

# February 2006

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# Sensenbrenner's Immigration Enforcement Bill Passes the House

## Approval Challenges Senate to Match Effort at Protecting Homeland Security and American Workers

By a 239-182 vote the House of Representatives approved the Border Protection, Antiterrorism and Illegal Immigration Control Act, H.R. 4437, on December 16. The legislation, authored by Judiciary Committee Chairman James Sensenbrenner (R-Wis.), would make improvements in this nation's ability to control rampant illegal immigration.

H.R. 4437 calls for a variety of steps to rein-in mass illegal immigration. At the southern border, the legislation authorizes construction of an additional 700 miles of security fencing, similar to the highly effective barrier already in place in the San Diego area. The bill would also require implementation of an electronic verification system to be used by all employers to ensure that the workers they hire are legal residents. Failure to comply with the verification procedure could result in fines of up to \$7,000 per violation for a first offense and as high as \$40,000 the third time an employer gets caught hiring illegal aliens.

Illegal aliens themselves would also face stiffer penalties for violating U.S. immigration laws under H.R. 4437. Illegal entry, now considered a misdemeanor offense, would become a felony and illegal aliens could receive jail time for immigration violations.

Sensenbrenner successfully resisted efforts from open borders advocacy groups and cheap labor interests to include amnesty and guest worker provisions in his bill. Some provisions, favored by FAIR and other immigration reform advocates were also omitted from the final version of the bill. An amendment introduced by Rep. Nathan Deal (R-Ga.) that would have denied birthright citizenship to the U.S.-born children of illegal aliens, and another one that would have denied businesses that employ illegal aliens the right to deduct those workers as a legitimate business expense on their taxes, were stripped from the final language.

The focus now shifts to the Senate, which must also pass an immigration enforcement bill before it can be sent to the president for his signature. The Senate is expected to take up immigration matters in February, but the prospects for an enforcement-only bill are less favorable than in the House. While Senate Majority Leader Bill Frist (R-Tenn.) has offered legislation similar to the Sensenbrenner House bill, it is widely believed what comes out of the Senate will look more like the McCain-Kennedy legislation that includes a massive guest worker amnesty program. The plan among open borders Senators, who also have the backing of the Bush administration, is to pass their guest worker amnesty bill then combine theirs with the Sensenbrenner bill in a conference committee.

The House bill, H.R. 4437, is significantly weaker than the True Comprehensive Reform measure introduced by Representatives Duncan Hunter (R-Calif.) and Virgil Goode (R-Va.), favored by FAIR.

FAIR will steadfastly oppose any effort to approve a guest worker amnesty bill in the Senate committee. Any legislation that bestows legal status on millions of illegal aliens, even in the guise of a “temporary worker” program, is an amnesty that most Americans oppose on principle. Moreover, a massive guest worker program is unwarranted by current economic and labor conditions and will harm American workers.

An immigration enforcement bill that is “balanced” by guest worker amnesty provisions is inherently dishonest. As in every instance in the past, what will inevitably happen is that illegal aliens will get their amnesty, cheap labor employers will get access to millions of low-wage foreign workers, while the American people will get a pack of empty promises.

# Students Sue California Over Illegal In-State Tuition Policy

## Class Action Suit Could Benefit 60,000 American Students

A \$3.5 billion class action lawsuit was filed in Yolo County, California, on December 14 against the three governing entities that run the state's public universities and colleges. The suit charges that policies enacted in 2001, granting in-state tuition benefits to illegal aliens attending public institutions of higher education, while denying those same benefits to out-of-state U.S. citizens, are both unlawful and unconstitutional.

The case was filed by attorney Michael J. Brady of the Redwood City law firm of Ropers, Majeski, Kohn & Bentley and co-counsel Kris Kobach, a professor of law at the University of Missouri Law School in Kansas City. Prof. Kobach, a former high-ranking official of the U.S. Department of Justice, is also the lead attorney in a case challenging similar in-state tuition policies in Kansas. FAIR's Legal Department is involved in both the California and Kansas cases and FAIR's Media Department helped generate national and international media coverage of the filing of the suit, and a press conference on the steps of the State Capitol in Sacramento.

