Federovsky, an organizer for the National Day Labor Organizing Network, said protesting the labor center is a thinly-veiled form of racism. "We are not criminals," she said. "We are just trying to work."

The labor center, said Juan Rodriguez, who coordinates the center for the city, is not for Mexican immigrants alone, but for anyone who wants to use it. Many of the counter-protesters shared Federovsky's sentiments, and at times the interchange between the two groups grew heated. Supporters of the day labor center chanted "racist" at the group of protesters and told them to "go home to Europe."

The police department had spoken with the organizers of the event beforehand to explain the kind of behavior that is appropriate and to clarify the role police officers would play. "We are here only to protect your First Amendment rights," Lorenz said.

From across the street, inside the gate of the day labor center, Cesar Harrarte watched the action silently. "I come here every day," he said. "It's a good place to come."

## **Vigilante Anti-Immigration Group Gaining** **By ARTHUR H. ROTSTEIN (The Associated Press)** **December 19, 2005**

TUCSON, AZ: The Minuteman Project was launched earlier this year amid fears that racist crackpots would rough up illegal immigrants trying to slip into this country.

But there was no bloodshed when the hundreds of volunteers converged in the Arizona desert in April to watch for border crossers and report them to immigration authorities.

Since then, the Minuteman movement has taken hold, with Minuteman-inspired organizations launched in several states. One of the movement's co-founders made a surprisingly strong showing in a bid for Congress earlier this month in California. And even critics of the movement acknowledge its participants are not all bigots or extremists.

Attention surrounding immigration problems helped attract "a fairly broad cross-section of middle Americans," said Mark Potok, director of the Southern Poverty Law Center's Intelligence Project, which monitors hate groups. "This is partly driven by politicians falling all over each other over an issue that they feel had some real resonance."

Potok said "there are real strains of racism and anti-Semitism in this movement." Still, "the movement has attracted people who are not Klansmen or neo-Nazis."

The Minuteman Project was the brainchild of Jim Gilchrist, a retired accountant from Orange County, Calif., who recruited participants through the Internet. The idea, according to project organizers, was partly to draw attention to problems on the Arizona-Mexico border, the most porous stretch of the 2,000-mile southern border.

The group said about 900 people showed up for the April project. Schoolteachers and retired veterans, businessmen and former corporate executives, some of them armed, parked their pickup trucks and RVs along a dusty, rutted road near Naco, sitting in lawn chairs with binoculars to look for anyone trying to slip illegally into the country.

Organizers said the volunteers' calls helped lead authorities to about 330 illegal immigrants. Critics - the U.S. Border Patrol among them - said the Minutemen were little more than a nuisance. Among other things, officials said the volunteers disrupted Border Patrol operations by unwittingly tripping sensors that alert agents to intruders.

Nevertheless, the Minuteman Project succeeded in drawing attention to illegal immigration.

In October, still more volunteers repeated the exercise in other states on the Mexican and Canadian borders. Chris Simcox, one of the movement's co-founders, said three dozen new chapters had formed by mid-November.

“It has moved into politics on the local, state and federal level, what we hope is in every district in this country,” Simcox said. “We mean business.”

On Dec. 6, Gilchrist, a former Republican running as a third-party candidate in a special House election in Orange County, Calif., finished a strong third with 25 percent of the vote.

“It was a clear sign from grass-roots organizations that politicians ought to pay attention to the illegal immigration issue,” Jack Pitney, a government professor at Claremont McKenna College, said at the time.

Gilchrist had hoped his showing could push federal immigration policy to the forefront in next year's congressional races and influence the 2008 presidential race. Many people in the district, situated about two hours from the Mexican border, have been frustrated with the growing population of illegal immigrants.

Dan Stein, president of the Federation for American Immigration Reform, which advocates limits on immigration, said the Minuteman Project reflects a visceral reaction to the “national intrusion” by illegal immigrants.

“There's a genuineness to this that has won over the hearts and minds of the American public,” Stein said.

Celestino Fernandez, a sociologist at the University of Arizona, said it is the latest chapter in this country's history of resistance to waves of immigration - first to an influx of Chinese, later to people from southern and eastern Europe.

“They're reasonable people, yes, they're good people, but they're also reacting against demographic changes, just like every prior generation has reacted against demographic changes of people whom they perceive as different,” he said.

The Minutemen see Hispanics everywhere - “more in their states, whether it's the South or the Midwest or East or New York City,” Fernandez said. “They keep reading about the border and it's like a sieve - people coming across, and aren't they going to control it, and the government's not doing anything.”

**ECAASU 2006 Conference Foundations: Deep Roots, Lasting Growth**  
**February 17 -19, 2006 George Washington University Washington, D.C.**  
**URL: [www.GWecaasu2006.org](http://www.GWecaasu2006.org)**

The East Coast Asian American Student Union is a conference for Asian students from various colleges and universities along the East coast and the Midwest. The East Coast Asian American Union (ECAASU) originated in 1978 and is the largest and oldest student conference for Asian Americans. It is attended by 800-1000 students annually and was most recently held at the University of Pennsylvania. For this academic school year The George Washington University in Washington, D.C. has the honor of hosting ECAASU 2006. This year's theme is Foundations: Deep Roots, Lasting Growth, which strives to utilize Asian American history as a stepping stone to organize and shape current Asian American communities. The conference will be held from February 17 -19, 2006, Presidents Day weekend. Students will participate in workshops and hear from keynote speakers who are prominent in their respective fields.

