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Proposition 200 Begins to Go Into Effect in Arizona

Ruling of Federal Judge is a Big Victory with National Implications

After issuing a Temporary Restraining Order, preventing the immediate implementation of Arizona's Proposition 200, Federal Judge David Bury lifted the order on December 22, allowing the state to begin enforcing the will of the voters. The ballot initiative, which was approved by voters in November by a 56 percent to 44 percent majority, requires state and local government workers to verify the immigration status of people applying for public benefits, and people registering to vote to prove that they are U.S. citizens.

A coalition of illegal alien rights groups, led by the Mexican American Legal Defense and Educational Fund (MALDEF), immediately filed suit in federal court, arguing that the measure is unconstitutional. However, in his Dec. 22 opinion, Judge Bury definitively rejected the contention that state governments do not have a right to enforce federal immigration laws and signed an order authorizing the state to begin implementation of Prop. 200. "[S]o long as a State's law regarding benefits to illegal aliens corresponds to an identifiable congressional policy and in fact operates harmoniously with the overall federal approach to immigration, the law will likely pass constitutional muster," wrote Judge Bury.

The judge rejected the contentions of the plaintiffs that Prop. 200 infringed on federal supremacy with regard to immigration laws, concluding that it "does not establish any eligibility criteria" for public benefits that are not explicitly stated in federal policy. "Proposition 200 merely requires that state and local government employees 'verify the identity of each applicant for those benefits as prescribed' in the federal statutes. Moreover, he continued, "Congress clearly intended that State and local governments would ensure that illegal aliens not receive public benefits."

In addition to allowing Arizona to move forward with implementation of Prop. 200, Judge Bury also criticized the ruling that struck down California's Proposition 187 that was approved by voters in that state in 1994. That ballot measure was declared unconstitutional by a single federal judge. Judge Bury's opinion could reopen the door to litigation aimed at implementing the provisions of Proposition 187 that bar illegal aliens from receiving nonemergency public benefits.

MALDEF, as expected, filed an emergency motion with the 9th Circuit Court of Appeals in San Francisco, seeking to have Judge Bury's decision overturned. The 9th Circuit dismissed MALDEF's motion on Jan. 13, rejecting opponents's claims that the measure is unconstitutional.

FAIR's own lawsuit in Arizona state court (reported in the Dec.-Jan. issue), seeking to force Attorney General Terry Goddard to adopt the federal definition of "public benefits" is scheduled for a hearing on Jan. 27. We will keep members informed of developments in that case in future newsletters.

Bush Continues to Push Amnesty and Guest Worker Program

At a year-end news conference, President Bush reiterated his support for a plan to turn millions of illegal aliens into "guest workers" and to create a new guest worker program that will allow unlimited numbers of foreign workers to enter the country. At the Dec. 20 White House press conference, Bush repeated his assertion that massive numbers of foreign workers are necessary in order to fill "jobs Americans will not do."

While the president appears to be making amnesty for illegal aliens and unlimited numbers of guest workers a priority of his second administration, most observers expect that the plan will run into stiff opposition from the public and from many members of Congress. The Washington Post notes that there is growing sentiment in Congress and around the country for enforcement of immigration laws, rather than the relaxation of those laws. The Bush immigration plan, observes the Post, "appears to be on a collision course," with congressional Republicans who are in no mood for passing programs that amount to amnesty for illegal aliens. Dozens of similar analyses by leading news media have come to the same conclusion, warning that the president's insistence on promoting an illegal alien amnesty and guest worker program could derail White House efforts on other domestic issues such as Social Security reform and tax reform.

The 109th Congress Hits the Ground Running

Immigration Policy High on the 2005 Agenda

Members of the new 109th Congress, fresh from their swearing-in ceremonies, quickly got down to the business of legislation during the first week of the new year. No sooner had they finished with the first-day photo-ops, leaders of the new Congress rushed to introduce legislation to reform America's immigration policies.

