

September-October 2009 U.S. Immigration Alert!
A Monthly Newsletter from National Immigrant Solidarity Network
September-October, 2009 Issue, Volume 32
No Immigrant Bashing! Support Immigrant Rights!



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Immigration: Are We Going Anywhere At Coming This Fall?

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Anti-Immigrant Group Adds to Falsehoods About Health Care Reform

[September 8, 2009 Immigration Impact] Washington D.C. - In a report released by the Center for Immigration Studies today, the anti-immigrant group jumps on the bandwagon of those attempting to derail substantive health care reform through fear-mongering and falsehoods. Their baseless claim that millions of unauthorized immigrants will receive government-subsidized health care on the government's dime has already been discredited by the President, the media, and the U.S. government's own researchers. These groups, however, persist in their efforts to hijack the debate in order to demonize immigrants.

In his Immigration Impact blog, IPC Senior Researcher Walter Ewing writes:

"These big, scary numbers {from CIS} are based on the false premise that there are simply no mechanisms in place to prevent unauthorized immigrants from receiving coverage under the bill. But, as a report released late last month by the Congressional Research Service points out, H.R. 3200 explicitly bars unauthorized immigrants from receiving federal subsidies for the purchase of health insurance. Moreover, as Saturday's New York Times reports, the health care bills currently circulating in Congress would increase insurance coverage among low-income workers primarily through the expansion of Medicaid-which already has proof-of-citizenship requirements in place."

Anti-Immigration: Never Having to Say You're Sorry for the Past but Keep Repeat Doing It

Equality Is Never Having To Say You Are Sorry

Jean Pfaelzer - The Globalist
Monday, September 07, 2009

In celebrating Labor Day, the United States honors the struggle for honorable working conditions. In this two-part series, Jean Pfaelzer — author of "Driven Out: The Forgotten War Against Chinese Americans" — discusses the cruel irony of a nation apologizing for past immigrant abuses at the same time as it perpetrates new ones.

As the United States observes Labor Day this year on September 7, apologies for labor abuses, anti-labor violence, and slavery are flowing in from states like Maryland, Virginia, Florida, North Carolina, California and New Jersey. On a national level, the U. S. Senate has also just apologized for slavery.

'Tis the season to apologize

For instance, California has passed a resolution "deeply regretting" 150 years of violence against Chinese Americans. Adding to the momentum for recognition and regret, in late August 2009, California Assemblymen Mike Eng and Kevin de Leon called for a "Day of Inclusion" to mark December 17, 1943.

On that day, the United States finally repealed the Chinese Exclusion Act of 1882. It was the first U.S. law that banned immigration by race. It also prohibited Chinese women from entering the country, a gesture toward ethnic cleansing that

sought to eliminate a Chinese American population. Even so, the repeal set a paltry quota of 105 Chinese who could enter the United States each year.

On a national level, in 2005 the U.S. Senate similarly apologized for the 1931 Repatriation Program that shipped two million “temporary” workers to Mexico — one million of whom had been born in the United States.

Importantly, Eng's bill in California also honors the “contributions of all immigrants to the greatness of the United States and to California.”

State apologies should also mark the untold forceful resistance of early immigrant laborers who did not await apologies to claim their rights — a compelling contribution to American labor.

While some struggles of immigrant workers — such as the “Bread and Roses” textile workers strike of 1912 in Massachusetts — are well-known, how many know that the organizers of the first farm worker strikes in California were Chinese?

Chinese immigrants also organized California's first general strike. In 1892, in the largest mass civil disobedience to date, 110,000 Chinese workers refused to wear photo identity cards.

Chinese launderers and “washmen” went to jail rather than obey inane local “laundry ordinances” that banned laundries built of wood. When they were facing brutal expulsion by vigilantes, the Chinese returned laundry folded but still dirty.

They refused to deliver fresh fruits and vegetables to hotel owners and housewives who joined anti-Chinese leagues.

But which school teaches that early Chinese American railroad workers struck for equal pay and for the right to have Chinese cooks boil tea water to keep them from the killer parasites that decimated white railroad workers who drank from the crowded mountain streams?

However, such apologies will only have an impact if they help us remember these abuses. They should build support for the cause of legalizing the presence of millions of undocumented workers living in the United States now.

Repeating past mistakes

Yet as the United States observes Labor Day on September 7, it is a cruel irony that we apologize for anti-immigrant violence, just as Homeland Security is rounding up thousands of immigrants and holding them in detention centers while their children wait to be picked up at school.

