

US Senate passes Democratic-backed version of anti-immigrant legislation

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The Senate voted by 62 to 36 Thursday to approve anti-immigrant legislation based largely on the policies of Senate Democrats, who joined forces with a minority of the Republican caucus to win approval for the legislation.

The bill provides billions for a 370-mile-long fence along the US-Mexico border, for hiring new Border Patrol agents, and for new technology that would be used to prevent undocumented workers from obtaining jobs in the US, except as part of an officially sanctioned guest-worker program.

While depicted by the media as “moderate” and even humane, this is only by comparison to the bill which passed the House of Representatives last November, which defines every undocumented worker as a criminal felon, and also criminalizes all those who provide assistance to such immigrants, including charitable groups that operate soup kitchens, medical clinics, legal services and schools.

The major provisions of the Senate bill were drafted by leading Senate Democrats, headed by Edward Kennedy, longtime leader of the congressional liberals, and the principal advocate of a “compromise” bill that would have the support of a sizeable number of Republicans. Kennedy’s efforts were rewarded as 21 Republicans joined 41 Democrats and one pro-Democratic independent to pass the bill. Republican Senator John McCain was the principal co-sponsor of the bill, and the Bush White House gave its tacit support.

The result, however, is a reactionary abomination, in some aspects even more antidemocratic than the House bill. Both bills are animated by the spirit of repression, treating undocumented workers as criminals who must be punished, with the main difference being how far it is practical to go in mass roundups, jailings and deportations.

The House bill was drafted to satisfy the anti-immigrant bigotry of the ultra-conservative wing of the Republican Party, where right-wing populism (including efforts to scapegoat immigrants for the increasingly difficult conditions facing American workers) combines with tacit or overt ethnic and racial bigotry. The Senate bill, on the other

hand, is crafted to the specifications of American big business, which wants to retain access to a supply of super-exploited labor, particularly in agriculture, construction and food processing.

Unlike the House, the Senate bill provides for a guest-worker program, capped at 200,000 workers a year, to serve the needs of agribusiness, and it offers long-term illegal immigrants a chance at legalization, if they take English classes and pay back taxes and a substantial fine. The House bill would not legalize a single undocumented worker, requiring for its enforcement the deportation of an estimated 12 million people, which would represent one of the largest forced transfers of population in world history.

The Senate majority rejected the House “enforcement-only” plan as impractical, citing the difficulties of carrying such mass deportations, but it proposes a convoluted system of limited legalization that would be equally impossible to carry into practice. “Only” 2 million undocumented workers would be forcibly deported under the Senate plan—all those who have entered the country in the last two years.

Those with two to five years’ residence, an estimated 5 million more, would be required to return to their country of origin for at least a day, obtain a visa, and, if granted one, would be allowed to return to the US. Undocumented workers with more than five years’ residence, another 5 million people, would be allowed to stay, provided they complied with the complex and onerous eligibility provisions of the legislation.

These provisions were made more and more onerous during the past two weeks, as one reactionary amendment after another was approved in an effort to make the Senate bill more acceptable to the House Republicans.

One amendment raised by \$500 the fine to be paid by the most “privileged” group of immigrants, those with more than five years’ residence, bringing the total to \$3,250, an enormous sum for workers who occupy the bottom rung in the US workforce, as low-paid janitors, domestics, agricultural workers and construction laborers.

Another denied eligibility for the guest-worker program

for any immigrant guilty of breaking any law, including misdemeanors and failing to obey a deportation order (a virtual Catch 22, since nearly every “illegal alien” has by definition violated some immigration-related law). For the first four years, a immigrant employed under the guest-worker could apply for permanent resident status only with the permission and sponsorship of his or her employer, making these workers even more vulnerable to exploitation.

There are numerous technical changes to the legal procedures used in prosecuting immigration cases, many of which have the effect of restricting the rights of refugees and asylum-seekers who are seeking refuge in the United States from repressive regimes. A refugee who worked using a false Social Security number—something nearly all undocumented workers are compelled to do—would be considered guilty of an “aggravated felony” and subject to summary deportation, regardless of the likelihood of repression, torture or even murder in the country of origin.

Border Patrol agents would have the power to arrest, jail and deport immigrants on the spot, without any legal review, within 100 miles of the Mexican or Canadian border, except for citizens of Mexico. The result would be to transform cities like Detroit, El Paso, San Diego and Buffalo into free-fire zones where immigrants could be seized and shipped across the border without any legal redress.

Perhaps the most ominous amendment, approved by a 58-40 vote, would require all employers to enroll in and use the Basic Pilot Program, a software program developed by the Department of Homeland Security which scans Social Security and immigration databases to verify a prospective employee’s legal status. Employers would be required to submit the Social Security numbers or immigrant identification numbers for all job applicants, including all US citizens, and confirm they were in the country legally.

The result would be an enormous database, controlled by the DHS, the huge domestic policing agency established to pursue the “war on terror” inside the US, and containing the employment information for every American. This would be a potentially invaluable tool for mass repression, particularly in the event of a new upsurge in the class struggle, in which work stoppages and other employment-based labor actions would undoubtedly play a significant role.

The Senate also voted by 83-16 for an amendment by ultra-right Republican Jefferson Davis Sessions of Alabama, calling for 370 miles of triple-layered fencing along the US-Mexico border, and by 63 to 34 to declare English the “national language” of the United States, a symbolic slap in the face to the nearly 40 million Hispanic Americans.

While the Senate bill was denounced by immigrant and civil rights groups, leading Democrats praised it. The number two Senate Democrat, Richard Durbin of Illinois,

declared, “There are plenty of things wrong with this bill, but there are plenty of things right with it.”

The actual prospects for final passage of a bill are very much in doubt, given the acute divisions within the Republican Party. In the House, Speaker Dennis Hastert has declared that he will not allow a vote on any immigration bill that does not have the support of “a majority of the majority”—at least 116 members of the Republican caucus. If such a rule had been applied in the Senate, there would have been no bill, since Republicans opposed the legislation by 32-23, and the victory margin came from the Democrats, who voted in favor by 41-4.

Senator Bill Frist of Tennessee, the majority leader, voted for the bill, and said that he and his Democratic counterpart, Harry Reid, would appoint senators to the conference committee required to work out the differences between the House and Senate versions of the bill. It is not even certain that the House Republicans will agree to have a conference committee, since the leadership is adamantly opposed to any form of legalization for the millions of undocumented workers now in the United States.

Congressman James Sensenbrenner denounced the Senate provisions as “amnesty” and called the Senate bill a “nonstarter.” It seems likely that the House will accept some form of guest-worker program, as demanded by agribusiness, but only one that requires the imported farm workers to return to Mexico as soon as they have picked the crops.

There is not a single big business politician in Congress—Democrat or Republican—who upholds the elementary democratic right of working people to live and work in the country of their choice.



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