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# House Passes Important Immigration Reform and Homeland Security Bill

The House of Representatives took an important step in addressing mass illegal immigration and the threat it poses to our homeland security when it approved H.R. 418, the Real ID Act, by a 261-161 vote on February 10. The legislation, authored by House Judiciary Committee Chairman James Sensenbrenner (R-WI), incorporates the immigration reforms recommended by the 9/11 Commission in their July 2004 report.

The bill includes provisions to make the driver's license a secure identity document, close loopholes in political asylum laws, and complete a section of the security fence along the Mexican border. These recommendations of the 9/11 Commission had been passed by the House in 2004 as part of a larger home-land security bill, but under intense pressure from the Senate and the White House were stripped from the final version of the legislation worked out by a House-Senate conference committee in December.

Chairman Sensenbrenner was promised the opportunity to reintroduce these reforms early in 2005. The passage of H.R. 418 is the fulfillment of that commitment. The bill must now be approved by the Senate and sent to President Bush for his signature. Some in the House leadership hope to expedite the implementation of these important reforms by attaching the language of H.R. 418 as an amendment to another piece of legislation, such as the bill to fund the war effort in Afghanistan and Iraq.

**Driver's license s.** H.R. 418 requires all states to adopt uniform standards for issuing driver's licenses and ID cards, if they are to be accepted as valid documents by federal authorities. Applicants for licenses and state ID cards would be required to prove they are legal residents of the U.S., and licenses issued to temporary residents would expire concurrently with their visas.

**Asylum reform.** The legislation would deny the political asylum claims of individuals with ties to terrorist organizations and require their immediate removal from the country. In the past, terrorists have filed claims for political asylum as a stalling tactic to remain in the U.S. long enough to carry out their attacks against Americans. Under this bill, judges will have wider latitude to dismiss obviously fraudulent asylum claims.

**Border Security.** The bill clears the obstacles for completion of a three-mile gap in the security fence along the Mexican border near San Diego. Opponents of the barrier have filed frivolous lawsuits claiming that the barrier is harmful to the environment to block its completion. (The "environmentalists" seem unconcerned about the impact of millions of illegal aliens crossing this stretch of the border region and the tons of trash that they leave.)

All but eight House Republicans supported the Sensenbrenner legislation, while 42 Democrats joined the effort to enact these homeland security measures. On the eve of the House vote, the Bush Administration also threw its support behind passage of H.R. 418. Pressure from the White House had been instrumental in stripping these same provisions from the homeland security bill last December. In a statement issued prior to final consideration of the bill in the House, the White House stated that H.R. 418 would "strengthen the ability of the United States to protect against terrorist entry into and activities within the United States."

## The Larger Victory of H.R. 418

Americans families, workers and citizens won a significant victory with the passage by the House of Representatives of H.R. 418. In celebrating this important legislative breakthrough we should take notice of a less obvious, perhaps more important, victory.

Conspicuously absent from the arguments offered by opponents of H.R. 418 during the debate on the floor of the House, were contentions that illegal immigration is not a serious problem, or illegal aliens are vital to our economy or contribute more in taxes than they use in benefits. Had this same bill been debated in Congress just a few years ago, such arguments would certainly have been proffered by apologists for open immigration. Instead, the opponents of H.R. 418 were reduced to slender arguments about why the bill would not be effective.

While immigration reform advocates still have a difficult battle ahead to win the political fight for effective immigration laws and enforcement, it is increasingly clear that we have framed the issue to show mass illegal immigration is a serious national problem that reaches into each and every American community. With the continued support of concerned Americans across the country we enter the next important phase of the immigration reform battle: enacting and enforcing laws that will remedy a problem that even our opposition has been forced to acknowledge exists.

## Missing: 1,800 Border Patrol Agents

Among the most important recent victories in our battle against illegal immigration is a provision authorizing 2,000 new Border Patrol agents. The provision that created these desperately needed new agents survived as part of the homeland security package passed in December. A month and a half later, President Bush's proposed FY2006 Budget left off an important zero. The 2,000 agents we were promised are now 200—or only about 10 percent of the number of new border guards we need.

