

# April U.S. Immigration Alert!

A Monthly Newsletter from National Immigrant Solidarity Network

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## Beat Back the Racist Minuteman Project and the REAL ID Act!

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**Minuteman Project invades Southern Arizona, highlights complexity of border crisis**

**Sunday April 03, 2005**

**By: Jessica Lee, Arizona IMC**

There was no fooling around April 1 when hundreds of “vigilantes” swarmed to defend small stretch of the Arizona Mexico border, picking up the slack where they say the government is failing to stop the so-called “invasion of mobs of illegal aliens and terrorists.” The month-long gathering, dubbed the Minuteman Project, has attracted volunteers from all of the country to come camp in the desert and monitor the border.

Yet, the story of the weekend was the flocks of media that crept into the Southern Arizona desert, often times outnumbering the number of Minuteman volunteers and the dozens of protestors that met to confront them.

Many have criticized the amount of media attention, saying that they paid too much attention to a project that may or may not be successful. “The media has become a story in itself,” said Bisbee resident Mike Anderson as he stood on Highway 80 with a sign Saturday morning. “I want the media to go home and the vigilantes to go home with their guns,” he said.

Organized primarily to reap media attention to a region wrought with conflict and controversy rather than slow down the amount of undocumented travelers, the project has been called patriotic by some and racist by others.

Throughout April, Chris Simcox, the Minuteman Project leader, hopes to have participants stationed along a 20-mile stretch of Arizona to help Border Patrol spot undocumented crossers. While the Minuteman Project boasted to have more than 1,000 volunteers registered, no media source has confirmed the number. Reports on Saturday varied between 115 and 460 volunteers showed up, depending on the source.

It is impossible to know how many undocumented people enter the U.S. through Arizona each year. Andrea Zortman, U.S. Border Patrol public information officer in Douglas, said that between 1,500 and 2,000 undocumented migrants are apprehended each day in the Tucson sector, a stretch of border from New Mexico to near Yuma, Ariz. According to the Border Patrol, 90 percent of those apprehended are returned to México.

Julian Sokoloff, Minuteman Project volunteer from New Mexico, believes that U.S. businesses are to partly to blame for the amount of migrant traffic into the country and the loss of American jobs. “We need to have penalties for businesses that hire illegal immigration,” Sokoloff, a University of Oregon political science graduate, said. “It won’t happen because the corporations are running the country.”

The Minuteman Project also say the border needs to be sealed to keep out terrorist from entering the country. “I feel we need to protect our borders because we don’t need another 9/11,” said Robin Heathorn, who is on the Minuteman Project waiting list with her husband.

While many in the project say they are scared, the number of other than Mexicans (OTMs) who are apprehended are from the Middle East are very low. “Approximately 97 to 98 percent of those apprehended are Mexican nationals. From the remaining 2 to 3 percent, the majority are from Central or South America,” Zortman said.

While the Minuteman Project advocates its volunteers remain “peaceful” and obey all Arizona laws, human rights groups worry about the safety of the migrants who journey through the desert in an attempt to find jobs.

A team of legal observers will head down to Southern Arizona for the entire month to monitor the Minuteman Project to make sure they obey First Amendment and other laws governing the treatment of migrants.

“Through my eyes, the problem is that what occurs on the U.S.-México border is one of the grossest human rights violations in the history of the United States,” wrote Ray Ybarra, American Civil Liberty Union spokesperson, in a letter to Cochise County Sheriff Larry Dever earlier in March. “Here in our backyard, human beings have to face death and hatred in their pursuit of work that this country offers.”

Although the group denies racists accusations, the likelihood that violent white supremacists will get involved are a realistic concern for human rights groups, civil rights groups, activists, local citizens, and U.S. and Mexican authorities. Less than week before the Minuteman Project was set to begin, white supremacist group, the National Alliance, dispersed fliers in Douglas, Arizona, Ybarra said.

Humanitarian and border activist groups have been addressing violence and deaths along the border for years by organizing vigils, marches, protests, aid camps and patrols, petitioning of government officials, and teach-ins. More than sixty Women in Black members lined the Naco Highway within sight of the border on April 2 with the message to end violence and terrorism.

