



Maybe They Actually Did Get the Message

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choices that amnesty advocates have put before the public.

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The ruling by Federal Judge James Munley was a temporary setback for the efforts of one city in Pennsylvania to deal with its illegal immigration crisis, but the decision left intact many other local laws that are already being implemented all across the country. While Hazleton will be forced to wait a while longer to protect itself against unchecked illegal immigration, the ruling will not prevent other state and local government efforts to deal with similar problems from moving forward.

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Reformer Corner: *Rusty Childress*

In early 2003, Rusty Childress, owner of a successful Phoenix-area automobile dealership, penned a scathing editorial piece decrying the deleterious impacts of illegal immigration. Shortly after publication, he was contacted by a group of activists. Through this partnership, Rusty became the treasurer for the landmark Arizona Proposition 200 initiative.

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After the intense battle over the Bush-Kennedy Senate amnesty bill this spring, both parties came away battered and bruised. President Bush's job approval ratings — already abysmally low — continued to plummet, while the only people in Washington less popular with the public than he were the Democratic congressional leadership. After six weeks of adamantly refusing to listen to the public on the subject of immigration reform, suddenly leaders of both parties have become very attentive to the public's wishes.

Democrats: "Comprehensive" Immigration Reform Will Not Be Back for a Long, Long Time

One of the smartest political strategists in Washington is Congressman Rahm Emanuel (D-Ill.), who was the architect of the Democrats' successful effort to retake control of Congress in 2006. Burned by this year's disastrous effort to enact an illegal alien amnesty and guest worker program (a proposal he supports), Emanuel predicted that even if a Democrat is elected to the White House in 2008, another effort at comprehensive immigration reform, i.e. a bill that includes amnesty and guest workers, would not be likely until the second term of the next president.

More immediately, Emanuel, who is a key figure in the House leadership, made it clear that there is no chance that after the Senate debacle that the matter would be taken up in the House for the remainder of this Congress. Emanuel's pronouncement likely means that the House companion bill to the Bush-Kennedy Senate bill, known as the Security Through Regularized Immigration and Vibrant Economy (STRIVE) Act, will not see the light of day this year or next.

The reasoning behind Emanuel's position is clear. The Democrats believe they have an opportunity to not only capture the White House in 2008, but to increase their majorities in both houses of Congress. The idea of amnesty for illegal aliens is so unpopular with the voters especially the swing voters whom the Democrats will need in 2008 that it could jeopardize their chances to take full control of Washington. Moderate Democrats in the Senate revolted against the party's more left-leading leaders to help defeat the Bush-Kennedy amnesty bill in June.

Republicans: Some Born Again Immigration Enforcers in the GOP

Nobody in the Senate was a more passionate advocate of the amnesty-and-guest-workers-first approach to immigration reform than Sen. Lindsey Graham (R-S.C.). For weeks, Graham unleashed vitriolic verbal tirades against everyone and anyone who opposed the Bush-Kennedy legislation. As he continued to be a visible Republican point man on the bill, his approval ratings with voters back home in South Carolina (Graham is up for re-election in 2008) plummeted.

Together with Sen. Mark Pryor (D-Ark.) and with considerable behind the scenes support from Sen. John Cornyn (R-Tex.), Graham authored an amendment to the Department of Homeland Security appropriations bill adding \$3 billion for immigration enforcement. The amendment that was approved by a vote of 89 to 4 by the full Senate includes funds to:

- Hire and train 2,500 additional Customs and Border Protection officers, 6,000 Immigration and Customs Enforcement agents, 1,000 investigators to uncover alien smuggling, 250 Deputy U.S. Marshals, and increase the number of Border Patrol agents to 23,000 over five years.
- Maintain infrastructure along the Southern border, including four unmanned aerial vehicles, 105 ground-based radar towers, 300 miles of vehicle barriers, and 700 miles of border fencing.
- Strengthen federal and local law enforcement capabilities by increasing the number of detention beds to 45,000, requiring mandatory detention of aliens who overstay their visas by 60 days, and reimbursing local governments that participate in 287(g) agreements for assisting in immigration enforcement.