The state apologies we are now witnessing should go beyond contrition. They should pledge that the forced expulsion of immigrant labor will cease. Despite contrition, local and national violence against immigrant workers endures.

The popular “Hazleton code,” designed by a mayor in a little town in Pennsylvania, makes it illegal for landlords to rent to alleged undocumented immigrants, although landlords have no way to verify documents — and law suits against this code have been filed by civil rights groups

Furthermore, driven by racial profiling, counties across the United States have banned day labor centers. In short, the government is emptying towns of immigrants and hurting local economies.

How to apologize

Though California's action is a good start, state-level apologies should clearly go beyond mere contrition. They should pledge that the forced expulsion of immigrant labor will cease.

Looking at public acts of contrition, psychiatrist Aaron Lazere suggests that state apologies — usually offered hundreds of years after the fact by men who did not perpetrate the violence — should announce that the assaults were not the victims' fault. They should also guarantee the future safety of the victims, penalize the offenders and pay reparations. Victims, he says, should see the offenders suffer.

Viewed in that light, an apology for anti-Chinese violence should recall the purges from 1850 to 1906 that drove thousands of Chinese miners, fishermen, launderers, prostitutes, railroad workers and cooks from 300 towns across the Pacific Northwest. It should also recall the years Chinese émigrés spent imprisoned at Angel Island waiting to enter the United States.

Why not have a Day of Inclusion that recalls the hundreds of thousands of dollars Chinese gold miners paid under the Foreign Miners Tax — providing half of California's revenue during the Gold Rush years? A Day of Inclusion should recall the farms, fishing boats, vegetable gardens and the segregated Chinatowns lost in the 19th century pogroms that travelled from Seattle to Riverside.

It should also recall the fact that Chinese workers were forced out of town, often at gun point — sometimes in 24 hours, sometimes in just four. In Los Angeles in 1871, 19 Chinese workers were lynched in one horrifying night.

Real accountability? Real change?

To be sure, these symbolic gestures are not to be underestimated. For example, they can teach the hidden history of Chinese Americans. After all, Asians still encounter stereotypes of passivity and docility that invite abuse.

In the first week of September 2009, New York State Gov. David Paterson struck the term “Oriental” from all state documents, joining then Gov. (now Secretary of Commerce) Gary Locke of Washington State in a gesture that removed an imprecise and derogatory term for inexplicable difference. “Oriental” is an old but divisive term that has long suggested enduring Asian “otherness.” This act reflects the power of language to segregate and demean.

Yet, how many Chinese Americans and Mexican Americans are aware of these state apologies?

Are these apologies true acts of accountability? Has an apology ever improved an underfunded school? And what of economic reparations for lost generations, lost lands, unpaid labor? They have not provided 40 acres of land to descendents of slaves. As one friend asked, “Where’s my mule?”

Read Rest of the Article: <http://www.theglobalist.com/StoryId.aspx?StoryId=7977>

Speculation: US planning 'Guantanamo Bay' prison in Pakistan

September 8 2009 - Citizens For Legitimate Government

<http://www.legitgov.org/>

Speculation: US planning 'Guantanamo Bay' prison in Pakistan --According to an estimate, Washington is planning to spend a whopping one billion dollars for revamping its main embassy building in Islamabad and increase the strength of its staff. 08 Sep 2009 Speculations are rife that the United States is planning a Guantanamo Bay kind of prison inside Pakistan. While the media reports have been claiming that the US is planning a massive expansion of its Islamabad Embassy, the latest report regarding establishing of a prison similar to that of Guantanamo Bay has heightened tension in the country. It is also being reported that Washington is planning to takeover a bombed luxury hotel in Peshawar, capital of the North West Frontier Province (NWFP), Forbes.com reported. Sources said the US State Department is searching for a new site for a consulate in Peshawar, long believed to be a key hub for American spies, and are considering establishing the same in the Pearl Continental Hotel.

9/1: Interview wih Attorney for Cuban Five

Transcript of telephone interview given by Miami based Attorney Richard Klugh, who legally represents the Cuban Five in the appeals process, to Bernie Dwyer for Radio Havana Cuba on 1st September.

Three of the Cuban Five, Ramon Labañino, Antonio Guerrero and Fernando Gonzalez are in the Federal Detention Center in Miami waiting to attend a district court hearing on their re-sentencing as recommended by the 11th Circuit Court of Appeals in Atlanta .