No More Deaths, a coalition of border activist and humanitarian groups, estimate that more than 3,000 migrants have lost their lives while crossing the U.S.- México border since the 1990s.

The militarization of the border has drastically transformed the fragile desert land over the past decade. Today, the region is characterized by trails of empty water jugs, backpacks, clothing and other items dropped by individuals daring to cross the border without legal documentation. Weaving through the saguaros and washes are endless vehicle tracks of Border Patrol trucks, drug runners, and pick-up drivers. Black helicopters and unmanned drones patrol the desert by sky, searching for human beings with infrared cameras. Families living in Nogales, one city divided by the border, see a large concrete and steel wall topped with barbed wire everyday. Mammals, such as the Sonoran pronghorn and Mexican jaguar, have had their habitats fragmented by walls, fences and other human disturbances.

While the Minuteman Project may monitor the border for a month, the U.S. government continues to push the Central American Free Trade Agreement (CAFTA), the Andean Free Trade Agreement (AFTA) and the comprehensive Free Trade of the Americas Agreement (FTAA), large-scale economic policies that will likely increase the amount of Latin American economic refugees seeking a better life. A weekend of protests ignites as Minuteman Project begins patrolling small stretch of Arizona border

**Additional Indymedia resources: <http://arizona.indymedia.org>**

### **Call to Action From Border Action Network**

**Tel: (520) 623-4944**

#### **April 6 Immigrant children call for immigration reform**

In recognition of the “month of the child”, immigrant youth from Border Action Network will deliver drawings to AZ Senator McCain’s Tucson office depicting the importance of real immigration reform that provides a path to legal residency. The event coincides with and challenges a month of vigilante groups converging in southern Arizona calling for more border militarization.

#### **April 16 Douglas Community Meeting**

Local residents will talk about the lawsuits they’ve filed with Border Action Network against vigilantes and encourage community members to participate in a petition drive calling for the Cochise County Attorney to prosecute infamous vigilante Roger Barnett for an October 2004 incident where he pointed a loaded AR-15 and threatened to shoot a Mexican-American Douglas family.

#### **April 21 Raising Immigrant Voices**

Announcement of results of local and national “consulta” for immigration reform Border Action Network and immigrant community groups across the county will announce the local and national results of a “consulta” which lets immigrant communities voice their opinions of what should included in any reforms of immigration policies. Date to be determined, last week of April. Petitions delivered to Cochise County Attorney’s office demanding that they file criminal charges against infamous vigilante Roger Barnett.

## **REAL ID UPDATE AND CALL TO ACTION!**

### **National Days of Action to Stop the REAL ID**

#### **Thursday, April 7th – Tuesday, April 12<sup>th</sup>**

#### **REAL ID ACT UPDATE**

The REAL ID Act is now in the Senate. Next week, there will be a markup in the appropriations committee where members will determine whether the appropriations bill for the war on Iraq and tsunami relief will include the REAL ID Act when it goes for a vote on the Senate floor.

Although it appears that the Senate Appropriations Committee will consider a clean supplemental, the REAL ID will still come up during conference. In short, the REAL ID Act is still alive- we need to keep the pressure on and stay informed! Below are details for our next nationwide call, a call to action on the REAL ID Act and more background information on the bill.

#### **Participate in the national days of action! Starting on Thursday, April 7th to Tuesday, April 12th, 2005!**

Call or send a fax to your Senators every one of those days— Calls and letters are the most powerful form of communication. The more you call, the more your Senators will realize that this is an important issue for his/her constituencies. Call them every day from April 7th to April 12. To find their phone numbers go to:

[http://www.senate.gov/general/contact\\_information/senators\\_cfm.cfm](http://www.senate.gov/general/contact_information/senators_cfm.cfm)

If you want to send a fax, when you call their offices ask for their fax number. For a sample letter, visit the following link:  
<http://www.immigrationforum.org/DesktopDefault.aspx?tabid=719>

Sample talking points: “As your constituent I urge you to oppose the REAL ID because: It will not make us safer, but rather drives people further into the shadows of our communities, undermines our tradition as a beacon of hope for refugees and asylees and places outrageous unfunded mandates on states. The intelligence reform bill that just passed last December included immigration provisions such as federal standards on driver’s licenses and IDs.