Under legislation approved by the California legislature in 2001 and signed by former Governor Gray Davis, illegal aliens who have attended a high school in the state for at least three years are eligible to receive taxpayer subsidized in-state tuition at California State universities and community colleges. The University of California Board of Regents administratively extended the same benefits to illegal aliens attending the top tier University of California campuses. Out-of-state students at the ten University of California schools pay an average of \$24,589 per year, while the average in-state tuition cost is \$6,769 per year.

A 1996 federal law, 8 U.S.C § 1623, explicitly states that no state may grant resident status to an illegal alien living in that state and attending a public college or university unless the state grants the same benefit to all out-of-state students attending those public colleges or universities. The plaintiffs also contend that the California policy also violates the equal protection clause of the U.S. constitution.

An estimated 60,000 U.S. citizen students, on more than 150 campuses around the state are being forced to pay higher tuition rates than those afforded to illegal aliens under California's illegal policy. The suit seeks to force the state to reimburse these U.S. citizen students for the additional tuition they were forced to pay in violation of federal law. That amount is estimated to run into the hundreds of millions of dollars.

The State of California instituted its policy of granting in-state tuition benefits, while denying those same benefits to non-resident U.S. citizens, with the clear knowledge that the policy violated federal law. When then-Governor Davis vetoed an earlier version of the in-state tuition bill in 2000, he asserted that he believed the policy was illegal. Moreover, before administratively adopting the policy for the U.C. schools, the Board of Regents asked the legislature to grant them immunity from prosecution — a clear indication they, too, believed the policy was unlawful.

In 2000 and 2001, FAIR was at the forefront of the opposition to AB 540, the bill that instituted California's in-state tuition for illegal aliens policy. FAIR warned that, in addition to providing unwarranted rewards to people who violated U.S. immigration laws, the policy itself could open the state to precisely the type of suit that it is now facing. FAIR, working closely with Prof. Kobach, helped draft the suit challenging Kansas' in-state tuition policy. That case was dismissed on a legal technicality and is currently under appeal before the federal Tenth Circuit Court of Appeals in Denver.

The challenge to California's in-state tuition policy is the latest and most highly publicized effort to use the legal system to force state and local governments to comply with U.S. immigration laws. FAIR has been encouraging these efforts and has lent support to local efforts to ensure that the rights and interests of law-abiding citizens are not trampled by activist politicians. Challenging policies that violate federal immigration laws has become an increasingly important part of FAIR's efforts to promote true comprehensive immigration reform.

# Top Ten Reasons to Oppose a New Guest Worker Amnesty Program

(With Apologies to David Letterman)

## Reason 10

A guest worker amnesty program will perpetuate noncompetitive business practices. Because of the ready availability of low-wage foreign workers, many businesses have lacked the incentive to modernize and make capital investments that would make them more competitive in a global economy.

## Reason 9

Cheap labor isn't cheap; it's subsidized. Neither President Bush, nor guest worker proponents in Congress have produced a plan to pay for the billions of dollars in social costs that will be required to fund education, health care, housing and other human needs for a vast new influx of guest workers.

## Reason 8

They won't be guests. If the government is reluctant to compel millions of outright illegal aliens who are living here to leave, can we seriously expect that they will be firm with guest workers when their visas or work authorizations expire? There is no rational reason to expect that our "guests" will ever go home.

## Reason 7

The government can't even manage the current immigration work load. By all accounts, current guest worker programs are riddled with fraud perpetrated by both the employers and the workers themselves. Does anyone seriously believe that the government will be able to verify business claims of worker shortages, or do adequate background checks on millions of new guest workers?

## Reason 6

You can't solve the problems of illegal immigration by declaring it legal. The reason we set limits on immigration is because it has an impact on American workers and communities. Providing more "legal avenues" for people who want to come here to work will not change the effect that these workers have on people and institutions in this country.

## Reason 5

More guest workers will not stop illegal immigration. History has demonstrated that the more people we admit through some form of legal immigration, the more illegal immigration is generated. We can never have a guest worker program large enough to satisfy the desires of people in other countries who wish to come here. Nor do we have any reason to believe that the government will enforce laws against illegal immigration, even if we institute a new guest worker program.

