

US House passes draconian anti-immigrant bill

Joe Kay

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The US House of Representatives passed a sweeping anti-immigration bill on December 16, laced with measures that, if passed, would create a virtual military-police zone along the US-Mexican border. The bill would criminalize all undocumented immigrants, would vastly expand the powers of the state to target these immigrants, and poses serious threats to the democratic rights of all workers in the US.

The vote in the House was 239-182, with 36 Democrats voting for the bill and 17 Republicans voting against it. It is a bill crafted by the most chauvinist sections of the Republican Party, aimed at whipping up the most backward anti-immigrant sentiments.

As it stands, the bill is unlikely to pass both houses of Congress in its present form. American business groups, including the Chamber of Commerce, have vigorously opposed it because it would undermine a principal source of cheap labor and place onerous demands on American businesses to vet all of their workers. While President Bush has praised the bill, he has said that he would not sign any piece of legislation that did not include a “guest worker program” to allow currently employed immigrants to remain in the US, a provision that would be difficult to implement if these undocumented workers are treated as criminals under the law.

Separate legislation is being considered in the Senate, including major increases in border policing, but without some of the most draconian measures of the House bill. It provides for a program to allow some undocumented immigrant workers to remain in the US. The Senate is expected to consider its legislation in February. A conference committee would then be appointed to resolve differences with the House version.

The House bill would make it a federal misdemeanor crime, rather than merely a civil infraction, to violate immigration laws. This would have the effect of criminalizing overnight the estimated 11 million undocumented workers in the United States. The bill would require the immediate deportation of workers found in violation of the law. The original version of the bill would

have made an immigration violation a felony offense.

The House bill calls for a vast expansion of policing along the US border, including the coordination of activities between local authorities, the Department of Homeland Security and the Department of Defense. It tasks these departments to develop a plan “to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars and other surveillance equipment.” This would mark a further step in the move to increase the role of the military in operations within the United States.

An amendment to the bill, included with the support of 50 Democrats, authorizes the government to build a 700-mile-long fence along parts of the border with Mexico, particularly near urban centers such as San Diego. The fences would cost more than \$2.2 billion. They would have the effect of forcing immigrants crossing into the country to go through the more dangerous desert areas along the border, increasing a death toll that is already on the rise.

The bill includes sharp attacks on due process rights for anyone accused of being in the country illegally. A decision to deport or to revoke authorization to live in the country would not be challengeable. The bill states, “Notwithstanding any other provision of the law (statutory or nonstatutory),” including “any ... habeas corpus provision ... no court shall have jurisdiction to hear any claim arising from, or any challenge to,” an immigration decision.

Under the bill, local officials would be required to expel, without a hearing, any suspected undocumented immigrant who is caught within 100 miles of the border, except for citizens of Canada and Mexico. The legislation would also increase the detention and deportation powers for use against all immigrants, and calls for the expansion of holding facilities.

Another section would require all employers to submit the Social Security numbers and other information of each of their workers to the Department of Homeland Security for review. This measure would essentially require both US citizens and immigrants to obtain a “permission slip” from

the government to work, and the information on every worker in the US would be stored in a government database. Fines against companies that hire undocumented immigrants would be sharply increased.

The law would allow individuals who are deemed to be “dangerous aliens” to be detained under the order of the secretary of Homeland Security pending deportation. The initial period for such a detention would be 90 days, but could be extended indefinitely. The American Civil Liberties Union (ACLU) noted that this section “gives the government extraordinary powers to detain non-citizens indefinitely without meaningful review. This could place many non-citizens in a legal ‘black hole’ that effectively subjects them to a life sentence after they have served a criminal sentence of limited duration. In some cases, it could result in indefinite detention of non-citizens who have not even been convicted of any crime.”

Some even more sweeping measures failed to make the final version. Among these was a blatantly unconstitutional provision that would deny automatic citizenship to children of undocumented immigrants born in the US. This would flaunt the principle of *jus soli*, citizenship based on birth-place rather than blood that was spelled out in the 14th amendment to the US Constitution. The amendment was passed after the Civil War to guarantee that Southern states could not deny citizenship to freed slaves.

The driving force for the bill in the House is Colorado Congressman Tom Tancredo, a politician who has made a career for himself by appealing to and whipping up chauvinist and extreme nationalist sentiments.

In an interview with Fox News this past July, Tancredo said that the US might respond to another terrorist attack attributed to Islamic fundamentalists by “taking out their holy sites,” which he acknowledged meant “bombing Mecca.”

Tancredo founded the House Immigration Reform caucus in 1999, which since that time has pushed for anti-immigrant legislation. He also founded Team America, an anti-immigrant political action committee currently headed by Bay Buchanan, the sister and former campaign manager of right-wing demagogue Patrick Buchanan. Tancredo has enthusiastically praised the actions of the Minutemen Project, a vigilante outfit launched earlier this year to patrol the Mexican border.

Many of the measures in the act were outlined in a speech made by Bush in Arizona last month. In October, Bush signed an appropriations bill for the Department of Homeland Security that includes additional money for hiring Border Patrol agents and for building more detention facilities.

Divisions have emerged within the political establishment

between the more fascistic wing of the Republican Party, which has pledged to oppose any measure granting legal status to undocumented workers in the US, and sections of Republicans and Democrats who are seeking to ensure that these anti-immigrant measures do not damage the immediate interests of corporate America.

A bipartisan bill in the Senate, co-sponsored by Republican John McCain and Democrat Edward Kennedy, would provide temporary permits to immigrant workers living in the United States under a program that amounts to indentured servitude for these workers.

The McCain-Kennedy bill would create a separate program that would allow immigrants to reside in the US so long as they could provide evidence of employment. The program is modeled after proposals put forward by the White House. It would allow immigrants, after paying a \$500 application fee, undergoing various medical examinations, and documenting their employment status, to stay in the US for three years. However, this permit would be revoked if the worker remained unemployed for 45 or more consecutive days, after which he or she would be deported. Thus the participants in the program would essentially be bonded to their place of occupation.

Whatever the form of the final bill, it will both escalate the attack on the rights of immigrant workers, while facilitating the ability of corporations to exploit them for cheap labor.

Prominent Democrats have been vying with Republicans in seeking to appeal to anti-immigrant sentiments, particularly in the Southwestern states. In August, the Democratic governors in Arizona and New Mexico declared states of emergency in several counties. Their aim was to extract more money from the federal government for border policing, while staking out a position to the right of the White House on immigration issues.

Likely Democratic presidential candidate Hillary Clinton has taken a similar position. In an interview with WABC radio last month, Clinton declared that she is “adamantly against illegal immigrants.” She called for a “much better entry-and-exit system so that if we’re going to let people in for the work that otherwise would not be done, let’s have a system that keeps track of them.” In other words, let the workers be used for cheap labor, but make sure they are kicked out of the country if they are no longer useful to American companies.



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