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See page 3

### **Department of Labor Makes It Easier for Employers to Hire Low-Skilled Guest Workers**

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See page 6

### **Reformer Corner | A Show-Me Stater Who Shows How to Make a Difference**

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See page 7

## **Book Review | Mark Krikorian's *The New Case Against Immigration, Both Legal and Illegal***

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See page 9

## **Around the Country**

See page 10

## **In the News | Attempts at Censorship**

Ever since the defeat of the sweeping amnesty legislation last year, the illegal alien advocacy network has mounted a campaign to discredit individuals and organizations like FAIR that played a significant role in blocking passage of the bill. An op-ed by FAIR's media director, Ira Mehlman, published in the *Washington Times*, details the efforts of the pro-amnesty lobby to silence their critics.

See page 12

## **Update: The Victims of Sanctuary Policies**

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See page 14

## **FAIR Remembers | Dorothy Blair, Conservationist and Immigration Reformer**

In late May, FAIR lost a good friend and a devoted supporter of true immigration reform. Dorothy Blair, a long-time member of FAIR's board of directors and board of advisors passed away in Naples, Florida.

See page 15

## **Requests for Immigration Enforcement Training by Police Departments Nationwide Overwhelm ICE**

Back in 1996, FAIR fought hard to include a provision in major immigration reform legislation that allowed state and local police to be trained to identify and detain suspected illegal aliens. The provision, now known as Section 287(g) of the Immigration and Nationality Act, lay dormant for many years. Janet Reno's Justice Department resisted even writing the regulations needed to implement the training program, and by 2001, not a single state or local police officer had received 287(g) training.

See page 16

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With funding for our troops fighting in Iraq set to run out on June 15, Congress needed to pass an emergency supplemental appropriations bill to make sure that our men and women in uniform have the resources they need to do their jobs and get home safely. No matter how Americans feel about the war in Iraq, there is unanimous support for our military personnel who are fighting there. Knowing that almost no member of Congress would vote against funding for our troops in combat, guest worker amnesty proponents seized upon the Emergency Iraq Supplemental Appropriations bill as their vehicle for passing an illegal alien amnesty and increasing guest workers.

Aside from the blatant attempt to use support for our troops to reward illegal aliens and powerful business interests, using an appropriations bill to fund government operations also violated Senate rules and traditions. There are formal and unwritten rules that appropriations bills — legislation needed to fund government operations — should not be used to bypass the legislative process.

### **Agricultural Amnesty**

Without warning on May 14, Senator Dianne Feinstein (D-Calif.) offered an amendment that would grant 5-year amnesty visas to 1.35 million illegal aliens who have worked in agriculture. In addition to the workers themselves, the amendment would have also granted some 1.6 million additional relatives to remain in this country with the status of green card holders — bringing the total amnesty to about 3 million people.

Sen. Feinstein attempted to shake off the amnesty label, arguing this legalization program would sunset after five years. But, inexplicably, goat herders, sheep herders, dairy workers, and horse workers would have been granted outright amnesty under this amendment. However, as Appropriations Committee Chairman Robert Byrd (D-W.V.) noted, the five-year visa would have been nothing more than a prelude to a permanent amnesty for these illegal aliens and, inevitably in the interest of “fairness” to other immigration lawbreakers, would include many other categories of illegal aliens.

As an added bonus to agricultural employers who resist paying competitive wages, Sen. Feinstein’s amendment froze the wages of guest workers entering the U.S. under the H-2A program, at January 1, 2008 levels for three years. The amendment also called for

“streamlining” the process of admission of new agricultural guest workers, requiring that the visas be issued within seven days of an employer’s request.

With virtually no debate on this massive amnesty program, the committee approved the amendment by a vote of 1712.

### **Low and Unskilled Guest Workers**

At the same mark-up, the Senate Appropriations Committee also approved an amendment that would vastly increase the number of low-skilled H-2B guest workers. An amendment introduced by Sen. Barbara Mikulski (D-Md.), approved 236, would have exempted returning H-2B workers from counting against numerical caps for the next three years. Thus, at a time when our economy has been losing jobs and reports suggest that part-time employment for high school and college kids is at its lowest levels in decades, Sen. Mikulski’s amendment could have resulted in more than 400,000 new and returning guest workers in our labor force over the next three years.

