



NEW FRONTS IN THE IMMIGRATION BATTLE

A Judicial Watch Special Report

The illegal immigration debate continues to rage across the country and shows no signs of slowing down. Millions of illegals are staging massive protests, demanding citizenship and all the privileges that come with it. The American people, fed up with the federal government's failed policies, are traveling to the border to address the issue themselves. The president continues to push his amnesty program for illegals while a divided Congress considers legislation to deal with the crisis.

All the while, illegals continue to flood across the border, some in search of a better life, others intent on harming the United States and its citizens. In this context, Judicial Watch held its second educational panel of the year, entitled, "New Fronts in the Immigration Battle." The following is an edited transcript.

INTRODUCTION: TOM FITTON, JW PRESIDENT

Through its educational endeavors over the last eleven years, Judicial Watch has advocated high standards of ethics and morality in our nation's public life and has sought to ensure that political and judicial officials obey the law and do not abuse the powers entrusted to them by the American people.

Let me start right off the bat in saying that Judicial Watch believes in the strict enforcement of our nation's immigration laws. The breakdown in our immigration system and the resulting lawlessness is a crisis. Judicial Watch has taken steps to confront this lawlessness by representing protestors attacked by open border radicals in Sacramento, by suing in Herndon, Virginia to stop government officials from supporting

illegal immigrant labor, and by suing the Los Angeles Police Department to end police policies which prevent officers from asking anyone about their immigrant status or cooperating with federal immigration authorities. Judicial Watch also fought battles for information – obtaining documents from the US Border Patrol showing that talk of amnesty and guest worker programs led to an increase in illegal immigration over the Mexican border.

This panel is about new fronts in the immigration battle. As discussed, we opened some new fronts by hauling local governments to court for their undermining of our nation's immigration laws. The federal government, assuming it was so inclined, would have a terrible time stemming the flow of illegal aliens in the face of local police departments refusing to help enforce the law, local governments subsidizing the illegal immigrant labor market and/or otherwise encouraging illegals through other taxpayer-financed public benefits.

Of course, many of the new fronts are not new at all. The politicians in the media are only now paying attention. Amnesty is not a new idea. The trials and tribulations of our Border Patrol and dysfunctional immigration bureaucracy are not new stories. Local governments have been subverting our nation's immigration laws

for years. Sex trafficking, gang violence, human smuggling and drug smuggling have been problems associated with the illegal immigration...for many years, as well. What is new is that the American people are fed up and have begun fighting back. Whether it be Judicial Watch in the courts, the Minutemen on the border, outraged taxpayers at Herndon, or voters voicing their outrage to their congressmen, Americans are fed up and are taking action. So as Congress considers reforms while protestors appear in the streets, this discussion could not be more timely and I am really pleased to be joined by leaders in the immigration debate for our panel this morning.



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— Tom Fitton, President of Judicial Watch

PANELISTS



T. J. Bonner is the President of the National Border Council of the American Federation of Government Employees, AFL-CIO, the labor organization that represents 10,000 non-supervisory border patrol employees. He has held that position since 1989, and has been a Border Patrol agent in the San Diego, California area since 1978.



Steven Camarota is Director of Research at the Center for Immigration Studies in Washington, D.C. He holds a Ph.D. from the University of Virginia in Public Policy Analysis, and a Master's Degree in Political Science from the University of Pennsylvania. In recent years, he has testified before Congress more than any other non-government expert on immigration.



Janice Shaw Crouse is Senior Fellow at the Beverly LaHate Institute, the think tank for Concerned Women for America, and is a nationally recognized authority on domestic issues, the United Nations, and women's concerns. In May 2002, she was appointed as a U. S. delegate to United Nations Children's Summit. She was then appointed by the

president to the United States delegation to the 2003 United Nations Commission on the Status of Women.



Erin Anderson comes from a homesteading family in Southern Arizona which has owned land on the Mexican border since the late 1800s. She currently speaks on immigration and national security issues to civic groups around the United States and is a well-known activist in that area.

THE ILLEGAL IMMIGRATION PROBLEM

Illegal immigrants commit violent crimes...

Proponents of illegal immigration argue that illegal immigrants cross the border in search of economic opportunity and a better life for themselves and their families. While this may be true for the majority, panelists agreed that a significant number of illegals intend on harming the United States and the American people.

T.J. BONNER: Border patrol agents on the front line estimate that for every person we catch, two or three people get away. We are about 25-33 percent effective, at best. Not a very good batting average when you consider that not everyone who is crossing that border is just looking for work. Almost 10 percent of the people that we catch have some type of criminal record in the United States. Now granted not all of these people are "Jack the Ripper," but within that percentage, we do have murderers, robbers, rapists, and other people who have been convicted of very serious crimes. Ask any American and, clearly, these are the people that they want to keep out of the country the most.