They are being held in solitary isolation in the same Special Housing Unit that they spent 17 months awaiting trial in 2001. The re-sentencing hearing is due to be heard on 13th October 2009.

Interview

Bernie Dwyer (RHC): Three of the Cuban Five, Ramon, Antonio and Fernando are now in the Federal Detention Center in Miami . Can you give us the background to their move from their separate prisons and the reason they are in Miami now?

Attorney Richard Klugh (RK): Ramon, Antonio and Fernando were transported to Miami within the last two weeks from their various institutions in Kentucky , Colorado and Indiana , in order to attend and b e re-sentenced at a hearing by the district court judge as ordered by the court of appeals.

BD: Do they have any contact with each other?

RK: As of right now they are all separated from each other and separated from all of the other inmates. They are in the isolation units ordinarily used for special housing and it's unclear whether all of them will be allowed to leave the special

housing units or isolation unit prior to re-sentencing or not. It's our hope that it will happen.

BD: Are they permitted to have contact with their attorneys?

RK: Yes. The attorneys are visiting and are able to talk to them. The re-sentencing hearing is about a month and a half away so they need to be talking to them. That's exactly where it stands right now. It's a relatively short period of time before the re-sentencing occurs.

BD: Are they allowed to have family visits and phone calls?

RK: They will be allowed to have them. There is always a delay when there is a transfer such as this but they are not precluded from having family visits.

BD: Can they receive letters from supporters and friends?

RK: Absolutely and of course everybody is very encouraged to do that, to write to them in the names in which they are listed in the Bureau of Prisons directory at the address of the Federal Detention Center in Miami .

BD: Can you give a background as to why three of the Five, Antonio, Fernando and Ramon are being allowed to go back to court for re-sentencing and not Gerardo Hernandez and Rene Gonzalez?

RK: Gerardo, because of the disputed conviction with regard to the Brothers to the Rescue matter was not eligible for a re-sentencing hearing because he has already received a life sentence as to that accusation and we were unsuccessful in the direct appeal in reversing that conviction. He was deemed to be ineligible for re-sentencing. With regard to Rene, his sentence was based on offences as to which he really didn't have much of a right to appeal. They were not sentences with which the District Court had any real legal limitations on what could be imposed.

And so the arguments that applied to the counts and convictions that Ramon, Antonio and Fernando had did not apply to René. That first fifteen years of the sentence is not subject to review under the federal sentencing guidelines because there is no guideline for the offence of conspiring to or acting as an unregistered foreign agent.

BD: How would you actually term this court appearance that is coming up?

RK: It's an opportunity to have a re-consideration of the prior sentencing decisions and to basically start at a lower level of sentencing for each of them and hopefully that will result ultimately in a substantial lowering of sentences. They would have a right to appeal from this re-sentencing decision if there are legal errors made in regard to the imposition of these sentences.

BD: Is there any chance that the judge could re-sentence them to longer terms in prison?

RK: There's always theoretically a possibility of such a change however I think that it is well known that each of the Five has been exemplary in their conduct while incarcerated. I think they are highly regarded by other personnel within the federal prison system for their good conduct, their good works with other prisoners, etc. There really is nothing that would indicate any reason to punish them any more than they what they have already been punished for.

BD: If we look at somebody like Rene who is serving 15 years. Is there any mechanism that he can get time off for good behaviour?

RK: There is a limited provision for a reduction of sentence under the federal system so it is our hope that within the next two years at least that Rene might be able to be released. There is sometimes a need for litigation to force them to allow the prisoner to be released in the latter stages of incarceration. I don't know whether we will be in that position of having to litigate that with Rene or not but definitely we are prepared to insist that he be given every opportunity for early release.

BD: Do you know already who the judge is going to be at the re-sentencing hearing?

RK: it will be the same district judge that imposed the original sentences and essentially the same personnel. Some of the government attorneys are no longer with the government but essentially it will be the same personnel.

BD: Does that put prosecution and Judge in a position that if they re-sentence it appears that they made a mistake in the first sentencing?

RK: The court of appeals has already held that some of the provisions that were applied in the original sentencing were too harsh and that is the reason why we are having the re-sentencing. So those principles that were established by the court of

appeals will form the basis for the re-sentencing process. And certainly it is our hope that as a result of that these sentences will be substantially lowered.

BD: The opinion that some of the original sentencing provisions were too harsh came from the 11th Circuit Court of Appeals in Atlanta ?

RK: Yes

BD: Do you feel that with the change of administration that you could expect any thing different at all in the approach taken by the court to the case of the Five. They were sentenced during the Bush administration. Do you think it will make any difference under the Obama administration?

