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FAIR and Proposition 200 Coalition Partners File Suit

Ever since Arizona voters, by a wide margin, approved Proposition 200, last November, Arizona's governor and attorney general have acted to block implementation of key provisions of the measure. Both of them had been vocal opponents of Proposition 200.

Proposition 200 bars illegal aliens in Arizona from accessing any public benefits that they are ineligible to receive under federal law, and requires that people registering to vote present proof that they are U.S. citizens. Although the term "public benefit" is clearly spelled out in federal law, Governor Janet Napolitano and Attorney General Terry Goddard have substituted their own, much narrower, definition of the term that restricts application to less than one percent of Arizona's state-funded public benefits.

Goddard limited the scope of Proposition 200 to a cash assistance program for the disabled, a program for the visually impaired, and one that helps people pay their utility bills. FAIR immediately filed suit challenging the Attorney General's actions. In addition to FAIR, the plaintiffs in the suit include Randy Pullen, chairman of the Yes on Proposition 200 Committee, and long-time immigration reform activists Bob Park, Rusty Childress and Willa Key.

On May 24, FAIR, along with these key supporters of Proposition 200, filed suit in the state Court of Appeals to force Napolitano and Goddard to implement the law as the voters of Arizona intended.

FAIR's staff attorney Michael Hethmon has been a key member of the legal team pressing to have Proposition 200 implemented as the voters intended, and helped draft the complaint filed in the Arizona Court of Appeals. The accompanying legal brief argues that "Although Proposition 200 undeniably deals with state and local benefits, Governor Napolitano's Executive Order 2004-30 limited the December 22, 2004 proclamation of Proposition 200 to state agencies, which only administer state benefits and not local ones."

In issuing her executive order, the brief argues, the governor exceeded her constitutional authority. "The Arizona Constitution does not allow the Governor to proclaim only part of an initiative to be law. Nor does it allow the Governor to abdicate an initiative's meaning to the Arizona Attorney General's opinion. When Governor Napolitano did so, she violated the Arizona Constitution and abused the discretion entrusted to her by the Arizona electorate and Arizona Constitution."

FAIR played a pivotal role in gathering the signatures necessary to get Proposition 200 on the November 2004 ballot and worked with local activists to gain voter approval of the measure. Since then, FAIR has taken a leading role in defending the initiative against legal challenges from illegal alien advocacy groups.

Arizona Governor Continues to Thumb Her Nose at the Voters

When Arizona voters went to the polls last November and approved Proposition 200, they made it clear that they did not want their tax dollars used to provide benefits to illegal aliens and that they wanted to protect the integrity of the voter registration process. Apparently this was not clear enough for Governor Janet Napolitano.

In May, the governor vetoed legislation that would have required counties and cities in Arizona to deny benefits to illegal aliens, and a requirement that people present proof of citizenship when they register to vote. To put an exclamation point on her disregard for the will of the majority of Arizonans, the governor also vetoed a bill that would have allowed Arizona law enforcement agencies to arrest and detain suspected illegal immigrants, even though federal law expressly permits that sort of local cooperation.

In recent months, Napolitano has also vetoed measures that would have barred acceptance of the Mexican *matricula* consular card as a valid ID, and a bill declaring English to be the official language of the state.

Kennedy and McCain Unveil Amnesty Proposal

Legislators Set the Value of U.S. Citizenship at \$2,000

Senators Edward Kennedy (D-Mass.) and John McCain (R-Ariz.) unveiled a sweeping illegal alien amnesty proposal, called the Secure America and Orderly Immigration Act of 2005, at a Capitol Hill press conference on May 12. The senators were joined by key House supporters, Reps. Jeff Flake and Jim Kolbe, both Arizona Republicans, and Illinois Democrat Luis Gutierrez.

The Kennedy-McCain bill would allow the estimated 12 million illegal aliens currently in the U.S. to become “guest workers” by paying a \$2,000 “fine” for having violated our immigration laws. Under the plan, these “guest workers” would be allowed to become permanent U.S. residents and placed on the path to full citizenship. In addition to a massive illegal alien amnesty, the Secure America and Orderly Immigration Act creates 400,000 new guest workers every year, who will be permitted to remain in the country for up to six years and be able to obtain permanent residence.