Many Asian American students will participate in this conference and will gain much more than just a weekend in the nation's capital, but rather an experience of networking, growth and understanding. ECAASU is fundamental and significant because it strives to strengthen Asian American student organizations, promote awareness of Asian American issues and strengthen relations amongst people of all backgrounds. It has also since served as the medium for Asian American students to combine their efforts for the promotion of social justice and equality.

# Immigration News Briefs from Across the Country

*Immigration News Briefs is a weekly supplement to Weekly News Update on the Americas, published by Nicaragua Solidarity Network, 339 Lafayette St, New York, NY 10012; tel 212-674-9499; fax 212-674-9139; [wnu@iqc.org](mailto:wnu@iqc.org).*

## 1. NJ: DETAINEE BEATEN

A group of 15 immigration detainees at Passaic County Jail in Paterson, New Jersey, signed a handwritten statement dated Dec. 14 in which they said five jail officers violently subdued Egyptian detainee Osama Metwaly on Dec. 13, then beat him while he was in handcuffs. "We heard the inmate screaming that he was not resisting the officers, and the officers still continued to hold him down and hit him," said the statement, which was obtained by the New Jersey Herald News. The incident was apparently sparked when Metwaly threw a paper in a guards face. Sheriff's department spokesperson Bill Maer said the incident took place on Dec. 16; he said the officers used pepper spray on the man. The use of pepper spray is a "fairly regular" occurrence in the jail, said Maer. The detainee needed medical attention because of the pepper spray and was given proper medical care, Maer claimed. He described the incident as "minor" and one which "happens all the time." The jail filed an incident report to US Immigration and Customs Enforcement (ICE), the agency that oversees the immigration detainees, said ICE spokesperson Mike Gilhooley. Gilhooley would not confirm the detainees name, but said the detainee was questioned by ICE and admitted to having resisted orders. ICE did not have a problem with the way the Passaic County Jail handled the case, Gilhooley said.

According to ICE guidelines, the use of force on detainees is authorized "only after all reasonable efforts to resolve a situation have failed." In that situation officers should use "as little force as necessary to gain control of the detainee." [*Herald News (West Paterson) 12/23/05*] Last July 21, Sheriff Jerry Speziale kicked out investigators from the Department of Homeland Security's Office of the Inspector General (OIG), two weeks into their probe of conditions and allegations of abuse at Passaic County Jail. The OIG subsequently resumed the investigation; its findings are expected in early February, DHS spokesperson Tamara Faulkner said on Nov. 29. [*Herald News 12/3/05*]

## 2. ICE RAIDS WALMART IN NEBRASKA

Around 6pm on Dec. 19, ICE special agents arrested 14 undocumented workers from Mexico as they were installing shelving at a Wal-Mart distribution center in North Platte, Nebraska. Those arrested were employed by a subcontractor, Reich Installation Services Inc. ICE is holding 12 of them without bond pending their removal to Mexico. One of the 12 has requested a hearing before a federal immigration judge, and two had already been scheduled for immigration hearings after being arrested

for working illegally at a Wal-Mart distribution center in Philadelphia earlier this year. The investigation into the circumstances of the immigrants' employment is ongoing, said ICE, but Wal-Mart has cooperated fully. [*ICE News Release 12/20/05*]

## 3. GROUPS CHALLENGE ICE ANTI-GANG RAIDS

On Dec. 20, in honor of International Migrants' Day, immigrant community organizations and legal service organizations across the US held press events to speak out against Operation Community Shield, a campaign of raids in which ICE works with local and state police to target alleged gang members. "Overbroad dragnet enforcement policies that do not respect the interests of communities, families, and refugees are ineffective, unjust, and violate human rights," the groups declared in a press release issued by the California-based National Network for Immigrant and Refugee Rights (NNIRR). "Many of these individuals were deported within days of their arrest, foreclosing any meaningful assessment as to their eligibility for relief from deportation," the press release states. "Some have been rehabilitated and engage in gang rehabilitation work, others are lawful permanent residents with extensive ties to family in the US, and others are fleeing violence in their home countries. Gang violence is a community problem. Making deportation and detention leading strategies to combat gang violence will not end it." Press conferences or rallies were planned for Dec. 20 in Washington, DC; San Francisco and Los Angeles, California; and Florence, Arizona. [*NNIRR Press Release 12/19/05; La Opinion (Los Angeles) 12/21/05*]

In an uncharacteristically defensive move, ICE responded with its own press release on Dec. 20, titled "Statement on Operation Community Shield Protests." ICE "finds it ironic that special interest groups calling for 'justice' would advocate turning a blind eye to lawbreakers who bring violence and misery to neighborhoods around the nation," said the press release. "Far from being an 'overly broad dragnet,' ICE's Operation Community Shield is an intelligence-driven operation that targets specific gang members posing threats in communities," ICE claimed. ICE said it "has arrested more than 1,760 individuals nationwide since Operation Community Shield was launched in February 2005." ICE admitted that criminal charges have been brought against only 382 of the individuals arrested under Operation Community Shield; the rest have been charged only with violations of administrative immigration laws. [*ICE News Release 12/20/05*]

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**About National Immigrant Solidarity Network**

ISN is a coalition of community, immigrant, labor, human rights and student activist groups, founded in 2002 in response to the urgent needs for the national coalition to fight immigrant bashing, support immigrant rights, no to the sweatshops exploitation and end to the racism on the community. Please visit our website:

<http://www.ImmigrantSolidarity.org>

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