## Reason 4

Low-skilled labor is not compatible with America's 21st century economic objectives. Everyone acknowledges that we need to improve our job skills level as a nation if we are to maintain a competitive edge in the global 21st century economy. The guest worker proposals favored by the Bush administration and others would vastly increase our pool of low-skill workers.

### **Reason 3**

Americans oppose a massive new guest worker amnesty program. A recent Zogby poll found that 56 percent of Americans oppose President Bush's proposal for an expanded guest worker program.

### **Reason 2**

There are no jobs Americans won't do. American workers are willing to do just about any job that needs to be done. The recent West Virginia mining tragedy reminds us that millions of Americans go to work every day doing difficult, even dangerous jobs so that they can provide for themselves and their families.

### **Reason 1**

There is no labor shortage, rather a shortage of employers who feel they should have to pay decent wages. Most of the jobs that supposedly Americans will not do were, until recently, done by Americans, albeit at higher wages. Without a constant influx of lower wage foreign workers, millions of unemployed, marginally employed, and occasionally employed Americans could once again become fully employed at decent living wages.

FAIR's Top Ten list perhaps lacks the wit of David Letterman's, but the president's guest worker amnesty plan is anything but funny to millions of Americans who will be driven into poverty if it should become law.



## Chertoff Plays a Larger Role as Point Man on Guest Worker Amnesty Program

Homeland Security Secretary Michael Chertoff is assuming a higher profile role as the Bush administration gears up for a full-scale effort to enact an illegal alien amnesty and increase the admission of foreign guest workers. Since mid-December, when the Department of Homeland Security launched Operation Streamline II, Secretary Chertoff has made several highly publicized trips to the border and to communities along the border struggling to cope with mass illegal immigration.

At each of the stops and during each media appearance, Chertoff's message combined tough talk about enforcement, invariably followed by the caveat that immigration enforcement is not possible without "legal channels" for foreign workers to enter the U.S. In an effort to demonstrate the Bush administration's "commitment" to controlling illegal immigration, Chertoff emphasized the modest increases have been made in the manpower of the Border Patrol, and reiterated pledges to end the so-called "catch and release" policy, add detention beds, increase interior enforcement, institute more comprehensive cooperation with local law enforcement agencies, and prosecute those involved in the human smuggling trade.

However, all the tough talk on enforcement appears to be intended to provide cover for the administration's effort to grant amnesty to the estimated 11 million illegal aliens living in the U.S. and open the flood gates to unlimited numbers of new guest workers. After ticking off the administration's list of promised enforcement measures at each stop along his border tour, Chertoff immediately added that they are all conditional on providing would-be illegal aliens a legal means to enter the country, ostensibly as guest workers.

As we enter this critical congressional session, the Bush administration's public relations offensive is becoming clear. Their strategy is designed to convince an American public, increasingly agitated by mass illegal immigration, the administration is serious about controlling the problem while reassuring business and ethnic interest groups that very little will really change. Legislatively this plan entails passage of a guest worker amnesty bill in the Senate that will then be combined with H.R. 4437, the House enforcement measure approved in December.

FAIR has been working to counter the administration's disinformation campaign. Working with supporters in Congress and in countless media appearances, FAIR is engaged in an effort to educate the American public about the true nature of the administration's effort. Decades of history have shown that when enforcement is "balanced" with benefits for illegal aliens, enforcement is never carried through. While Chertoff has been touring the country and making the rounds of TV and radio news programs, FAIR has been closely shadowing him making it clear to the American public that what the administration is proposing will result in millions of illegal aliens receiving amnesty, millions more guest workers being admitted, and little but empty promises for the American people.

## Around the Country

### Georgia

In a state with an active and growing grassroots immigration reform movement FAIR helped develop, the effort is beginning to pay dividends. Partly as a consequence of the work of reformers, this year's legislative calendar contains a bill by State Senator Chip Rogers barring illegal aliens from receiving in-state tuition benefits at public colleges and universities. Currently, the policy is decided by the Board of Regents which is why a state law is required. According to Board Associate Vice Chancellor Arlethia Perry-Johnson, the Regents grant in-state benefits to anyone who has lived in Georgia for more than a year unless the student asks for a visa. In other words, you can play by the rules and pay \$16,848 a year in tuition, or you can break the law and pay \$4,628. You decide.