Erin Anderson, whose family owns land on the U.S. Mexican border, discussed her personal experience with criminal illegal aliens, especially those involved in the drug trade, and the problems they create nationwide.

ERIN ANDERSON: I am involved in illegal immigration by virtue of the fact that my family home is on the Arizona-Mexican border in Cochise County in the Tucson [Arizona] sector...The Tucson sector is infamous for being the major entry point for the most number of drugs and illegal aliens entering this country. We average over 3,000 illegal aliens coming through our valley every night...[The] illegal aliens that are crossing through our lands, coming through the Tucson sector, are not staying in the Tucson sector. They are coming here to Virginia, to Maryland, to Chicago, to Maine. We are just the entry point, and it is...no longer just a regional issue... Every town in America now is a border town.

Janice Shaw Crouse, meanwhile, focused her discussion on two specific crimes, human smuggling and sex trafficking.

JANICE SHAW CROUSE: Illegal activities spawns violence and exploitation. Illegal immigration, facilitated by wretched criminal networks, fosters sex trafficking and human smuggling...Human smuggling involves a person paying for covert passage into the United States. We have all heard stories of the crammed containers and long hikes through the desert. Smuggling often involves fraudulent documents and a lot of money, but the deal is mutually agreed to, even if

the price is exorbitant...Human trafficking, though, involves deception that quickly turns into coercion with force, threats and brutality. Vulnerable girls, women and men are tricked or lured into casting their lots with con men who promise legitimate jobs and bright prospects that turn out to be nightmares of unbelievable exploitation...Our nation's poor Southern borders lack the enforcement against illegal immigration and make it easy for traffickers to ply their trade and profit from exploiting vulnerable girls, women and children.

Illegal immigrants are a national security risk...

In addition to committing violent crimes, Judicial Watch's panelists agreed that illegal immigration is a national security risk because some illegals have ties to terrorism and are committed to destroying the United States. Panelists also noted that the Mexican military is increasingly involved in border incursions.

ERIN ANDERSON: There is a definite national security threat [on the border]. Yes, a large volume of...illegals coming across the border...are more like economic migrants, but we do know there is irrefutable evidence that there is terrorist activity south of our border...We are picking up evidence off of our lands, including diaries written in both Spanish and Arabic...[Here are] a few data points on Tucson, Arizona. There are three Islamic centers in Tucson, Arizona. Osama bin Laden sourced his aircraft out of Tucson, Arizona. [The terrorist] who put the plane into the Pentagon came from Tucson. His roommate in Tucson was involved in the bombing of the USS Cole. One of the co-founders of al Qaida came from Tucson. Someone involved in the bombings of our embassies in Africa came from Tucson, Arizona...When al Qaida was formed, Osama bin Laden had to pull together three significant Islamic centers. One was in Pakistan, one..in New York City, and the third one was in Tucson, Arizona.

T.J. Bonner, meanwhile, focused on the increasing number of armed conflicts between the Mexican military and U.S. Border Patrol.

T.J. BONNER: Over the past 20 years, there have been hundreds, if not thousands, of documented incursions by the Mexican military into the United States...[For example], in Santa Teresa, New Mexico...19 Mexican soldiers in two Humvees came into the United States and were firing at U.S. Border Patrol agents in clearly marked vehicles...We captured one of those Humvees when it bogged down in the sand... [We] captured the soldiers and their weapons and Department of State ordered us to return everything to Mexico within a matter of hours and that was done. Their excuse...for shooting at our soldiers was that they thought that we were in Mexico and, therefore, it was justified.

Illegal immigrants refuse to assimilate...

Proponents of illegal immigration portray illegals as patriotic individuals who want to become a part of the "American Dream." T.J. Bonner, however, argues the "new" illegal immigrant has no intention of assimilating into American culture.

T.J. BONNER: They are here for the money and...they are fiercely nationalistic. They believe that they are still Mexicans, El Salvadorans, Guatemalans. They really have no allegiance to this country. That is a myth. People think that everyone wants to come to the United States and be a citizen. There are exceptions, but overall, what we are looking at is a new wave of migrants, not immigrants. The immigrants that everyone talks about in the Senate...all of these wonderful stories about how people came over here to enjoy the freedoms of America...that door is rapidly closing because when you overwhelm the system with illegal immigration, there is no room at the inn for legal immigrants.