The only person who still seems not to have gotten the message from the American people is President Bush, who immediately issued a veto threat, arguing that the \$3 billion for border and immigration enforcement is fiscally irresponsible.

While the approval of the \$3 billion for immigration and border security is welcome, much more needs to be done in terms of worksite enforcement to make a real dent in the illegal population of the United States. FAIR and other advocates of true immigration reform are also keeping a close eye on matters to ensure that this spending bill is not a Trojan horse intended to clear the way for a renewed effort to promote amnesty under the guise that Congress has honored its commitment to the American people to address enforcement first.

Federal Judge Rules that Law-Abiding Residents of Hazleton Are Out of Luck

Hazleton Mayor Vows to Appeal Decision Striking Down City's Anti-Illegal Immigration Ordinances

In a not unexpected ruling on July 26, Federal Judge James Munley struck down local ordinances adopted by the city of Hazleton, Pennsylvania, aimed at discouraging illegal aliens from settling in that city. Hazleton, like many other American cities, has been plagued by increasing crime and social costs as a result of the federal government's failure to control illegal immigration. In response to the growing community crisis, the city adopted ordinances last year designed to prevent local businesses from employing illegal aliens and local landlords from renting apartments to them.

After Hazleton adopted local measures to discourage illegal aliens from settling in the city, the American Civil Liberties Union (ACLU) and other pro-illegal alien rights groups immediately filed a lawsuit challenging the ordinances on behalf of illegal aliens in the community and businesses that cater to illegal aliens. As often happens in these sorts of cases, the plaintiffs sought out a judge who was sympathetic to their position to hear the case. Mayor Lou Barletta, who has championed this local effort to deal with illegal immigration, has vowed to appeal Judge Munley's decision to the 3rd Circuit Court of Appeals in Philadelphia, and very likely to the U.S. Supreme Court down the road.

Hazleton officials worked closely with FAIR and the Immigration Reform Law Institute (IRLI) to craft ordinances that did not infringe on the federal government's authority over immigration policy. IRLI also played an important advisory role in the legal defense of the Hazleton policies during the trial of the lawsuit in March, and FAIR's special projects director, Jack Martin, provided expert testimony on the impact of illegal immigration on local communities. However, it was clear from the outset that Judge Munley was inclined to strike down the ordinances.

In his ruling, Judge Munley essentially told local communities that until such time as the federal government acts to enforce the immigration laws of this country, local communities are powerless to act to protect themselves from the adverse consequences of the federal government's failures. While controlling illegal immigration is a federal responsibility, providing services and dealing with increased crime as a result of illegal immigration is borne almost exclusively by state and local governments. Thus, the unacceptable practical effect of Judge Munley's ruling is that local governments can do nothing to protect the safety of their residents or their community resources even if the federal government fails to take steps to effectively curtail illegal immigration.

FAIR has long recognized the importance of fighting illegal immigration at the local level. Consequently, we have been devoting time and resources to organizing grassroots activism and working with people in their communities to bring about change from the ground up. In spite of the temporary setback of the ruling in Hazleton, grassroots activity and local ordinances remain a critical part of the strategy to force the federal government to enforce its own immigration laws. That is why we have worked closely with the city of Hazleton and other communities, and why we will continue to assist them as they appeal this ruling.

New Questions Arise About Imprisoned Border Patrol Agents

The cases of two Border Patrol officers, Ignacio Ramos and Jose Alonso Compean, continue to attract attention from Congress and the media for reasons that go far beyond the fate of these two men and their families. Ramos and Compean are serving 11 and 12 year sentences respectively, for wounding an illegal alien Mexican drug smuggler after he attacked them as the Border Patrol officers attempted to arrest him.

The House Foreign Affairs subcommittee held a hearing on July 31 to look into whether the two officers are unjustly serving long prison sentences, and also into the motivation of the Bush Administration to have prosecuted them in the first place.

The Department of Justice declined to allow U.S. Attorney Johnny Sutton, who prosecuted Ramos and Compean, to testify before the subcommittee and answer questions from a growing number of members of Congress who believe that the prosecution was politically motivated. The House hearing followed an earlier one in the Senate.