### Arizona

The reverberations from the 2004 voter-approved initiative, Proposition 200, continue to echo throughout state politics in Arizona. In her January State of the State Address Gov. Janet Napolitano laid out her proposals for dealing with the ongoing crisis in Arizona. The real test will come from the state legislature, which is expected to send a host of measures to her desk, including several Gov. Napolitano vetoed last year. These include adding Arizona to the list of states whose law enforcement officers receive training in identifying and detaining suspected illegal aliens, barring illegal aliens from in-state tuition benefits, and ending acceptance of foreign consular IDs all approved by the legislature and vetoed by Napolitano in 2005. An extensive network of grassroots reform groups in Arizona will be pressing for ratification of these and other get-tough measures in 2006 — a gubernatorial election year.

### New Hampshire

In the Granite State politicians are beginning to respond to public demands for action to control illegal immigration. Last year a local sheriff made news by citing illegal aliens for trespassing. This year, leaders of the state legislature are focusing on steps that would allow New Hampshire to deal more effectively with illegal immigration. State Senate Majority Leader Bob Clegg, Senate President Ted Gatsas, and Senator Dick Green have a packet of bills they intend to bring before the legislature in 2006. Sen. Green proposes a bill that would give the state the authority to investigate and fine employers who hire illegal aliens. Sen. Clegg noted a case in which an illegal alien ran up a \$200,000 hospital bill. Illegal aliens "come in, they get medical care, they don't have insurance, they aren't paying into the system," he complained. As the motto on the license plates states: "Live Free or Die."

### Minnesota

Governor Tim Pawlenty kicked off the new year by announcing a new commitment on the part of the state to get tough on illegal immigration. Minnesota will join a growing list of states whose law enforcement officers will receive federal training to identify and detain suspected illegal aliens. The proposed 10-member task force would focus on illegal aliens engaged in criminal activities. Gov. Pawlenty also proposed making an administrative ban on issuing driver's licenses to illegal aliens permanent, a crackdown on the trafficking of fraudulent documents, and overriding local sanctuary policies.

### Colorado

Immigration could be the hottest topic in Colorado politics this year. Reform groups, many of which worked with FAIR, announced efforts to place an initiative on the November ballot limiting access by illegal aliens to state benefits and services. The effort is being supported by the state's former governor, Richard Lamm, who is Chairman of FAIR's Board of Advisors. In addition, a host of bills will be taken up in the Colorado legislature this year. These include: state police trained in immigration enforcement; bar illegal aliens from receiving worker's compensation; collecting citizenship information when parents enroll kids in public schools, require the revocation of business licenses from companies that hire illegal aliens and barring such businesses from obtaining state contracts.

## In-State Tuition Bill Defeated in Massachusetts

With lawsuits pending in Kansas and California over those states' policy of granting tuition benefits to illegal aliens, and amid a groundswell of public opposition, the Massachusetts State Legislature handily defeated an in-state tuition bill of its own. By a 96-57 vote, the State House rejected a proposal that would have allowed illegal aliens attending public universities in Massachusetts to pay half the tuition charged to out-of-state students.

Members of both parties reported their offices were flooded with calls from constituents urging them to oppose in-state tuition for illegal aliens. House Speaker Salvatore F. DiMasi, a supporter of the bill, refused to pressure colleagues to vote in favor of the bill, recognizing that public opinion was so strongly against the policy that it could cost members their seats in the next election. "I don't want to force people to vote for something that will harm them in their districts," said DiMasi.

The defeat of in-state tuition is an important victory for grassroots immigration reformers. Initially, "there seemed to be a groundswell of support" in the legislature for giving tuition discounts to illegal aliens, observed Robert Casimiro, Executive Director of the Massachusetts Coalition for Immigration Reform. "But you listen to these talk shows and all these people are calling in, and they're vehemently opposed to it."