The REAL ID Act repeals those provisions before they can even be implemented. An appropriations bill should not be used as a vehicle to attach controversial legislation that has not gone through the normal committee process where it can be considered on its merits; Our immigration system needs to be reformed, but the REAL ID Act is not the answer. Please focus on real reform, not band aid fixes that do not make us safer and do nothing to make sure we have a safe, orderly and legal immigration system.

#### **BACKGROUND**

The House passed a bill that will provide additional money for the war in Iraq, for military operations in Afghanistan, and for tsunami relief. As expected, James Sensenbrenner’s (R-WI) REAL ID Act has been attached to that bill. The REAL ID would among other things:

- Keep licenses from members of our communities
- Make gaining asylum harder for real refugees limit a person’s access to federal courts
- Waive all laws (environmental, federal, and state) in order to build a wall on the U.S. border

Now the Senate needs to pass an appropriations bill. It has the choice to either take up the House bill (which includes REAL ID Act) or consider its own bill. In either case the Senate will have to deal with the REAL ID Act on the floor or during conference committee with the House.

The REAL ID Act is misguided legislation that will only hurt our communities; we need to send a strong message to the Senate that it should not be considered as part of the appropriations bill (or ever).

There is a wealth of resources, information and advocacy materials, please visit our website for more info:  
<http://www.immigrationforum.org/DesktopDefault.aspx?tabid=701>

**QUESTIONS? Call us at (202) 383-5984 or send an email to [vcardenas@immigrationforum.org](mailto:vcardenas@immigrationforum.org)**

# Immigration News Briefs from Across the Country

*Immigration News Briefs is a weekly supplement to Weekly News Update on the Americas, published by Nicaragua Solidarity Network, 339 Lafayette St, New York, NY 10012; tel 212-674-9499; fax 212-674-9139; [wnu@iqc.org](mailto:wnu@iqc.org).*

## 1. CUBAN EX-DETAINEE DIES

Daniel Benitez, a Cuban who sued the US government over his indefinite detention, was found dead on Mar. 28 in Hialeah, Florida, of an apparent heart attack. He was 49. He was placed in immigration detention in 2001 after serving a sentence for armed robbery, and started to challenge his indefinite detention by writing his own legal briefs. Benitez was freed last Oct. 15, two days after his case was argued before the Supreme Court. On Jan. 12, the Supreme Court ruled in his case, Benitez v. Rozos (combined with Clark v. Martinez), that foreigners who are paroled into the US but never formally admitted cannot be detained indefinitely.

"I had an absolute certainty that this country was violating the 5th and 14th amendments of the Constitution," Benitez said in an interview with the Miami Herald the week before his death. "And I know you can't mess with the Constitution in this country." Benitez was writing a book based on his experiences. People who knew him were shocked by his death. "He was very healthy. He exercised. He didn't smoke. He didn't drink," said Emilio De La Cal, his South Florida attorney. [*Miami Herald* 3/29/05]

## 2. NC: PLANE PASSENGERS SEIZED

On Mar. 29, US Immigration and Customs Enforcement (ICE) agents arrested 11 Mexican passengers on a Southwest airlines flight from Las Vegas--via Chicago--as soon as it landed at the Raleigh/Durham airport in North Carolina. Authorities said an air marshal alerted ICE after overhearing passengers talking about being smuggled into the US. The 11 arrested passengers were taken to the Johnston County jail; they were expected to face deportation hearings on Apr. 1 in Charlotte. Authorities said they believe each person spent about \$1,000 to get on the flight and that one of the 11 planned the trip. The ICE operation delayed the other 136 passengers on board by 15-20 minutes after the flight landed. The other passengers reportedly cheered when agents removed the immigrants.