The Kennedy-McCain bill was warmly embraced by cheap-labor interests and illegal alien advocacy groups, but is expected to meet fierce opposition from an American public that has grown alarmed by mass illegal immigration. The legislation is also expected to meet strong resistance in the House of Representatives. Another prominent Arizona Republican, Representative J.D. Hayworth, expressed the sentiments of many in the House, calling the Secure America and Orderly Immigration Act “a transparent amnesty reward for illegal aliens.” Hayworth predicted the bill would not garner the necessary support to be approved by Congress.

In addition to the estimated 12 million illegal aliens already here, beneficiaries of the Kennedy-McCain amnesty would include family members who currently are outside the country. Based on the track record of previous illegal alien amnesties, millions more would be expected to gain legal residence in the U.S.

FAIR: Kennedy-McCain Amnesty Wrong, Dangerous and Expensive

If members of the U.S. Senate were taken aback by the intensity of the Hold Their Feet to the Fire campaign to ensure passage of the REAL ID Act, they are likely to be blown away by public opposition to the Kennedy-McCain illegal alien amnesty bill.

FAIR's analysis of the Secure America and Orderly Immigration Act of 2005, indicates it will neither secure America nor promote orderly immigration. In fact, it will promote greater disrespect for our laws, greater threats to our homeland security, and bankrupt communities all across the U.S. FAIR has argued strongly against amnesty for illegal aliens, publishing articles and opinion columns and appearing in the media to educate the American public of the consequences of amnesty.

According to FAIR, Kennedy-McCain:

- Violates Congress' firm 1986 pledge that amnesty for illegal aliens would never be repeated;
- Makes America less secure, as terrorists, criminals and other undesirables will be tempted to take advantage of a chaotic amnesty process;
- Invites massive fraud, as millions of people from all over the world will file false claims that are unlikely to be detected by an overwhelmed bureaucracy;
- Will promote massive U.S. population growth, as amnesty recipients will eventually become eligible to sponsor endless chains of relatives;
- Will promote a new wave of illegal immigration as relatives of amnesty recipients will arrive and "wait their turn" in this country, and millions more will arrive in the expectation that more amnesties will follow;
- Will impose enormous new cost burdens on local communities, as millions of relatives crowd already overwhelmed public schools, hospitals and other public services.

Educating the Children of Illegal Aliens Comes with \$28.6 Billion Price Tag

With the traditional end of the school year, the Federation for American Immigration Reform (FAIR) has updated its study of the impact of illegal immigration on America's public schools. [*Breaking the Piggy Bank: How Illegal Immigration Is Sending Schools Into the Red*](#) estimates that nationwide, the cost of educating the children of illegal aliens in the U.S. now runs an astonishing \$28.6 billion.

Six states now spend in excess of \$1 billion annually on education for the children of illegal aliens, with California leading the way at \$7.7 billion. Children in the nation's public schools who are themselves illegal aliens, or who are the U.S.-born children of illegal aliens, now number about 3.5 million.

Around the Country

One of the key issues that FAIR has been working on with local activist groups is opposing efforts to grant in-state tuition benefits to illegal aliens at public universities and colleges. FAIR has also filed a landmark lawsuit challenging an existing in-state tuition law in Kansas. This already has proven to have the intended chilling effect of discouraging efforts in other states to spend taxpayer money in support of illegal aliens attending state-run institutions of higher education.

CALIFORNIA

It's Back...Legislator Offers New Bill To Grant Driver's Licenses to Illegal Aliens

Neither rain, nor sleet, nor act of Congress can deter State Senator Gil Cedillo from offering legislation to grant California illegal aliens driver's licenses. Before the ink was dry on the REAL ID Act, approved by the U.S. Congress and signed by President Bush, which requires states to verify driver's license applicants' immigration status, Cedillo introduced S.B. 60, claiming that the federal law authorizes the issuance of licenses to illegal aliens.

At a May 19 hearing before the Senate Transportation Committee, FAIR's Western Regional Field Director Rick Oltman, disputed Cedillo's contention. Oltman warned members of the committee issuing "driving certificates" to illegal aliens would invite criminal aliens and even terrorists to take advantage of a state-issued identity document. FAIR has helped mount powerful public opposition to Cedillo's efforts to grant licenses to illegal aliens in the past.