### **Skilled Guest Workers**

By a voice vote, the Senate Appropriations Committee also approved an amendment by Sen. Patty Murray (D-Wash.) to satisfy the demands of the high tech industry to “recapture” unused green cards from past years and make them available for multinational executives and so-called “high-tech” workers. In spite of Department of Labor data indicating some 656,000 unemployed information technology (IT) workers in this country, the Murray amendment would have resulted in an additional 218,000 foreign IT workers being admitted to our labor force.

### **The Public Reacts**

The strategy of the guest worker amnesty proponents in the Senate was to avoid their mistakes of the past by springing these amendments at the very last minute, thereby preventing FAIR and others from organizing public opposition. Their strategy worked to a point — they succeeded in gaining the Appropriations Committee’s approval for these amendments.

FAIR, with its strong presence on Capitol Hill, learned about this attempt to hijack the Iraq funding bill as it was taking place and immediately began to inform the media, immigration reform activists, and even members of the House who were caught unaware. Within hours, FAIR was on the air with major radio talk show hosts, getting the word out to the public about what was transpiring in Washington. In addition, thousands of immigration reform activists received emails detailing the amnesty and guest worker provisions that had been added to this emergency funding bill for our troops.

Fortunately, a full Senate vote on the Appropriations bill did not occur for another week, providing time for the public to weigh in. And, as they have done each time the Senate has

attempted to enact amnesty or significantly increase the admission of guest workers, the public loudly voiced its opposition. This time, in addition to the typical outrage over congressional efforts to ignore the will of the people and pass a guest worker amnesty program, the public was incensed that they would attach these measures to emergency funding for our troops in Iraq.

### **Amnesty and Guest Worker Provisions Stripped**

Because of the enormous public response, the Senate leadership removed all of the amnesty and guest worker provisions from the bill before bringing it to a vote on May 22. Without specifically repudiating the amnesty and guest worker provisions, the amendments were stripped on the grounds that they violated Senate rules that bar use of appropriations bills to enact policy legislation.

Once again, FAIR's consistent monitoring of breaking developments on Capitol Hill, and our unique ability to rapidly inform the public through the media and our network of activists, played an important role in thwarting yet another attempt to sneak through a guest worker amnesty program. And, once again, thousands of FAIR members and activists, along with thousands of other Americans, made their voices heard and made a difference.

## Department of Labor Makes It Easier for Employers to Hire Low-Skilled Guest Workers

The Bush Administration, which has been unable to deliver more low-wage guest workers to business allies, has resorted to making it easier for those businesses to employ the ones who are available. On the same day that immigration reform groups were able to beat back an attempt to expand the number of low-skill H-2B visas, the Department of Labor announced new regulations that bypass requirements that employers prove they have sought American workers to fill those jobs.

The revised regulations, announced May 22, eliminate the requirement that employers first apply to state employment agencies before seeking H-2B workers from overseas. Instead of documenting their efforts to find available American workers, employers will need only sign an attestation that they have tried to fill those jobs with American workers. In addition, some “temporary” H-2B workers will be allowed to work in the United States for up to three years, instead of just ten months as previously allowed.

The “streamlining” of the H-2B visa process also comes at a time when there is mounting evidence that the laxly-enforced guest worker program is rife with fraud and abuse. Indian H-2B workers at a shipyard in Mississippi went on a hunger strike to protest poor treatment. There were also allegations that AgriProcessors, the owner of an Iowa meatpacking plant that was the target of the largest ICE enforcement raid, was also engaged in a massive temporary worker visa fraud scam.

FAIR has consistently opposed expansion of guest worker programs and has repeatedly called for more oversight of existing ones. FAIR’s research, as well as the research of many economists, has found that guest worker programs are routinely used to suppress the wages of American workers or even to displace American workers.

As our economy falters, it is even more callous to allow employers easier access to foreign guest workers. Since the start of 2008, the U.S. economy has lost jobs, creating an even greater imperative that the government protect the interests of American workers.

## Reformer Corner:

### *A Show-Me Stater Who Shows How to Make a Difference*

In May, the Missouri legislature approved a sensible state-based immigration enforcement measure that Governor Matt Blunt is expected to sign into law. But before the bill reached the governor's desk, there was Missourians Against Illegal Immigration — a grassroots coalition of citizens who recognized that the state had a growing problem and that local action was imperative.

As Missourians Against Illegal Immigration's founder, Janet Renner, describes it, "Have you ever experienced that feeling when a plane plunges due to turbulence? That's how I felt when I first learned about illegal immigration — everything I believed in about our government and the way it works plummeted."