RK: I don't believe it necessarily would. So much time has passed. So many changes have occurred since the original sentencing. Everything that people have learned about what is and what is not something that merits a significant punishment I would think would help us in this process. But I don't know at the political level, the individual decisions in this case will have that effect. What I have found is that it does not have that effect ordinarily. For20us the most important part of the case that remains deals with Gerardo and trying to do something that will give him an opportunity to be released.

BD: Can you talk at this stage about how the re-sentencing case will be presented in court?

RK: Each of the three will be represented by their principal attorney. Joaquin Mendez represents Fernando. Leonard Weinglass represents Antonio and Bill Norris represents Ramon. They are each preparing individual arguments and explanations for why substantially lower sentences should be given. It's very important to remember that Antonio and Ramon had life sentences and the hope is that the sentences will become significantly reduced to a sentence that is more in keeping with an offense in which there was no actual commission of espionage.

This interview with Attorney Richard Klugh was broadcast by Radio Havana Cuba on the 1st September 2009

Immigration News Briefing

By: Catholic Immigration Network

September 8

U.S. Immigration News

- A federal appeals court judge rejected a bid to delay the E-Verify mandate going in effect today for federal contractors and federal subcontractors.
- Several hundred people marched through downtown Sacramento, CA on Sunday urging President Obama to act on comprehensive immigration reform as promised during his campaign.

State/Local

- The president of United Farm Workers met with workers in Hermiston, WA to let them know that he will continue pushing for the AgJOBS Act and that he is confident comprehensive immigration reform legislation will be introduced next year.
- A call for a boycott of the 2010 census by undocumented immigrants has caused a split among immigration advocates in Massachusetts.
- A mother and son in Manatee County, FL have been charged with human trafficking after holding a Guatemalan man ransom when his family could not pay the "transportation fee" for smuggling him into the U.S.

Faith and Migration

- A delay in the immigration cases of 150 Muslims from a mosque in Falls Church, VA has resulted in a call to action by a local interfaith group.

Refugees/Asylum Seekers

- The Refugee Sewing Society in Clarkston, GA teaches refugee women how to create merchandise, which is then sold through a local market.

Deportation

- Two thousand people took part in a Labor Day rally in Chicago to urge President Obama and Congress to enact

legislation that would prevent families from being broken up by deportations.

September 4

U.S. Immigration Policy

- A new agreement between Immigration and Customs Enforcement (ICE) and local participants in the 287(g) program states that information about suspects and cases will become part of a broader category of documents that “shall not be considered public records.”

State/Local

- Mayor Donald Cresitello of Morristown, NJ rebuked the New Jersey Attorney General for sending letters to law enforcement officials reminding them of the limits of the 287(g) program, saying that the attorney general has no authority to speak on the manner.
- Virginia gubernatorial candidate Bob McDonnell has stated that if elected he would move to implement the 287(g) program statewide.
- Sheriff Terry Johnson of Alamance County, NC is prepared to renew the county’s agreement to participate in the 287(g) program if the county can reach a compromise with ICE on certain aspects of the agreement.

Enforcement

- U.S. Customs and Border Protection agents have begun targeting the Interstate 40 corridor between Needles, CA and Kingman, AZ for human smugglers bringing undocumented immigrants to Los Angeles and Las Vegas.

Raids

- ICE officers arrested 12 suspected undocumented immigrants for not having proper identification at a DUI checkpoint in California.

Work Related Issues

- American Apparel will lay off approximately 1,500 factory workers after an audit by Immigration and Customs Enforcement (ICE) showed that the employees were not authorized to work in the U.S.

September 3

State/Local

- New Jersey Attorney General Ann Milgram has sent warning letters to three law enforcement agencies in the state who participate in the 287(g) program “reminding them to follow the rules when questioning people about their immigration status.”
- Political leaders in Miami-Dade County, FL met with immigrants residing in the county and immigrant advocates to reach a consensus on comprehensive immigration reform issues to be formulated into a memo sent to the federal government .
- Officials in Clark County, WA have decided that companies who are contracted by the county for projects worth more than one-million dollars will be required to check the immigration statuses of their workers using E-Verify.

Refugees/Asylum Seekers

- Utah Transit Authority (UTA) plans to extend its current program that allows qualifying refugees to purchase bus passes at half price from agencies such as the International Rescue Committee (IRC).