FAIR was among the first groups in the country to take up the case of Ramos and Compean. Using our extensive contacts with the media, FAIR was able to gain national attention for the two officers, who were seemingly prosecuted for merely doing their jobs and protecting their own lives. In addition to the shocking injustice being done to two exemplary officers and their families, it was apparent that they were being made an example by an administration that does not want Border Patrol agents to enforce our immigration laws. The wives of the two officers were part of FAIR's Hold Their Feet to the Fire event in April where participants in that event raised funds for the officers' defense and to help the families through this difficult time.

As public outrage over the prosecution, conviction and harsh sentences handed out to Ramos and Compean grew, there has been a bipartisan effort in Congress to win a new trial for them, or commute their sentences. Suspicion is also growing among members of Congress that the decision to prosecute Ramos and Compean was a result of pressure from the Mexican government, which has long championed the "right" of illegal aliens to move freely across the border.

One of the key witnesses at the July 31st hearing was Deputy Assistant Secretary of State Charles Shapiro, who denied that his department had any communication with the government of Mexico in this matter but also stated that he could not attest to what sort of contact other departments might have had.

Around the Country

Virginia

In 2005, local immigration reform groups, working closely with FAIR, waged a bitter battle against the mayor and city council of Herndon, who were determined to construct a taxpayer funded illegal alien hiring site despite massive opposition from local residents. We lost that battle in 2005, but in August 2007, we finally won the war. In the May 2006 election, all but one of the local officials who supported the day labor hiring site was swept from office as voters revolted. In August, Fairfax County terminated its contract with Reston Interfaith, a local illegal alien advocacy group that had been running the site. Newly elected city officials are demanding that any new contractor be required to verify the legal status of workers who are hired at the site, which will effectively shut it down.

Arizona

Many of the state-based immigration enforcement initiatives that continue to crop up around the country have their roots in the passage of Proposition 200 in Arizona in 2004, a measure strongly backed by FAIR. That initiative was followed up last November with passage of Proposition 300, which bars illegal aliens from virtually all higher education benefits in the state. Within the first few months that Prop. 300 has been in effect, its impact has been felt across Arizona and has saved local taxpayers millions of dollars. A report by the legislature's Joint Legislative Budget Committee estimates that about 5,000 people in the state have been denied higher education benefits because they were unable to prove that they were legal U.S. residents.

New Jersey

The Garden State has become a hot spot for grassroots immigration reform efforts. Over the past year, FAIR field staff have helped local activists in New Jersey organize in opposition to illegal immigration. Morristown, under the leadership of Mayor Donald Cresitello, has taken steps to have local police enforce immigration laws and is cracking down on landlords who rent to illegal aliens, drawing inevitable fire from the illegal alien advocacy network. In spite of the criticism, Cresitello stuck to his guns and, on July 28, immigration activists from across the New York metropolitan area rallied in support of Morristown's efforts. The popularity of Cresitello's position contrasts with that of New Jersey Gov. Jon Corzine, who announced in early August that he is forming a commission to look into the state's immigration policy, with an eye toward reaching out to illegal aliens.

Georgia

In 2006, FAIR worked with leaders of the Georgia legislature to enact effective new policies against illegal immigration in that state. The legislature passed the landmark legislation and by mid-2007, the new policies were having a significant impact. Police in Georgia now routinely act when, in the course of their normal duties, they come across an individual whom they suspect is an illegal alien. Counties across the state report that the number of illegal aliens being detained in county jails awaiting action by the federal government has increased significantly since these policies have gone into effect.

ACLU Is MIA in New Haven

While the ACLU has vigorously attacked ordinances in communities like Hazleton, Pennsylvania, that have attempted to protect themselves against illegal immigration, arguing that they violate the federal government's exclusive control over immigration policy, the ACLU apparently has no problem with local governments that interfere in immigration policy that favors illegal aliens.

In July, when the city of New Haven, Connecticut, became the first in the nation to decide to issue ID documents to illegal aliens with the express purpose of making it easy for illegal aliens to live and access public services in the city, none of the ACLU's typical concerns about local interference in a federal matter were raised. The city-issued cards are intended to allow illegal aliens to open bank accounts, use city services, and identify themselves to local police with assurance that they will not be reported to federal immigration authorities.