The Administration's decision not to carry out the promise to beef up the Border Patrol comes at a time when there are increasing and disturbing reports of chaos along the border, and even reports of cooperation between alien smuggling rings and al-Qaeda terrorists. In the debate in the House of Representatives over H.R. 418, the failure to fully fund the Border Patrol was criticized by members of both parties. These congressional critics will have an opportunity to restore funding for the additional Border Patrol agents during the upcoming budgetary process.

## **FAIR, Yes on Proposition 200, Battle For Favorable Interpretation of Ballot Measure**

FAIR and the Yes on Proposition 200 Committee launched a legal challenge to Arizona Attorney General Terry Goddard's narrow interpretation of the ballot initiative overwhelmingly approved by the state's voters in November. The two groups contend the intent of Proposition 200 is to restrict access by illegal aliens to all "public benefits," as defined by a 1996 federal law. Goddard says he will apply a more narrow state statute to determine what a "public benefit" may be.

FAIR and Yes on Proposition 200 filed suit in Maricopa County Court (Mesa) on January 27, arguing the federal standard should be applied. Attorneys for the state immediately filed a motion asking Judge Barbara Jarrett to dismiss the case, arguing it does not warrant legal intervention. David Abney, representing the plaintiffs, successfully sought an extension to reply to the state's motion.

The matter could be rendered moot by the Arizona legislature. State Rep. Russell Pearce, a proponent of Proposition 200, introduced two bills in the Arizona Legislature that would deny illegal aliens public benefits including: housing assistance, in-state tuition, grants and other benefits.

## Mexico Threatens to Take U.S. to Court Over Proposition 200

The Mexican government seems infinitely more interested in the welfare of their citizens living illegally in the U.S. than they are about the condition of those in Mexico. In fact, Mr. Fox's government is so perturbed by the decision of Arizona voters to limit public benefits to illegal aliens they are threatening to fight implementation of Proposition 200 in the U.S, or even international courts.

In a January 28 radio interview, Mexican Foreign Minister Luis Ernesto Derbez indicated his government would join with illegal alien advocacy groups in the U.S. seeking to have U.S federal courts declare Prop. 200 unconstitutional. If they cannot achieve their objectives in U.S. courts, Derbez implied the matter could be brought before an international court.

In spite of the latest—and perhaps most flagrant—violation of diplomatic protocol on the part of the Mexican government, the U.S. State Department offered no formal protest of the Mexican government's remarks.

# Immigration Reform Legislation Spreading Like Wildfire in the United States

**Reversing a recent trend of state and local governments enacting laws aimed at protecting and rewarding illegal aliens, the success of Arizona's Proposition 200 has initiated strong efforts in state legislatures across the country to protect American families, workers and citizens. As the impact of mass illegal immigration is being felt in more places around the country, state lawmakers are proposing local actions to deal with the emerging crises in their states.**

## **Colorado**

State Representative Dave Schulties (R-Colorado Springs), along with 20 colleagues in the legislature, introduced a bill modeled closely on Arizona's Proposition 200. HB 1271, would deny all non-emergency state benefits and services, including in-state tuition in state-run universities and colleges, to illegal aliens.

## **Arkansas**

State Senators Jim Holt (R-Springdale) and Denny Altus (R-Ft. Smith) have also introduced legislation modeled on Prop. 200 to bar illegal aliens from receiving non-emergency public benefits and services.

## **Utah**

State Representative Glenn Donnelson (R-North Ogden) introduced two bills, HB 239 and HB 330 that would repeal the state's in-state tuition benefits for illegal aliens and the policy that allows illegal aliens to obtain driver's licenses using an Individual Tax Identification Number.

## **New Mexico**

State Senators Greg Payne (R-Albuquerque) and Keith Gardner (R-Roswell) introduced a bill that would overturn the state's policy of allowing illegal aliens to receive driver's licenses. New Mexico currently has the most lax standards in the nation for issuing driver's licenses and a governor who wants it that way.