Among the first orders of business for the new Congress is likely to be consideration of the immigration reform provisions that were stripped from the final version of the Homeland Security bill that was passed in December. These critical reforms that include barring illegal aliens from obtaining driver's licenses, limits to appeals of orders of deportation, tougher asylum standards and other immigration reforms, were specifically called for in the report of the 9/11 Commission.

Rep. James Sensenbrenner (R-WI), chairman of the House Judiciary Committee, is repackaging those provisions and has been promised by the House leadership that they will be given high priority by the new Congress. There is a strong possibility that these reforms—because of their urgency and the fact that they were part of the 9/11 Commission's recommendations—may bypass the lengthy hearings process and be attached to legislation to fund the war in Iraq or relief to the victims of the Asian tsunami.

In a speech marking the opening day of the new Congress, in which he set out the priorities for the upcoming session, House Speaker Dennis Hastert highlighted immigration reform as one of the pressing orders of business for legislators. "We need to strengthen our borders, reform our asylum laws, and improve national standards for drivers licenses," Hastert said. "The terrorists who attacked us did so by exploiting gaps in our border security system [and] by abusing our immigration laws. We must fill those gaps."

Other reform legislation, focusing on document reform, interior enforcement, repeal of the visa lottery, that has languished and died before countless committees in years past, may have a legitimate opportunity in the 109th Congress. The ranks of those in Congress committed to real immigration reform have grown, and have become more vocal about the need to address the serious problems with our immigration policies.

While there is great reason for optimism in 2005, there is also reason for great caution. The new session of Congress will also see its share of bills aimed at prying open the doors of immigration even wider, and enacting amnesty for illegal aliens and increasing the number of guest workers who are allowed to enter. President Bush has forcefully reiterated his call for turning the estimated 10-12 million illegal aliens currently residing in the U.S. into legal "guest workers" for up to six years, and allowing unlimited numbers of new guest workers to fill jobs in the U.S.

In addition to the president's proposal, which was never crafted into legislative language in 2004, other amnesty legislation that died at the end of the 108th Congress is certain to be revived, most notably the AgJOBS bill that would grant amnesty to illegal aliens who had worked in agriculture. While AgJOBS had strong bipartisan support in the last Congress, opposition to it is being voiced from some unlikely sources. California Democrats, including Senator Dianne Feinstein and Rep. Dennis Cardoza, whose district includes the heavily agricultural Central Valley, have both warned that the legislation could touch off a new wave of illegal immigration, further straining parts of California that are already overwhelmed by mass illegal immigration.

FAIR Grabs National Attention with "Follow-Up" Questions for Bush

Within minutes of President Bush's Dec. 20 White House news conference, at which he asserted that America required millions of foreign guest workers, FAIR helped influence the national coverage of the president's remarks by issuing a series of "follow-up" questions for the administration. These questions were picked up by many reporters who then posed them to White House spokespeople. The Washington Times' front-page coverage of the Bush news conference included extensive mention of the issues raised by FAIR.

During the course of responding to a reporter's question about his immigration proposal, President Bush stated numerous times that foreign workers are willing to fill "jobs Americans will not do." In response, FAIR encouraged reporters to pose the following questions to President Bush:

- What jobs won't Americans do?
- Why not allow the free market to set wages at which Americans will take the jobs now filled by illegal aliens?
- How does the administration propose to pay for the education, health care and other vital services for the millions of guest workers and their families the president is proposing be brought here?
- How will the administration conduct comprehensive background checks on the millions of illegal aliens who will be eligible to become guest workers, and the millions more who will come here, when they have proven they could not even conduct a proper background check on Bernard Kerik, whom they had nominated for Secretary of Homeland Security?

These questions, when posed by reporters, put the White House on the defensive. White House press secretary Scott McClellan proved the point frequently made by FAIR and other immigration reform advocates when he cited California agriculture as an example of jobs Americans will not do because the wages are so poor.

Help Make 2005 the Year of Real Immigration Reform

Will 2005 be the year that real immigration reform is enacted in Washington?