Any defeat of legislation to grant benefits and privileges to illegal aliens is an important victory for the immigration reform movement. But a lopsided vote against in-state tuition for illegal aliens in Massachusetts — home state of illegal alien champion Sen. Edward Kennedy — is an indication of just how strong public support for immigration enforcement has become in the past few years.

This important victory for our side in the Massachusetts legislature is also evidence that activism makes a difference. It is easy sometimes to get discouraged and believe your phone call or email is not going to make a difference. They do! If the immigration reform movement can win in Massachusetts, then we can win important battles anywhere, including the United States Senate.

# How Do You Like Them Apples?

## **Washington Fruit Company Agrees to Pay \$1.3 Million Fine for Employing Illegal Aliens**

Because the government refuses to protect American workers by enforcing employer sanctions laws, citizens are forced to take action on their own. An innovative approach has been developed by Chicago-based attorney Howard Foster, who has worked closely with FAIR, to apply the Racketeer Influenced and Corrupt Organizations, or RICO, statutes against companies that knowingly hire illegal aliens in an effort to undercut the wages of legal workers.

In a case brought by Foster, the Zirkle Fruit Company of Selah, Washington, was found guilty under the RICO statute for its pattern and practice of hiring thousands of illegal aliens. That conviction was upheld by the normally illegal alien friendly Ninth Circuit Court of Appeals in San Francisco. In December, Zirkle decided to give up any further appeal of the case and agreed to pay \$1.3 million in damages.

The Zirkle case is an important and encouraging legal precedent, and a major reason FAIR is proud of our litigation program. Companies hire illegal aliens with impunity because it is profitable, and there is little chance the government will take action. Even if the government takes action the penalties amount to little more than a slap on the wrists. A \$1.3 million fine is certainly no slap on the wrist. This, and similar cases, are proving the courts can be an effective avenue to achieving the immigration enforcement that Congress and the administration refuse to carry out.

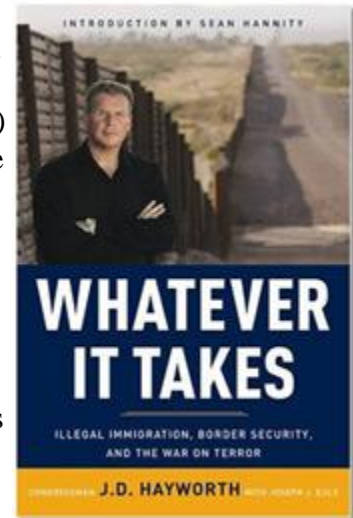
## Book Review

### *Whatever It Takes*

Author, J.D. Hayworth

There are a handful of brave souls in Congress waging the good fight and doing whatever it takes to bring some semblance of order to our nation's immigration policies. Congressman J.D. Hayworth (R-Ariz.) must certainly be included among this elite group of legislators, as he has used not only his position in Congress, but the communications talents he honed as a radio talk show host to raise national awareness of the crisis this country is facing.

His new book, *Whatever It Takes: Illegal Immigration, Border Security, and the War on Terror*, (Regnery Publishing, Inc.) pulls no punches and spares neither political party in its indictment of policies that threaten the security and unity of the nation, and the livelihoods of millions of Americans. In his book, Hayworth examines each of the arguments put forth by open borders advocates on both the political left and right, and meticulously exposes the fallacies, if not the outright self-interest in each of them. The timing of the publication of *Whatever It Takes* could not be better, as the book hits the shelves just as Congress is about to take up legislation that can either correct the immigration path this nation has taken over the past 30 years, or send us over the edge.



Hayworth has some harsh warnings for the unrestrained free market globalists who consider the nation-state an anachronism. The price of cheap labor in both economic terms and in terms of the social cohesion that has provided fertile soil for a health and vibrant economy to grow is prohibitive. While the Wall Street Journal waxes poetic in editorials with titles like “In Praise of the Huddled Masses,” and expounds the belief that every immigrant is imbued with an irrepressible entrepreneurial spirit, reality is far different. Today's immigrants, disproportionately uneducated and unskilled are more likely to be a net drain on the economy than net contributors. Moreover, Hayworth recognizes a nation is not merely an economy. What used to be thought of as the Americanization of new immigrants “has given way to an insidious multiculturalism, the noxious idea that all cultures are equally valid and equally worthy,” he writes.