Renner attended the Wake Up America Conference in Las Vegas in 2006, and returned to St. Louis determined to do something constructive to fix the problem of unchecked illegal immigration. Inspired by the sense that ordinary citizens could have a voice in their government, Renner started Missourians Against Illegal Immigration, an organization dedicated to informing Missourians about the dangers posed by illegal immigration and encouraging them to do what they could to alleviate the problem.

Over the next two years, the organization grew all across the state and, backed by hundreds of supporters, began to lobby the Missouri legislature. When the Missouri legislature approved the state's new immigration enforcement measure, Missourians Against Illegal Immigration showed the rest of the country that ordinary citizens can stand up to powerful special interests and prevail. Looking ahead optimistically, Renner notes that, "the journey ahead may not always be smooth, but I am confident we will weather the storm of illegal immigration and land safely in the greatest nation on earth — America."



## Book Review:

### Mark Krikorian's *The New Case Against Immigration, Both Legal and Illegal*

When it comes to the contemporary immigration debate, many of the best known pundits try to preemptively defend themselves against the inevitable smears by proclaiming that they are only against *illegal* immigration. In making this assertion they believe they can short circuit the arguments of the opposition by reducing the debate to one of law and order. Illegal means illegal: case closed.

That argument is fine as far as it goes, but it actually bolsters the opposition's contentions. If the *only* problem with the current immigrant flow is that many of the people coming are breaking the law, then the logical solution is to allow them to come legally. If our laws are keeping out people who benefit our country, then, as Charles Dickens famously said, "the law is an ass."

In his new book, *The New Case Against Immigration, Both Legal and Illegal*, Mark Krikorian, the executive director of the Center for Immigration Studies, asserts that, legality aside, mass immigration simply makes no sense for our nation in the 21st century. Whether they arrive with the imprimatur of government approval or not, many of today's immigrants lack what it takes to succeed in American society.

Krikorian addresses head-on the opposition's oft-repeated contention that today's immigrants are no different from immigrants of previous generations by agreeing with them. It is our society and economy that have changed dramatically, Krikorian argues. The elaborate social safety net and emerging ideas about multiculturalism have eliminated the necessity for economic self-sufficiency and cultural and linguistic assimilation into the existing mainstream.

Krikorian observes that the educational levels and skill sets of a large percentage of immigrants who arrive here legally are almost identical to those of illegal aliens. Thus, it is our immigration policy — unqualified by adjectives like legal or illegal — that presents an enormous challenge to our country. *The New Case Against Immigration, Both Legal and Illegal* brings the debate back to where it should be and forces us to reckon with the real issues of what sort of immigrants our nation should admit, and how many new people we should allow, rather than whether everyone's paperwork is in order.

*The New Case Against Immigration, Both Legal and Illegal*, published by Sentinel HC Press, is scheduled to be released on July 3.

## Around the Country

### ARKANSAS

A grassroots activist group, Secure Arkansas, launched an effort to put an initiative on the November ballot that would bar illegal immigrants from receiving non-emergency benefits and services. Although Gov. Mike Beebe claims that the initiative is unnecessary, local immigration reform activists point out that current Arkansas policy ignores students' illegal presence and provides in-state tuition benefits at public colleges and universities. Public hospitals similarly provide elective health care services to illegal aliens in addition to emergency care. The group must collect 62,000 signatures to qualify the initiative for the November ballot.

### MISSOURI

Persistence works. Immigration reform activists in the Show Me State, led by Missourians Against Illegal Immigration (see "reformer corner" on page 3), a group that has worked closely with FAIR's regional field representative Joyce Mucci, have been working for three years to bring about meaningful immigration enforcement policies in Missouri, and in May they scored an impressive victory. An omnibus state enforcement bill was approved by the Missouri State House by a vote of 1362 and a 277 vote in the State Senate. The bill is expected to be signed into law by Gov. Matt Blunt.

The Missouri law not only denies business licenses and government contracts to employers caught hiring illegal aliens, but it closes a loophole that has allowed employers to get around compliance by classifying illegal workers as "independent contractors" rather than employees. The new law also bars illegal aliens from receiving most public benefits, withholds state funding to local governments that enact sanctuary policies, increases penalties against those using fraud to obtain a driver's license, and requires training for state police to identify and detain suspected illegal aliens.

### NEW YORK

Suffolk County, on the eastern end of Long Island, will require 17,000 licensed contractors to verify their employees' immigration status, or risk losing their business licenses. The Suffolk legislation received strong backing from County Executive Steve Levy, who has long been a strong proponent of locally-based immigration enforcement policies. The measure was approved with bipartisan support in the Suffolk Legislature, and, once again, demonstrates the strong appeal of locally-based immigration enforcement efforts even in areas having strong opposition representation.