Not only does the ACLU not see New Haven's actions as an infringement on federal authority, but neither seemingly does the U.S. Department of Justice, which has remained silent on the matter. Nor does Connecticut's attorney general apparently believe that New Haven is violating any state laws as he has also declined to take action against the city's overt abetting of illegal aliens.

Pro-Illegal Alien Advocates in Congress Fight On . . . “Under the Radar”

Although pro-illegal alien legislators in Congress had their attempt to enact a sweeping amnesty sharply rebuked by the public, they have not been deterred from their ultimate objective. What appears to be changing is not their goal, but their tactics. Rather than trying to force a massive amnesty down the throats of the public, their strategy now appears to be to break it up into bite-sized pieces in the hopes that the American public will find it easier to swallow or simply not notice.

Amnesty proponents are already pressing ahead with attempts to enact amnesty for illegal alien farm workers and illegal alien students. They are also working to blur the distinction between illegal immigrants and citizens in other areas of public policy. Before the August recess, pro-illegal alien members of Congress attempted some back door maneuvers that would have showered illegal aliens with benefits. A bill to reauthorize the State Children’s Health Insurance Plan (SCHIP) would have relaxed provisions that bar illegal aliens from taking advantage of many public health benefits. However, thanks to the vigilance of Congressman Nathan Deal (R-Ga.), who offered an amendment to strip those provisions from the bill, the House leadership decided to avoid another battle over immigration and removed the provisions from the bill.

Another back-door effort by pro-illegal alien forces nearly scuttled plans by members of the House to head home for the August recess. During debate on an appropriations bill for the Department of Agriculture, Rep. Jerry Lewis (R-Calif.) offered a motion that would have made it clear that illegal aliens would not be eligible for food stamps or housing assistance. After a floor vote on Lewis’ motion, it appeared that it had been adopted. However, as a result of behind the scenes arm-twisting, several members changed their votes, leaving both sides accusing the other of foul play.

These sorts of efforts are precisely what FAIR’s government relations department has been preparing for ever since the defeat of the Bush-Kennedy illegal alien amnesty bill in the Senate. Blocked from achieving their goals in one sweeping piece of legislation, we have been expecting that the pro-illegal alien lobby would attempt to gain benefits for illegal aliens by including smaller provisions in a variety of bills.

When Congress returns to work after Labor Day, FAIR will be watching closely to ensure that pro-illegal alien members cannot use the appropriations process to legislate a slow motion piecemeal amnesty.

Illegal Aliens Respond to Enforcement Efforts by Going Home!

During the recent debate about the illegal alien amnesty bill in the Senate, President Bush and other supporters of amnesty repeatedly asserted that the only choices for dealing with the millions of illegal aliens in this country were mass deportation or mass amnesty. FAIR has always rejected those false choices that amnesty advocates have put before the public.

Even modestly increased enforcement by the federal government, combined with state and local enforcement efforts, are starting to create a reverse migration flow. Illegal aliens are finding it more difficult to find jobs and housing, gain access to benefits and services, and are growing more concerned that they will be apprehended. The response of a growing number of illegal aliens is to essentially deport themselves. A new study by the Pew Hispanic Center finds that the number of illegal aliens entering the country from Mexico since mid-2006 has declined. At the same time, the number of illegal aliens returning to their home countries has increased.

In Colorado, where federal efforts have been bolstered by new state laws, businesses that cater to illegal aliens report that their client base is drying up. More and more illegal aliens — some who have been in the country for years — are returning home. This same phenomenon was documented in Hazleton, Pennsylvania, where even the threat of enforcement convinced many illegal aliens to leave on their own.

FAIR has long advocated a strategy of improved border enforcement, coupled with vigorous interior enforcement, as the best defense against illegal immigration. Making it more difficult to enter the country, combined with tough enforcement against employers and denial of non-essential benefits and services, FAIR has contended, would, over time, reduce the illegal alien population.

As tougher enforcement policies are implemented, albeit inconsistently, across the country, that strategy is proving to be effective. Illegal aliens are responding to even modest improvements in enforcement in an entirely predictable and rational manner: Fewer are coming illegally, and more who are already here illegally are giving up and going home.