ICE officials say an ongoing crackdown at airports close to the Mexican border is creating a smuggling spike at

McCarran airport in Las Vegas, where the 11 immigrants boarded the flight to Raleigh. ICE records showed that the immigrants had been caught over the past two weeks--some several times--while trying to enter the US in Arizona. They used Mexican voter registration cards and Mexican driver licenses to board the flight. [*KLAS TV (Las Vegas)* 4/1/05; *WFMY News (Greensboro, NC)* 3/30/05; *WRAL (Raleigh, NC)* 3/31/05]

## 3. NY: ANOTHER PREDATOR RAID

On the morning of Mar. 29, ICE agents working with county police rounded up 25 immigrants with prior convictions for sex-related crimes in Nassau County, Long Island, New York. Some of the 25 were arrested at home, some on the streets and others as they showed up for appointments with probation officers. All were taken to a federal detention facility. Another 16 immigrants were arrested in similar sweeps in Nassau County over the past few months, and 27 were seized in neighboring Suffolk County early in March. The arrests are among 5,300 nationwide under Operation Predator, launched in July 2003 [*Newsday (LI)* 3/30/05]

## 4. IMMIGRATION REFORM URGED

On Mar. 22, the National Alliance of Latin American and Caribbean Communities (NALACC), which groups more than 80 community-based organizations around the U.S., launched a campaign for comprehensive immigration reform, "Keep our Families Together." The campaign kicked off the week of Mar. 22 with press conferences in New York, Boston, Chicago, Los Angeles, Houston and other cities. NALACC members urged US president George W. Bush and Mexican president Vicente Fox to use their Mar. 23 meeting in Texas to work out a plan for immigration reform, including legalization. At the daylong summit, which also included Canadian prime minister Paul Martin, Bush told Fox he would keep pushing his "guest-worker" plan but that he couldn't guarantee that Congress would go along. NALACC and most other immigrant rights groups oppose Bush's plan because it would provide only temporary visas and would give employers too much control over immigrant workers. [*Press Release* 3/21/05 at <http://nalacc.org>; *La Opinion (Los Angeles)* 3/23/05; *Boston Globe* 3/27/05; *Miami Herald* 3/24/05]

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## Special Features:

### Intelligence Bill Signals Boon for Immigrant Incarceration Industry

By: Bob Libal

The recently passed Intelligence Reform and Terrorism Prevention Act (IRTPA) will intensify a crisis in immigrant communities while benefiting a burgeoning immigrant incarceration industry. Amongst other things, the omnibus bill, passed in December 2004, consolidates the nation's intelligence programs into a National Intelligence Program, creates a Director of National Intelligence, and increases border enforcement.

According to human rights advocates, some of the most odious measures in the original bill, such as depriving asylum seekers of judicial review and allowing deportation to countries where torture is likely, were removed before passage.

However, one of the bill's largely overlooked provisions authorizes 40,000 new immigrant detention beds by 2010. That triples the current immigrant detention system continuing an assault on immigrant communities started in the Clinton administration and intensified since the 9/11 attacks.

### **The Human Face of Immigrant Incarceration**

Only a handful of the current 22,000 immigrant detainees are suspected of any connection to terrorism. In fact, according to the U.S. Citizenship and Immigration Services, before 1996's Anti Terrorism and Effective Death Penalty Act was passed as few as 4,000 immigrants were detained on a given day. Most of the newly detained are either asylum seekers or "criminal aliens" – immigrants convicted of crimes, anything as low as shoplifting or minor drug possession charges – who are awaiting deportation hearings. Aarti Shahani from New York-based Families for Freedom, a New York-based immigrant rights organization, says the addition of 40,000 immigrant detainment beds will put added strain on detainees and families already struggling with long detentions.

"There is a financial effect on families of the ongoing costs of telephone calls, commissaries, and travel, as well as the emotional effect of knowing your loved one is behind bars," Shahani said.

### **Incarceration for Profit**

Sadly, what is bad for immigrant families, has become very good for business.

Notorious private prison companies like Corrections Corporation of America and the Geo Group (formerly Wackenhut Corrections) have been major benefactors of immigrant detention increases. The Department of Homeland Security contracts out for nearly all of its detention beds to private companies which are likely to receive substantial contract awards if the new legislation receives necessary funding.

"This is pork at its worst," says Judy Greene, a policy analyst with the Justice Strategies. "This will be a massive new bailout of the private prison industry." And Greene isn't alone in such predictions.