Also testifying against S.B. 60 was Sacramento radio talk show host Mark Williams, one of the 18 hosts who broadcast his program from Washington, D.C., during April's Hold Their Feet to the Fire event. Williams warned legislators that they would be bucking growing public discontent by approving the bill.

MINNESOTA AND NEBRASKA

A network of immigration reform activist groups that FAIR helped educate and inform in the Midwest in recent years has successfully fought back efforts to impose in-state tuition benefits to illegal aliens in Minnesota and Nebraska. Strong opposition from local groups in these states helped persuade both legislatures to postpone consideration of in-state tuition bills until FAIR's Kansas lawsuit is decided.

OKLAHOMA

Legislature Introduces Resolution Supporting Border Enforcement Oklahoma is another state where FAIR has actively worked to organize local immigration reform activist groups. In May, the state legislature introduced a resolution urging the President and Congress to take all necessary steps to secure America's borders. Cited specifically in the text of state Resolution 1046, are FAIR's research findings that educate the American public about the growing costs of illegal immigration:

"WHEREAS, the Federation for American Immigration Reform estimated in 2003 that the cost of K-12 education for illegal alien children is at least \$7.4 billion annually and the uncompensated medical costs related to unauthorized immigrants exceeds \$1 billion each year."

CONNECTICUT

In the aftermath of the 9/11 attacks that took the lives of many Connecticut residents who worked at the World Trade Center, FAIR has worked to help volunteers get organized and informed about local immigration issues. In May, the efforts of Connecticut activists to organize opposition to an in-state tuition bill in Hartford paid off, as the Connecticut House of Representatives defeated an in-state tuition bill 77-65.

FLORIDA

Floridians for Immigration Enforcement, a highly effective local activist group that has worked closely with FAIR, organized public opposition to a Florida in-state tuition bill. Bills in both the State House and State Senate died in committee. Declaring victory on their web site, Floridians for Immigration Enforcement cited FAIR's Kansas law suit as one of the key reasons the bills were defeated.

FAIR's Immigration Summit Draws Midwestern and Southern Immigration Reform Activists

Immigration reform activists from across the Midwest and South met in Nashville, Tennessee, on May 7 to plot strategy for the future growth of the movement. The Nashville summit, coming on the heels of a regional meeting in Chicago and the national Hold Their Feet to the Fire campaign in Washington, provides further evidence that immigration reform is becoming a burning issue in all areas of the country.

Activists from Georgia, South Carolina, North Carolina, Missouri, Kansas, Oklahoma, Arkansas, Alabama and Michigan heard from prominent political leaders and media personalities. Tennessee Congresswoman Marsha Blackburn spoke to the summit, as did Kris Kobach, the lead attorney in FAIR's lawsuit challenging Kansas' in-state tuition law, and Nashville talk show host Phil Valentine.

The Immigration Summit was organized by FAIR, and hosted by Midwest Field Director Susan Tully.

Black Americans Have Often Been the First Victims of Mass Immigration

While mass immigration has always been the bane of American workers seeking to get ahead, throughout history it has been blacks who have been hurt most. During the great European wave of immigration in the late 19th and early 20th centuries, black leaders were at the forefront of those calling for a halt to the mass influx. Men such as Booker T. Washington, W.E.B. Du Bois, and A. Philip Randolph wrote and spoke passionately about how mass immigration was denying blacks the opportunity to find gainful employment in America's industrial cities.

The greatest period of economic advancement for blacks came during the decades after the Great Depression, when economic expansion and low levels of immigration combined to make black workers an essential and productive part of the economy. The reemergence of mass immigration, beginning in the 1970s, has once again hit blacks hardest.

This time, however, America's black leadership has remained largely silent to the impact of mass legal and illegal immigration on blacks, complains nationally syndicated columnist Clarence Page. Page writes, "Today, largely in pursuit of political solidarity across ethnic lines, it is hard to find a major black politician or civil rights leader who will call for reducing illegal immigrants, let alone scaling back legal immigration ...We deserve better than that as a nation. But, if the civil rights community and the Congressional Black Caucus, just for starters, do not give voice to the concerns of American workers who are left behind in yet another immigration wave, who will?"