Momentum is swinging in our favor. The politicians are beginning to feel the heat from millions of Americans who are demanding that they do something to curb mass legal and illegal immigration. Now that they are feeling the heat, let's HOLD THEIR FEET TO THE FIRE!

Come to Washington, D.C., and tell Congress in person what you have been telling them over the phone and in letters and faxes. Join Roger Hedgecock, top rated radio talk show host in San Diego, California (KOGO/AM 600), who is sponsoring a national drive for immigration reform on April 23-28, 2005. FAIR is co-sponsor of this "Hold Their Feet to the Fire" drive.

Over the last 10 years, Roger has taken large groups of his listeners to Washington, D.C., to lobby Congress on key issues. This year he is asking radio talk show hosts around the country to join him in a national effort culminating in two days of citizen lobbying on Capitol Hill for immigration reforms.

Further details are provided below and more information will be provided in upcoming updates. In the meanwhile, the first step is for activists to commit to participating. Please share this alert with your friends, ask them to do the same, and mark your calendars.

2005 can be a make-or-break year for immigration reform in Congress. Join us for the biggest and most important immigration reform lobbying effort ever. Let's Hold Their Feet to the Fire! For information on the details or travel packages, visit [Roger Hedgecock's site](#), or call toll free 877-278-4760.

The time for action is NOW!!

Adios Amigos and Don't Forget to Send Money Home

Mexican Government Publishes How-To Guide for Illegal Aliens in the U.S.

The government of Mexico, which views illegal immigration of its citizens to the United States as a way to unburden itself of excess labor and as a source of revenue in the form of remittances sent home has, for a long time, tacitly encouraged such migration. That encouragement is tacit no more. As the usual post-Christmas surge in illegal immigration got underway, the Mexican government began distributing a guidebook instructing would-be illegal migrants how to enter the U.S. as safely as possible, how to avoid detection once across the border, and what to do if they are apprehended by U.S. authorities.

The guidebook, filled with comic book-like illustrations, covers safety tips for crossing hostile desert terrain, avoiding unscrupulous smugglers, and advice on what to do when approached by Border Patrol agents. The book informs illegal migrants of the best ways to stay below the radar once inside the U.S., and how to seek assistance from the Mexican consulates around the country should they run afoul of U.S. laws.

The government publication sternly warns against resisting arrest by the Border Patrol or becoming violent, noting that it is better to be returned to Mexico (presumably to try again to cross the border) than wind up lost in the desert or in the criminal justice system. A special section of the book is devoted to those who have criminal records and convictions in the U.S., including advice on seeking a plea bargain.

Sections of the guidebook also include other helpful tips such as:

- Don't drink and drive.
- Avoid getting into fights.
- Don't throw or attend noisy parties that might disturb the neighbors.
- Avoid family or domestic violence.
- Don't carry guns or knives.

For those who fail to heed these simple steps for staying out of trouble, the guidebook has one more piece of advice: "Go to the Consulate... Go to Mexico. It's your house, countryman!"

Diplomatic Impunity

Every nation provides assistance for its citizens who are living outside their homeland. Such activities are a legitimate and routine function of embassies and consulates. However, the publication and distribution of a guidebook for illegal aliens entering and living in the U.S. goes far beyond all diplomatic protocol, and should be formally protested by our State Department.

Over many years, FAIR has documented and testified before Congress, that activities and policies of the Mexican government are direct and overt infringements of U.S. sovereignty. From incursions by Mexican police and military on our side of the border, to lobbying for benefits, subsidies and privileges for illegal aliens living in the U.S., to interference in U.S. elections and referenda, the government of Mexico has repeatedly crossed the line between providing legitimate protection to its citizens in the U.S. and meddling in the internal affairs of another nation.

FAIR has repeatedly called upon this and past administrations to address numerous violations of diplomatic behavior by the government of Mexico. Instruction on how to succeed in violating the laws of a foreign country is clearly not a legitimate function of an embassy or consulate, and must be addressed by the State Department and the congressional oversight committees. Protecting the lives and safety of Mexican citizens must begin with Mexican efforts to eradicate the human smuggling operations that operate openly on their side of the border.