## **Idaho**

By a 2-0 vote (with one abstention) Canyon County commissioners approved a resolution declaring their county a disaster area due to the impact of mass illegal immigration. Commissioner Robert Vasquez, a forceful advocate of immigration enforcement, authored the resolution. Mr. Vasquez claims illegal immigration has created a health care, incarceration and welfare usage crisis in his county.

## Oklahoma Legislation Would Make Hiring Illegal Aliens an Unfair Labor Practice

A January study published by Wall Street investment firm, Bear Stearns, reports that since 1990, between 4 and 6 million American jobs have been lost to illegal aliens in a rapidly growing underground economy. A bill introduced in the Oklahoma legislature would declare the hiring of illegal aliens to be an unfair labor practice and allow citizens and legal residents of that state to take private legal action against employers who engage in it.

SB 510, The Oklahoma Fair Employment Act, introduced by State Sen. Tom Adelson (D-Tulsa), would allow people directly harmed by the practice of hiring illegal aliens to sue Oklahoma employers who discharge an authorized worker, while retaining the services of an illegal alien. In addition, SB 510 would bar employers who hire illegal aliens from receiving state contracts, make the wages paid to illegal workers ineligible for deduction from state taxes, and threatens them with the repeal of corporate charters. For those employers who play by the rules and utilize the federal employment verification pilot program to check the work eligibility of new employees, the Oklahoma Fair Employment Act offers them protection, or safe harbor, from lawsuits and state action.

"My bill is intended to protect employers who play by the rules and to protect Oklahomans from unfair labor practices," says Adelson. "I want to fight for a living wage to protect Oklahomans from illegal competition." The freshman lawmaker described The Oklahoma Fair Employment Act as addressing, "the single greatest threat to American workers . . . the systematic and widespread employment of illegal aliens."



## Work for Immigration Reform Action in Your State

Is your state government part of the problem or part of the solution to mass illegal immigration? While the ultimate authority for controlling illegal immigration rests with the federal government in Washington, D.C., many important battles are taking place in state legislatures and even at the county and city levels of government.

These efforts are vital to enacting real immigration reform. Denying illegal aliens driver's licenses and public benefits can be carried out at the state and local level. These local efforts discourage illegal aliens from settling in those states and communities, save local taxpayers the costs of providing services to illegal aliens, and send an important message to national political leaders that the American people want real action to control illegal immigration.

Over the years FAIR has worked with and helped develop many grassroots immigration reform groups that are working to enact real reforms at the state and local level. Such groups helped propel Proposition 200 to a landslide victory in Arizona and are supporting important legislation in many other states.

If you are interested in finding out how you can work to restrict issuance of driver's licenses to illegal aliens, bar illegal aliens from receiving in-state tuition benefits at your state-run colleges and universities, limit access of illegal aliens to public benefits, secure closer cooperation between local police and federal immigration authorities, please contact FAIR. We will put you in touch with our field representatives who work with activists across the country to form local groups.

Together we are reversing the tide in many states and making a real difference. If you are ready to get involved in your own community, call us at 1-877-627-3247, or email us [info@fairus.org](mailto:info@fairus.org).

# Chertoff Confirmed to Head Homeland Security Department

## Former Federal Judge's Record on Immigration is Mixed

Michael Chertoff, the new Secretary of Homeland Security, whose department is charged with securing America's borders and enforcing laws against illegal immigration, told members of the U.S. Senate he backs the president's proposal to turn millions of illegal aliens into "guest workers," and admit millions additional foreign workers to the U.S. When it comes to enforcing employer sanctions laws, the new secretary was somewhat vague, stating that employers need, "laws that are understandable and can be followed.

"There is no quick and easy panacea to undocumented migration, and tough choices will have to be made to deal with this difficult problem," Chertoff told the Senate Homeland Security Committee. Proponents of granting illegal aliens in the U.S. guest worker status and legalizing the entry of millions more argue that it will enhance homeland security because the government will know who these people are. The government's record when it comes to investigating backgrounds of people applying for immigration benefits leave much to be desired, and in the President's new budget proposal, funding for immigration enforcement is slashed.