His criticism of those on the political left is less surprising, but no less scathing. The far left, using political correctness as a cover, is using mass immigration to promote its radical multicultural agenda. That agenda will certainly take this nation down the road that we have witnessed in France in recent months. “The Islamists who rioted outside Paris last year weren't merely ‘disadvantaged youths’ demanding more welfare,” Hayworth warns. “They were demanding that parts of France be recognized as Islamic territory and that French law be replaced with Islamic law...How much different are these radical Islamists from the Mexican politicians who push for a Mexico without borders and undermine our efforts at assimilation?”

Perhaps the most important chapter for his colleagues in Congress to read as they take up what promises to be an intense debate about the future of immigration policy is the one simply entitled: “Guest Worker=Amnesty=Surrender.” Hayworth observes correctly that what President

Bush and some in the Senate are preparing to do will create “facts on the ground” that will be difficult, if not downright impossible to undo. Once the millions of illegal aliens are magically transformed into “guest workers,” and millions more “guest workers” pour through the open gates, they will become permanent “facts on the ground.” “Even if you accept the dubious assumption that the federal government is capable of administering a guest worker program, shouldn’t the government first prove that it has the will to strictly enforce our immigration laws?” Hayworth asks.

That, of course, is what used to be known as the \$64 question. As we enter the debate about the future of American immigration policy, it might more accurately be called the \$64 billion question, which is actually less than illegal immigration costs the federal government each year.

Published by Regnery Press, *Whatever It Takes* is available at leading bookstores, or at amazon.com and other leading online bookstores.

## From the Hill

### *Make or Break Time for Immigration in Congress*

With Congress back from the holidays, the second session of the 109th Congress is poised to renew debate on controlling the borders and bringing an end to illegal immigration. As readers of these pages well know, the House passed a bill in mid December that purports to get tough on illegal immigration without adding any guest worker or amnesty provisions. This much is satisfying, but the House bill could and should have been stronger. Only the TRUE Enforcement and Border Control Act, H.R. 4313, aims directly at the root incentives that drive illegal immigration and mirrors what the public demands.

Many of these incentives are ignored in H.R. 4437, the Border Protection, Anti-Terrorism, and Illegal Immigration Control Act. For example, this bill conveniently ignores any requirement for employers to actually dismiss their illegal alien employees even after they have been shown to not have authorization to work in the United States following mandatory verification.

The bill also fails to:

- Construct a contiguous fence along the southern border;
- Authorize sufficient personnel at DHS to enforce our immigration laws;
- Protect the integrity of the social security card;
- Protect the integrity of birth certificates;
- Reduce the number of documents usable for worksite verification;
- Suspend the visa waiver program;
- Restrict birthright citizenship;
- Restrict the use of ITINs;
- Require additional detention space for illegal aliens
- Stop the granting of mortgages to illegal aliens;
- Stop the business tax deductions employers take for their illegal employees;
- Stop claims by illegal aliens for the earned income tax credit.

Most of these failures are remedied in the TRUE Enforcement Act and all of them, if left unchecked, will leave in place an environment where illegal aliens may continue to live without inconvenience and nearly invisible to law enforcement.

Now the focus of attention is the Senate which is widely expected to approve a bill containing some border controls and some enforcement features, but also broad amnesty and guest worker programs. From there, the House and Senate will get together in a conference committee to iron out differences between the two bills and agree on a package that each chamber will attempt to pass.

The result for the public if this Trojan horse is passed will not be pretty. The final product will contain half measures on border security and immigration enforcement and a full blown guest worker amnesty program.

We at FAIR have been down this road too many times to count. Every time the public demands action, our feckless leaders in Washington, D.C. pull the old Potomac two-step: pacify the public with what is advertised as “tough” measures coupled with new immigration benefits that only the ethnic lobby and greedy business community could love. They get everything.

Public restiveness is quieted, business gets what it has paid politicians in campaign dollars to give them, and whatever enforcement measures were included are ignored.

Today the immigration reform movement stands at a crossroads. Will the old Potomac two-step be permitted to work its magic once again? Or will the public see through the latest ruse and begin demanding politicians of both parties stop selling out the public interest—and homeland security along with it—to the highest bidder?