Respect for U.S. sovereignty and the right to control its borders and enforce its immigration laws must be a precondition to bilateral negotiations between our two governments. Until our own government demands that these basic norms of international behavior are observed, we should not be surprised by publications such as this one that has drawn so much attention.

Bear Stearns Finds Government Vastly Underestimates Illegal Immigration

The Wall Street investment firm Bear Stearns, conducting its own research on the illegal immigration to the United States and its impact on the economy, concludes that the government has grossly underestimated the size of the illegal population. In a report entitled, "The Underground Labor Force is Rising to the Surface," issued on Jan. 3, researchers Robert Justich and Betty Ng, conclude that the illegal alien population of the U.S. is about 20 million people—roughly the equivalent of the population of New York State—more than double the official government estimates of about 9 million.

The report estimates that illegal aliens hold between 12 and 15 million jobs in the U.S., and constitute about 8 percent of the current labor force. Moreover, since 1990, between 4 and 6 million jobs have shifted to the underground labor market as employers rush to take advantage of low wage illegal alien labor. As a result of this phenomenon the average annual earnings of American workers has been reduced by 4 to 6 percent. "We believe that immigration is becoming one of the most significant economic themes of this decade," states the report. Bear Stearns warns that what appears to be cheap labor comes at a very high price. "The social expenses of health care, retirement funding, education and law enforcement are potentially accruing at \$30 billion per year. Many of these costs lag and will not be realized until the next economic downturn and beyond as new immigrants require a safety net."

Justich and Ng also estimate that the government is foregoing \$35 billion a year in tax revenues because an estimated 5 million illegal aliens are employed in the underground economy. "The United States is simply hooked on cheap, illegal workers and deferring the costs of providing public services to these quasi-American," says the study.

Barron's magazine, the prestigious financial publication, concurs with the Bear Stearns assessment. According to Barron's the underground economy of the United States, which is largely fueled by mass illegal immigration, is valued at about \$1 trillion a year, or 9 percent of GDP. If this untaxed portion of the economy were accessible to the IRS, the entire federal budget deficit could be wiped out overnight.

Wall Street Belatedly Waking Up to the High Cost of Cheap Labor

The Wall Street Journal clings stubbornly to the notion of open borders and shrilly denounces anyone who dares to question the wisdom of mass immigration, but it appears that others in the financial community are beginning to reassess Wall Street's love affair with low wage immigrant labor.

The January report issued by the investment firm of Bear Stearns, estimating the costs of illegal immigration to the United States is a welcome and important breakthrough in the important national debate about immigration. The Bear Stearns study also corroborates many of the recent studies conducted by FAIR. Last autumn, FAIR published "[The Cost of Illegal Immigration to California](#)," in which we estimated that the state, which is home to about 30 percent of the nation's illegal alien population, is incurring a net annual cost of about \$10.5 billion as a result. This assessment is largely confirmed by the Bear Stearns report, which places the national price tag at about \$35 billion a year.

Similar reports from FAIR, the Center for Immigration Studies and others, have long made the case that the "cheap labor" provided by illegal immigrants is, in fact, prohibitively expensive when all the social costs are calculated. The research of immigration reform groups like FAIR—now supported by business sector analysts—has been largely ignored by policymakers. It will be much more difficult for them to dismiss confirming information from sources such as Bear Stearns and Barron's.

Seventh Generation Society

The Seventh Generation Society is a unique group of FAIR members. These are members who have taken the steps necessary to ensure FAIR's future...they have included FAIR in their will.

The name Seventh Generation Society is taken from the great law of the Iroquois Indian confederacy: "In our every deliberation, we must consider the impact of our decisions on the next seven generations."

By remembering FAIR in your will, you'll provide FAIR with a secure future that a movement like ours needs. Please call us and let us send you information on making this important decision. Call 1-877-627-3247 for a brochure.