### NORTH CAROLINA

Just a few years ago, illegal alien advocacy groups were pressing for — and winning — in-state tuition benefits for illegal aliens at public universities and colleges. The work of immigration reform activists all across the country has reversed this trend. Thanks to the efforts of NC Listen, a North Carolina-based immigration reform group that has worked closely with FAIR, not only will illegal aliens not qualify for in-state tuition benefits, they will not be eligible to attend any of the state's 58 community colleges. The new policy, enacted by Scott Ralls, who runs

North Carolina's community college system, was bolstered by a legal opinion written by State Attorney General Roy Cooper, who defined admission to a public college as a benefit to which illegal aliens are not entitled under federal law.

## In the News:

### *Attempts at Censorship*

*Ever since the defeat of the sweeping amnesty legislation last year, the illegal alien advocacy network has mounted a campaign to discredit individuals and organizations like FAIR that played a significant role in blocking passage of the bill. An op-ed by FAIR's media director, Ira Mehlman, published on May 20, 2008 in the Washington Times, details the efforts of the pro-amnesty lobby to silence their critics.*

For as long as there has been bad news, there have been people who have wanted to kill the messenger — or at least gag him.

For the Hispanic ethnic advocacy network — an assortment of foundation-funded organizations and even the Congressional Hispanic Caucus — the bad news appears to be the mounting body of evidence that mass illegal immigration is a fiscal drain on the resources of the United States, and that the status quo is inherently unfair to citizens and immigrants who play by the rules. But even more alarming from their perspective is that the mainstream media have begun to report the bad news.

Over the past year, since a reform bill that would have granted amnesty to about 13 million illegal aliens, the majority of whom hail from Mexico and other Latin American countries, went down to defeat, this ethnically-based advocacy network has become increasingly shrill in its demands that the media be gagged. Their first target was talk radio — the medium most directly associated with the defeat of the amnesty bill. But in recent months, they have turned their wrath on the big boys: broadcast and cable television news.

In a clearly orchestrated campaign of intimidation, the ethnic advocacy network is attempting to define any negative reporting about illegal immigration as “anti-Hispanic” at best, and bordering on hate speech at worst. Beginning with the National Council of La Raza, the largest and most lavishly funded of the ethnic advocacy groups, they are demanding what amounts to self-censorship on the part of the news media with regard to unfavorable news about illegal immigration; they are also cynically portraying negative coverage of those who violate our immigration laws as a slur against all people of Hispanic origin.

Recently, La Raza and the Mexican American Legal Defense and Educational Fund (MALDEF) have turned their guns on CBS News for airing a report about how America's policy of birthright citizenship — not to mention public health care resources — is being abused by illegal aliens coming to the United States to give birth.

These groups' crude attempt to bully network news executives into banning nearly all organizations advocating immigration enforcement from the airwaves has thus far been ignored. Nor have the network brass shown any inclination to muzzle some of the leading

journalists on their networks who report regularly on the costs and problems associated with massive violation of our nation's immigration laws.

Efforts to intimidate the news media into self-censorship are disturbing — even when they originate from advocacy groups with no regulatory power over the corporations that run the media. But when elected government officials get into the act, there is at least the implicit threat that if demands are not met, actions will be taken.

In a letter released on April 25, the Congressional Hispanic Caucus revealed that 20 members of Congress have been seeking, for some months, to go over the heads of news executives at CNN, by requesting a meeting with Jeff Bewkes, chief executive officer of Time Warner, CNN's parent company. The Hispanic Caucus' stated intent was to raise concerns about CNN host Lou Dobbs in particular and other unnamed reporters who have adopted "the language Lou Dobbs uses."

To Mr. Bewkes' credit, he referred the request to CNN President Jim Walton who, in turn, declined to meet with the lawmakers, stating that, "As a matter of long-standing policy, Time Warner's corporate management never interferes with the editorial decision-making of its news operations." There is almost no one who does not believe that the media is biased — and the public certainly has a right to complain when people feel the news is not being reported fairly. But rarely, if ever, have we witnessed this sort of coordinated campaign to dictate who may appear on the airwaves and what language is permissible.