During his brief tenure as a federal judge serving on the 3rd Circuit Court of Appeals in Philadelphia, Chertoff had the opportunity to rule on immigration related cases that are increasingly clogging the federal court dockets (see: Dec.-Jan. FAIR Immigration Report). In his decisions, Chertoff generally upheld the standards of U.S. and international law in political asylum cases, and denied that status to individuals who did not meet it. His written opinions on the federal bench generally indicate that he opposes efforts to widen the definition of asylum to include a host of social conditions that are being pushed by immigrant advocacy groups.

Chertoff, however, seems disposed to including opponents of China's family planning policies as grounds for asylum. In the one case that came before the 3rd Circuit during his tenure, Chertoff wrote a dissenting opinion siding with those who believe that opposition to these policies should be grounds for being granted asylum in the U.S.

Prior to serving on the federal bench, Chertoff headed the Justice Department's Criminal Division, where he established a record as being tough on crime and diligent in prosecuting terrorists. In the aftermath of the attacks of 9/11, Chertoff ordered the arrests and detention of hundreds of Middle Eastern illegal aliens, earning him the enmity of many open immigration advocacy groups.

# Secretary Chertoff's Duty to Enforce the Law Comes First

New Secretary of Homeland Security, Michael Chertoff, has a distinguished record as a member of the Justice Department and, as a judge, places his duty to the law above political considerations. As the nation's chief immigration enforcement officer, we know Sec. Chertoff will continue to place the duties of his office ahead of politics and his personal beliefs about immigration policy and enforcement. However, here are some concerns:

The views expressed by Sec. Chertoff at his confirmation hearings in support of an amnesty/guest worker program will neither improve his department's ability to protect our homeland security, nor lessen the negative impact mass immigration has on the lives of American families, workers and citizens. Even if it is possible to do meaningful background checks on 10 million illegal aliens to ensure they are not terrorists or violent criminals, the fiscal and social impact of legalizing all these people would be devastating to America and its communities. Cabinet officers, while serving at the pleasure of the president, have, first and foremost, a sworn duty to uphold the laws of the United States.

As he answered questions from senators, it might also have occurred to Judge Chertoff the lesson of the frontrunner for his position, Mr. Bernard Kerik: With all the resources available to the federal government, they still failed to do an adequate background check on the high-profile individual being appointed to the cabinet! Can Sec. Chertoff truly assure us his department will adequately investigate tens of millions of illegal aliens?

## Feet to the Fire

There is still time to join America's favorite radio talk show hosts and immigration reform activists in Washington, D.C., April 23-28 to hold Congress' Feet to the Fire on immigration reform.

FAIR, and San Diego's top-rated radio talk show host, and frequent guest host of the Rush Limbaugh Show, Roger Hedgecock, are organizing this year's Hold Their Feet to the Fire campaign. Roger is bringing radio talk show hosts and members of their listening audience from around the country to the nation's capital to make sure Congress its promise to reform America's immigration policies.

We have commitments from some of America's most influential talk radio personalities to bring their programs to Washington, D.C., for the Hold Their Feet to the Fire campaign.

These dynamic personalities will be discussing the need for immigration reform, interviewing congressional leaders and Bush Administration officials—making sure the voice of America is heard loud and clear. Listeners are packing their bags and coming to Capitol Hill to meet face-to-face with the key congressional leaders and state congressional delegations to Hold Their Feet to the Fire about the urgency to reform America's obsolete and dangerous immigration policies.

The week-long event will also include seminars, training sessions and a special dinner with addresses from nationally syndicated columnist Michelle Malkin and Congressman Tom Tancredo (R-CO).

Even if your favorite talk show host is not broadcasting from D.C., it is still possible for you to join with thousands of Americans supporting substantial immigration reform and be a part of the 2005 Hold Their Feet to the Fire campaign.

For full details and cost information, visit our "[Hold Their Feet to the Fire](#)" page, or contact Sandy Carter Travel at 866-929-0098 or by email at [sandra49@pacbell.net](mailto:sandra49@pacbell.net).