Last month immigration enforcement champion Rep. J.D. Hayworth expressed his concern “that many in Washington view illegal immigration as a political problem to be managed rather than an invasion to be stopped.”

If the final product of a House-Senate conference on respectively passed measures looks like our worst fears, FAIR will lead the charge to defeat the conference agreement. We must succeed in defeating this Trojan horse. Once we do, it will be up to all of us to insist that swift action be taken on the only legislation that will restore order from the utter chaos that has become our immigration system: the TRUE Enforcement Act.



## **Mexican President Calls Border Fence "Disgraceful and Shameful"**

As the House of Representatives passed legislation, H.R. 4437, that among other provisions calls for an additional 700 miles of security fencing along the U.S.-Mexico border, Mexican President Vicente Fox increased the shrillness of his rhetoric in opposition to U.S. efforts to enforce the border.

Reacting to the proposed extension of the security barrier, in a December 14 statement, Fox lashed out at U.S. efforts to protect its southern border. "This situation we're seeing, a disgraceful and shameful moment where walls are being built, security systems are being reinforced, and human and labor rights are being violated more and more, won't protect the economy of the United States," said Fox.

## **Slain Illegal Alien Smuggler Portrayed as a Martyr by Mexican Government and Illegal Alien Lobby**

Amid increasing assaults on Border Patrol officers along the U.S.-Mexico border near San Diego, an illegal alien smuggler repeatedly deported from the U.S., was shot and killed by a Border Patrol agent. Guillermo Martinez-Rodriguez was shot on the U.S. side of the border, as he threatened an unidentified Border Patrol officer on the night of December 30. Martinez fled back into Mexico where he died the following day.

Between October 1 and January 1, there were 78 reported assaults on Border Patrol agents in the San Diego sector, where the shooting took place. This escalation in violence has occurred with little interference from Mexican law enforcement officials on the other side of the border. According to Border Patrol officers on the scene, Martinez-Rodriguez scooped up some rocks and was preparing to assault border agents with them. Fearing for his safety, the unidentified agent responded by firing a shot that fatally struck the 21-year-old Martinez-Rodriguez.

Martinez-Rodriguez, according to Immigration and Customs and Enforcement records, had been apprehended 11 times attempting to enter the U.S. illegally, and was apprehended in California on five occasions within the past two years. ICE, as well as neighbors in Martinez-Rodriguez's Tijuana neighborhood, report that the slain man was involved in smuggling illegal aliens into the U.S., although the Mexican media and open border advocates attempted to portray him as a struggling laborer simply looking for work in the U.S.

The Mexican government and media, which have grown increasingly belligerent in their opposition to the border fence and stepped-up enforcement measures, immediately seized upon the incident to portray Martinez-Rodriguez as a victim of U.S. policies. "The defense of life, the physical integrity and the human rights of our compatriots on U.S. soil cannot be delayed any longer," wrote an editorial in a leading Mexican newspaper. The incident, declared the paper, must be used by the Mexican government to promote the migration of Mexicans into the U.S. "in an orderly fashion."

The Mexican attorney general's office has opened an investigation into the incident, and has requested that the investigation on the U.S. side of the border be removed from the San Diego Police Department and placed in the hands of the federal Department of Justice. Members of the Mexican Senate are also using the shooting to urge President Vicente Fox to apply more pressure on the U.S. government to make immigration concessions. The shooting, they declared, is "the result of the policies of submission" by Mexico to U.S. border enforcement.

## Reformer Corner

*Cheree Calabro*

A black talk show host got me interested in illegal immigration and it wasn't "If you ain't mad you ain't payin' attention" Terry Anderson. Being from the Midwest, it was Tony Brown's weekend show on WLS radio in Chicago where I first began hearing about the impact of illegal immigration. Tony closed his shows by reminding us, "We didn't all come over on the same ship, but we're all in the same boat." Tony is no newcomer to the civil rights effort, having been the coordinator of the 500,000 person civil rights march in Detroit featuring Rev. Martin Luther King, Jr. in the early 60's.