It is both alarming and unprecedented that members of Congress, many of whom sit on committees that write laws that directly affect the corporations that run news organizations, have become part of the effort to influence media coverage of immigration issues. The First Amendment prohibits direct government censorship; but when elected officials become part of an effort to browbeat the media, one of our most cherished freedoms is placed in jeopardy.

## Update: The Victims of Sanctuary Policies

In the May issue of the FAIR Immigration Report, we reported on the case of a Los Angeles teenager who was gunned down in cold blood by an illegal alien gang member who had been in police custody only a day before the murder. And last October, we reported on a similar case in New Jersey, where three Newark college students were murdered by an illegal alien with a violent past who had previously been in police custody.

In both cases, local policies prevented police from investigating the immigration status of the suspects, who were released back onto the streets. And in both cases those who were murdered were not just victims of violent criminals, but victims of local sanctuary policies that place the interests of illegal aliens ahead of the safety of the community.

It may be of small comfort to the families of Iofeme Hightower, Dashon Harvey, and Terrance Aerial, the three Newark students murdered by Jose Lachira Carranza, a Peruvian illegal alien, but the state of New Jersey has finally gotten around to sentencing him for a separate crime that should have resulted in his being turned over to federal immigration authorities. Lachira Carranza received an eight-year sentence on assault charges for his participation in a violent barroom brawl, but still awaits trial in the triple murder case.

The lone survivor of his deadly rampage, Natasha Aerial, the sister of one of the murdered students, has been forced to enter the witness protection program in order to testify against him.

The Newark and Los Angeles cases are just two horrific examples of the consequences of illegal alien sanctuary policies, but countless more Americans, all across the nation, have had their lives shattered by illegal aliens who could have been removed from society if law enforcement agencies had not been barred from identifying illegal aliens. Cases like these are why FAIR, together with local activists, is working to overturn sanctuary policies. We encourage everyone who lives in a city or county that maintains sanctuary policies for illegal aliens to contact FAIR's field director, Susan Tully ([stully@fairus.org](mailto:stully@fairus.org) or 608-675-3400), to find out how citizens can fight back against these potentially deadly policies.

## **FAIR Remembers:**

### *Dorothy Blair, Conservationist and Immigration Reformer*

In late May, FAIR lost a good friend and a devoted supporter of true immigration reform. Dorothy Blair, a long-time member of FAIR's board of directors and board of advisors passed away in Naples, Florida.

Throughout her long and distinguished life, Dorothy was committed to environmental causes and preserving our nation's resources, open spaces, and quality of life for future generations. Her understanding of the relationship between runaway population growth and stress on the environment led her to embrace the cause of immigration reform.

Dorothy, along with so many of FAIR's early and continuing supporters, understood the inter-relationships between many complex issues and demonstrated the courage and commitment to tackle even the most challenging causes. Dorothy is emblematic of the sort of far-seeing individuals who have helped build FAIR into a powerhouse of the national immigration reform movement.

Her commitment, insight and wisdom will be missed by all of us at FAIR.

## Requests for Immigration Enforcement Training by Police Departments Nationwide Overwhelm ICE

Back in 1996, FAIR fought hard to include a provision in major immigration reform legislation that allowed state and local police to be trained to identify and detain suspected illegal aliens. The provision, now known as Section 287(g) of the Immigration and Nationality Act, lay dormant for many years. Janet Reno's Justice Department resisted even writing the regulations needed to implement the training program, and by 2001, not a single state or local police officer had received 287(g) training.

Over the years, FAIR continued to work with local activists around the country, encouraging them to press their state and local governments to demand immigration enforcement training for police. As a result of growing numbers of illegal aliens in many parts of the country and local activism, the 287(g) program has gained popularity to a point where the Immigration and Customs Enforcement (ICE) agency cannot keep up with the demand for training. At the start of 2007, only eight police departments had received 287(g) training. A year and a half later, that number has grown to 47 departments, and 90 more law enforcement agencies have requested training. Some 50,000 illegal aliens have already been deported as a result of the increasing involvement of state and local police in immigration enforcement.

The next challenge for FAIR and local immigration reform activists is to demand adequate funding to provide 287(g) training for every police department that wants it. While there always seems to be money available to deal with the needs of illegal immigrants — more free public education and public health care — ICE claims to lack sufficient funds to expand 287(g) training to deter illegal immigration.

The inability of ICE to keep up with the demand for 287(g) training points to the success of the strategy of pursuing immigration reform at the state and local level (and the presence and persistence of local activist groups!). While Congress continues to drag its feet on immigration enforcement, real and meaningful progress is being made in states and communities all across the country.