MSN Money's Michael Brush, in a glowing analysis of prison industry stocks, writes that the legislation "makes it likely that more illegal immigrants will be caught." He continues, "Lawmakers estimate that by 2010 the Bureau of Immigration and Customs Enforcement will need another 40,000 prison 'beds,' as they say in the business."

Actually, Brush is a bit mistaken. While the increased border patrol does make it more likely that undocumented immigrants will be caught, that alone does not create a need for detention beds. Proven alternatives to detention exist.

Just ask the Vera Institute. From 1997-2000 they operated an Appearance Assistance Program for immigrant asylum seekers and "criminal aliens" to attempt to demonstrate that alternatives to detention exist. The program used a series of check-ups to ensure that immigrants would show up to their hearings, where an immigration judge will rule on their fate. Over 90% of people appeared for their immigration hearings in this program, a rate substantially higher than that for people released on bond or parole.

Private prison corporations will not be alone in looking to profit from the expanded detention system. Public entities, such as county jails and even state corrections departments may try to win the lucrative federal detention contracts.

Dana Kaplan of the National Resource Center on Prisons and Communities says the intelligence bill will further a growing trend of local jail expansion even at a time when many states are scaling back their state-controlled prison systems. "When word is out that the government is looking to house 40,000 new detainees, that puts a huge incentive on local jail systems to expand especially when there is no funding for other services (that provide jobs) in the region," Kaplan says.

### **Texas: Ground Zero for Immigrant Incarceration**

In 2003, Reeves County, Texas built a 960 bed expansion to its 2,000 bed jail. The county, located in sparsely populated west Texas, built the expansion with the hopes of obtaining a federal contract to house detainees.

The only problem is that the contract never came. Even after desperate measure like hiring majority whip Tom Delay's brother to lobby the federal government for prisoners, the expansion was still sitting empty after nearly a year. Eventually, the county privatized its jail and began importing prisoners from Arizona.

Reeves County represents an interesting paradox in the immigrant incarceration industry. On one hand, federal legislators have justified tripling the current detention system by claiming that the system is badly overcrowded. At the same time, many of the recently built immigrant detention centers are not full.

The answer to lies in the “if you build it, they will come” mentality that prison operators have taken to heart. Greene, Kaplan, and Shahani all agree that if the detention system is expanded, even when it appears that there is not an excess of detainees, the system will find people to warehouse in these facilities.

And Texas has become ground zero in this immigrant incarceration boom. The lone star state is home to at least 7,000 proposed or recently built prison beds – all of which are intended to house immigrant detainees and all of which are to be housed a private prison company.

IRTPA will hasten the spread of jails and detention centers in rural west and south Texas, a region fast becoming dependent on detention centers as a major source of economic development.

### **Where’s the hope?**

According to Shahani, hope to stop immigrant detention expansion lies in a combined effort between immigrant communities and rural communities where the detention centers are sited.

There is a growing sense that prisons, jails, and detention centers are not the economic boon for small towns promised by jail developers.

In fact, a study from Washington State and Ohio State professors published in Social Science Quarterly last year studied 3,000 communities that built prisons in the past 30 years. The study found that those communities actually ended up with slower economic growth than similar communities that did not build prisons. The study has been used by community activists to derail several jail proposals.

Shahani recounts the story of taking families from New York to Louisiana to visit their loved ones in detention. In several of the detention facilities family members were not allowed to be in the same room, instead forced to communicate via a closed circuit television system. Many of the family members refused to make a return trip because they didn’t want to see the detainees in such inhumane conditions.

IRTPA will create 40,000 more of these heart-breaking stories. To drive back the damaging effects of this bill on immigrant communities will be a long process, but one worth fighting.

*Bob Libal is a student/youth organizer for Grassroots Leadership’s Not With Our Money! campaign in Austin, Texas. He can be reached at [bob@notwithourmoney.org](mailto:bob@notwithourmoney.org).*

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**About National Immigrant Solidarity Network**

ISN is a coalition of community, immigrant, labor, human rights and student activist groups, founded in 2002 in response to the urgent needs for the national coalition to fight immigrant bashing, support immigrant rights, no to the sweatshops exploitation and end to the racism on the community. Please visit our website:  
<http://www.ImmigrantSolidarity.org>

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