There was no obvious illegal immigration problem in my Valparaiso, Indiana, when I began listening to Tony Brown. The media wasn't covering the issue at all. At first, I thought he was crazy but he encouraged listeners to check and make sure what he was telling us was true. He harped on it immigration issues every weekend, introducing me to terms like "out-sourcing" and "H-1B visas". He warned that treaties like NAFTA endangered our sovereignty and that illegal aliens hurt low-skilled black workers by taking their jobs and depressing their wages. Yet, he focused his anger on politicians rather than individual foreign workers.

At first, I couldn't believe what Tony Brown was saying, then, I started researching it myself. The more I read, the angrier I got. I told my friends that I didn't know what I was going to do yet, but I was going to do something to stop illegal immigration from ruining my country. Well, I found out that sometimes, in order to DO something, you have to START something.

I contacted Susan Tully at FAIR hoping to join an existing group. There wasn't one in my area. Susan said she'd help me start a group if I could get 10 like-minded people to come to a meeting. I could only get five. One day, I read a great letter to the editor by Greg Serbon and called him up out of the blue. As we were talking, I found out that he had also contacted FAIR about starting a group but could only get five people to come to a meeting. We decided to join forces and created IFIRE in 2004.

Since that time, we have created a website and started a monthly e-newsletter. Our numbers and influence have grown and we are opening new IFIRE chapters. Dennis Drake heads up the Spencer County Chapter in southern Indiana. By the end of January, Tish Cooper and Teresa Keefer will launch the Marion County Chapter in Indianapolis. We inform our neighbors about this issue by writing letters to the editor and speaking on radio talk shows.

One of our main focuses in Northwest Indiana has been protesting Bank Calumet for aiding and abetting illegal immigration by writing home loans for illegal aliens. We held at least one protest per month since they wrote their first loan last summer. The number of protesters varies from about 20 down to six. Bank customers and passers-by have been very supportive. Many have thanked us for what we are doing and have pledged to close their accounts and let the bank know that they disapprove of their actions. I think it's important for us to stand up because it gives other people courage to speak out as well.

We work with state legislators to support good legislation and oppose the bad. Greg and I testified before the Homeland Security committee last fall. One of IFIRE's main goals is to block attempts to grant driver's licenses to illegal aliens. We got word that a huge meeting of 300-400 people would take place at an Indianapolis public school for the purpose of planning a protest march to demand driver's licenses for illegal aliens. A representative of the governor was scheduled to address the crowd. We pointed out the law to them and, with the help of Diane Osborn of ICIC and activists from various locations, we got the meeting shut down.

In the short time IFIRE has been in existence, we have made a significant difference in Indiana. We are part of a larger Midwest coalition having an impact throughout the region and as part of a growing national movement to bring about true immigration reform in our country.

*We invite FAIR members and other reformers to contribute to this feature. Send us your account of how you got involved and share your successes with others working for the cause.*

## Monthly Outrage:

### *How Laws Are Made (2006)*

You may recall from your high school civics class that our laws are made by Congress 535 representative and senators elected by the American people and signed by the president (also elected by us). Occasionally, the third branch of government, the judiciary, gets involved if there is a question about the constitutionality of a law. But, the common theme here is that American laws are supposed to be made by Americans.

The foreign ministers of Mexico and six Central American countries don't think that's quite fair especially when it comes to making U.S. immigration laws. Meeting in Mexico City in early January, the foreign ministers issued a joint statement demanding that the U.S. admit more guest workers and grant amnesty to illegal aliens already living in the U.S. "There has to be an integrated reform that includes a temporary worker program, but also the regularization of those people who are already living in receptor countries," Mexican Foreign Relations Secretary Luis Ernesto Derbez said. In December, Derbez called the Sensenbrenner enforcement bill approved by the U.S. House of Representatives, "stupid and underhanded."

One might expect that such an overt attempt by foreign governments to meddle in the domestic affairs of the United States might evoke some sort of reaction from our own State Department something along the lines of "butt out" but one would be wrong. While Congressman Tom Tancredo issued a statement demanding that "foreign powers must stay out of our domestic policies," we have heard nary a word of protest from the Bush Administration.