Immigration Litigation in the Public Interest

For more than 30 years the immigration trial lawyers bar has dominated court decisions on immigration matters. The open border bar is dedicated to the proposition that U.S. immigration law exists for the benefit of the intending immigrants only, and that everyone seeking residency in the United States—distant relatives of recent immigrants, foreign students, temporary workers, illegal aliens, and criminal aliens alike—is entitled to the full benefits of American jurisprudence, even to the point where the system becomes dysfunctional. As one former INS lawyer famously put it, “The case doesn’t end until the alien wins.”

FAIR believes that U.S. immigration law exists to protect the interests of America and her citizens, and we are determined to end open-border dominance in the courts. Your contribution to FAIR today will help balance the scales to reflect the American interest in immigration policy in the courts, in media coverage, in the U.S. Congress and state legislatures, and in communities around the nation.

Racist Remark by Mexican President Vicente Fox Stirs Outrage on Both Sides of the Border

Suggesting that Mexicans in the U.S. "are doing jobs that not even blacks want to do there in the United States," President Vicente Fox caused outrage both in Mexico and the U.S. Fox's remarks came at a time of growing tensions between Latinos and blacks that have sparked violent confrontations in Los Angeles high schools.

Condemned by the press in his own country, who termed his statement "racist," and from blacks in the U.S., the Mexican foreign ministry quickly apologized. "If anyone felt offended by the statement, I offer apologies on behalf of my government," said the Mexican assistant foreign secretary. Fox himself, however, refused to offer a direct apology, when challenged to do so by Jesse Jackson on a Chicago radio program. Fox, instead, insisted that his remarks had been misinterpreted. In his meetings with Jackson and other prominent blacks, Fox sought to enlist their support for amnesty and open access to the U.S. labor markets by Mexican workers.

No formal protest of Fox's remarks was lodged by the Bush Administration. White House spokesman Scott McClellan said that the administration considered the matter closed. That did not stop the Mexican government from formally protesting U.S. efforts to enforce immigration laws. In a letter to the State Department, the Fox Administration protested provisions of the REAL ID Act that allow for the completion of the border fence, and require states to verify an applicant's immigration status before issuing driver's licenses.

U.S. Must Prove Fox Is Wrong, Says FAIR

While Mexican President Vicente Fox's words may have crossed the line of acceptable speech from a public figure, the sentiments he expressed are, unfortunately, widespread. FAIR has argued for years that the systematic replacement of U.S. workers, often black workers, by illegal aliens is a subtle form of racism that has been tacitly accepted by our government. Blacks, like other Americans, are eager and productive workers who are being denied an opportunity to earn a living wage because employers have been permitted to hire millions of illegal aliens who are willing to work for much lower wages.

Recent data from highly reliable sources bear out FAIR's contention that there are few, if any, "jobs Americans will not do," but rather they offer wages Americans will not accept.

A January 2005 report by the investment firm Bear Stearns found that between 4 and 6 million jobs that Americans used to do as recently as the 1990s are now held by illegal aliens.

A February 2005 report from Columbia University found that American workers are losing \$68 billion a year in wages because of illegal aliens in the labor force.

A May report by the Pew Hispanic Center found that in spite of an overall increase in jobs in the U.S., unemployment increased among all racial and ethnic groups except Hispanics. However, because of the mass influx of illegal Hispanic workers, wages for Hispanic workers in the U.S. have declined by about 5 percent in the past two years.

Rather than merely condemning Fox for his racist remarks, FAIR has called upon the U.S. government to prove that American workers, regardless of the color of their skin, are prepared to do any job that needs to be done. Giving all U.S. workers an opportunity to work requires that the government control our borders and vigorously enforce laws against employers who are denying jobs to U.S. workers by hiring illegal aliens.

Alleged Murderer Arrested After "Feet to the Fire" Event Highlights Case

The benefits of the recent Hold Their Feet to the Fire event organized by FAIR and San Diego radio talk show host Roger Hedgecock will be felt in the weeks, months and years to come, as the cause of immigration reform gains political momentum. But one immediate benefit of Feet to the Fire is closure for one family whose son was murdered in 1997, and whose alleged killer has been hiding out in Mexico. The mother of murdered 16-year-old high school wrestler Alan Doyle, Tonna Rizzi, came to Washington for Feet to the Fire. While there, she told her family's tragedy on the John & Ken program, which airs on KFI Radio in Los Angeles. Within a few days of Ms. Rizzi's appearance on John & Ken, her son's alleged murderer, who had found safe haven in Mexico for more than seven years, was taken into custody in Riverside, California.