Faith and Migration

- Bishop William F. Murphy, on behalf of the United States Conference of Catholic Bishops, released its annual Labor Day statement in which he renewed the call for healthcare and immigration reform.

Raids

- Maricopa County Sheriff Joseph Arpaio says that “most of the business raids start with a tip from a disgruntled current or former employee who knows or suspects the business in question is hiring illegal immigrants.”

September 2

U.S. Immigration News

- United States Citizenship and Immigration Services (USCIS) will hold a grand opening on September 15 for a new service center in Lawrence, MA.

- Immigration advocates in Greensboro, NC have set up a town hall meeting tomorrow to discuss immigration reform with the staff of Senator Kay Hagan (D-NC).

State/Local

- San Francisco Mayor and California gubernatorial candidate Gavin Newsom discusses immigration related issues on the Spanish language television network, Azteca America.
- Rhode Island Governor Donald Carcieri defended his decision to promote the 287(g) program to his immigration advisory panel that was critical of his decision in their January report.
- A report issued by the Southern Poverty Law Center states that Suffolk County on Long Island, NY has an “anti-immigrant climate” fostered by anti-immigrant hate groups and public officials.
- The U.S. Department of Justice is interviewing undocumented immigrants in connection to the civil rights investigation of the Maricopa County Sheriff’s Office in Arizona.

Faith and Migration

- In observance of the National Day of the Migrant in Mexico, the Church in Mexico “is proclaiming that migrants' human dignity must be respected -whether they are going from or coming to Mexico, or just passing through.”
- Bishop Alvaro Ramazzini Imeri of San Marcos, Mexico stated in a message in observance of the National Day of the Migrant that, with the promise of comprehensive immigration reform in the United States, the Church must take an active role in reform.

Work Related Issues

- A study by professors from UCLA and the City University of New York shows that “low-wage workers are routinely denied proper overtime pay and are often paid less than the minimum wage.” Thirty-nine percent are undocumented immigrants while thirty-one percent are documented immigrants.

September 1

U.S. Immigration News

- United Press International uses the story of two cases in Florida to show how legal immigrants charged with crimes can “sometimes face double jeopardy by having to face similar charges in immigration courts, experts say.”

State/Local

- Governor Carcieri of Rhode Island met with his advisory panel on immigration today to discuss among other topics, Rhode Island’s involvement in the 287(g) program.
- The separation of a Wyoming family highlighted the need for comprehensive immigration reform at press conferences held today by Reform Immigration for America in various Michigan cities.
- Immigration advocates speculate over the role the newly appointed Florida senator will have on prospects for comprehensive immigration reform.
- State subsidized health insurance for 31,000 legal immigrants in Massachusetts will no longer cover dental, hospice or skilled-nursing care.

Faith and Migration

- The Catholic Diocese of Little Rock, AR announced yesterday that “it has been awarded a \$151,500 grant to provide services to immigrant crime victims across Arkansas.”

Work Related Issues

- The United Food and Commercial Workers International Union (UFCW) partnered with the Embassy of Mexico, the U.S. Department of Labor, and other allied organizations to promote the first “Labor Rights Week.”

Deportation

- North Carolina native and U.S. citizen Mark Lyttle was deported two times to countries he has no connection to even after FBI evidence proved he was a U.S. citizen.

8/30: 500 groups urge Obama to halt immigration police program

Anna Gorman - Los Angeles Times

A coalition of advocacy groups sent a letter to President Obama last week demanding that the administration end a program that allows local police to enforce federal immigration law. The program, known as 287(g), deputizes police to turn over suspects or criminals to immigration authorities for possible deportation. Immigrant rights groups said the program has led to civil rights violations and racial profiling. "Racial profiling and other civil rights abuses by the local law enforcement agencies that have sought out 287(g) powers have compromised public safety, while doing nothing to solve the immigration crisis," the letter states. "The program has worked counter to community policing goals by eroding the trust and cooperation of immigrant communities and diverted already reduced law enforcement resources from their core mission." The letter was sent by the National Immigration Law Center and includes signatures by more than 500 local and national groups, including the American Civil Liberties Union and the National Day Laborer Organizing Network. Organizations have planned vigils, marches and news conferences this week to raise awareness about their criticisms.

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or visit: <https://lists.riseup.net/www/info/va-immigrantrights>

May Day 2008 national organizing e-mail list

send e-mail to: mayday2008-subscribe@lists.riseup.net
or visit: <https://lists.riseup.net/www/info/MayDay2008>

About National Immigrant Solidarity Network

NISN 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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