The preliminary evidence of the effectiveness of enforcement where it is being implemented around the country should provide a model for a consistent federal enforcement policy implemented everywhere in the country. The local results also justify FAIR's strategy of putting resources into state and local efforts to control illegal immigration. They are providing evidence that the third alternative — the one that President Bush and congressional amnesty supporters do not want the American public to consider — is the most effective strategy for ending mass illegal immigration.

Hazleton Ruling Likely to Have Limited Effect Elsewhere

The ruling by Federal Judge James Munley was a temporary setback for the efforts of one city in Pennsylvania to deal with its illegal immigration crisis, but the decision left intact many other local laws that are already being implemented all across the country. While Hazleton will be forced to wait a while longer to protect itself against unchecked illegal immigration, the ruling will not prevent other state and local government efforts to deal with similar problems from moving forward.

Judge Munley's ruling did not attack local anti-sanctuary policies, such as the ones recently adopted by two counties in northern Virginia. Nor did the ruling find that the Hazleton ordinances violate any constitutionally guaranteed equal protection provision. Thus, local governments have the right to treat illegal aliens differently from others who are present in their communities.

Most importantly, Judge Munley did not rule that the Hazleton ordinances constituted an effort to enforce immigration laws. In helping Hazleton officials to craft the ordinances, FAIR and IRLI were careful to ensure that the measures only regulated commercial activity within the city. The fact that Judge Munley did not find the ordinances to be an impermissible "regulation of immigration," is important not just to Hazleton, but also to statewide policies that have recently been adopted by Georgia, Colorado and Oklahoma.

Lawsuits such as the one filed against Hazleton's ordinances have done little to dampen local enforcement measures. The National Conference of State Legislatures reports that 1,404 immigration-related bills, in all 50 state legislatures, were considered this year, and 170 of them, covering 41 states, were enacted. FAIR is working with local immigration reform groups all across the country to help local citizens work for meaningful immigration reform at the state and local level. In spite of July's ruling in the Hazleton case, FAIR's field staff has detected no loss of enthusiasm for locally based initiatives to deal with the illegal immigration crisis.

We encourage members and activists to contact FAIR's national field director, Susan Tully at stully@fairus.org, to see how you can promote immigration enforcement action in your state or community.

Reformer Corner

Rusty Childress

In early 2003, Rusty Childress, owner of a successful Phoenix-area automobile dealership, penned a scathing editorial piece decrying the deleterious impacts of illegal immigration. Shortly after publication, he was contacted by a group of activists. Through this partnership, Rusty became the treasurer for the landmark Arizona Proposition 200 initiative.

Childress' activism led him to found United for a Sovereign America (USA), which he has utilized as a vehicle to demonstrate the power of citizen lobbying. Their mission is simple: promote the importance of border security and truly comprehensive enforcement of interior immigration laws.

Childress and his fellow activists will do whatever is necessary to promote responsible immigration policies, whether it means lobbying their legislative representatives or rolling up their sleeves and organizing rallies and protests. However, Childress sees his role more as a facilitator in the movement. "Instead of preaching to the choir, we want to empower people to act and take ownership of solutions to this crisis," states Childress.

During the recent amnesty debate in the Senate, there was an intense amount of pressure placed upon Arizona Senator Jon Kyl by this passionate band of activists. Through their close working relationships with State Representatives Russell Pearce and others, USA helped create a groundswell of grassroots and political opposition which, in turn, brought a tremendous amount of pressure to bear upon Senator Kyl.

Although the latest attempt to grant amnesty to illegal aliens has been defeated, Childress and USA are not resting on their laurels and are actively engaged in taking advantage of the momentum from our victory. They are committed to maintaining a constant vigilance and asserting their collective lobbying power when needed. They are also playing a significant role in gathering signatures for two statewide initiatives that would prohibit the establishment of sanctuary cities and also severely punish employers of illegal aliens. To learn more about Rusty Childress and his group of dedicated activists, please visit their website at www.ImmigrationBuzz.com or attend one of their weekly Thursday night meetings in Phoenix.