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— T.J. Bonner

Photo: Some of the protesters in San Francisco waved Mexican flags.
Chronicle photo by Frederic Larson.



Illegal immigrants take jobs from law abiding Americans...

One of the main justifications for illegal immigration is that illegals take jobs "other Americans won't do." Judicial Watch's panelists, however, took issue with this contention, arguing that illegal immigration has a destructive impact on the labor market.

STEVEN CAMAROTA: I am very skeptical of the idea that America is desperately short of unskilled workers. There are 65 million native born Americans, and at least 10 million legal immigrants on top of that, who have no education beyond high school in the United States, [and] who are of working age, 18 to 64. Nineteen million native born Americans with no education beyond high school are not even in the labor market...four million are unemployed, meaning that they are looking for work, but have not found a job. This is a huge pool of labor...Non-work is becoming more and more common, especially among less educated men. At the same time, we are bringing in lots of less educated immigrants.

T.J. Bonner suggests illegal immigration is driving down wages. In other words, it is not that Americans "won't" do the jobs illegals are doing, it is that they "cannot afford" to do them.

T.J. BONNER: You cannot convince me that if you paid a decent wage to American workers, that they would not take many of these jobs. Drywall hangers, for example, used to make \$18, \$20 an hour; now the going rate [is] \$8 to \$10 an hour. These are jobs that Americans cannot afford to work in because they cannot afford to live in sub-standard living conditions. On the other hand, people who have no interest in this country, [who] live [with] 15 adult males, unrelated, in a one-bedroom apartment...[and] send most of their money back home — They are more than willing to take those jobs.

Illegal immigration harms the economy...

Proponents of illegal immigration claim illegals contribute to the U.S. economy, and that their continued participation is necessary to keep the economy strong. Steven Camarota, who is an expert in illegal immigration statistics, argues this claim has it exactly backwards.

STEVEN CAMAROTA: All the research suggests that the reason illegal aliens create large fiscal [deficits] for the country is not their legal status, but rather their educational attainment. Sixty percent of illegals are thought not to have even a high school education, another twenty percent, a high school education only. All the research suggests that people with relatively little education make relatively little money in the modern American economy...[As] a consequence, they tend to pay relatively little in taxes, even if they are legal and on the books. At the same time, [these individuals] tend to use a fair amount in public services, reflecting their lower incomes. I estimate illegals pay about \$16 billion a year to the Federal Government in taxes...the difference between what they pay in taxes and use in services is about \$10 billion. So right now the net drain on the Federal Government alone from illegal families is about \$10 billion. If we began to legalize [these individuals] and they began to pay taxes and use services like legal immigrants with the same level of education, the net fiscal drain would roughly triple to nearly \$30 billion.



Judicial Watch's panelists were in complete agreement that the president's proposed "amnesty plan" for illegals will only serve to worsen the illegal immigration crisis.

Photo: President George W. Bush

ILLEGAL IMMIGRATION SOLUTIONS

Amnesty is the wrong solution to the illegal immigration problem...

Judicial Watch's panelists were in complete agreement that the president's proposed "amnesty plan" for illegals will only serve to worsen the illegal immigration crisis.

T.J. BONNER: Amnesty is not a new concept. We tried it back in 1986. It was a dismal failure. At that time, it was estimated that a half million people would benefit from the amnesty and that there were 3 to 4 million people in this country illegally. Currently, the low estimate of the number of people in the country illegally is 12 million and it runs all the way up to 20 million...They are talking about granting amnesty to 99.9 percent of those people, in one form or another...You have different hoops you have to jump through, but ultimately what they are talking about is a grand give-a-way...It is obvious that the previous [amnesty program] only encouraged people to come across. If you look at the data from 1986, there was a 25 percent increase in apprehensions in the aftermath of that debate and that lasted, that was for the whole year. In

guest worker program, again we saw a 25 percent increase in apprehensions.

Erin Anderson called attention to the president's attempts to gloss over his amnesty plan by talking tough about border enforcement.

ERIN ANDERSON: We are having this debate in the Senate on how to tackle the dilemma of the illegal alien population that is already here currently in the United States. The president [gave] a speech...trying again to couch his amnesty proposals [by calling for] stronger border enforcement. No matter how he tries to dress up this dog, amnesty, it is still a dog, and the American people will not tolerate it any further.

Using the National Guard is good politics, but questionable policy...

Just prior to Judicial Watch's educational panel, the president announced a plan to use 6,000 National Guardsmen on the border to assist Border Patrol in stopping the flow of illegals. Panelists generally agreed that this idea might help score points for the president with so-called "law and order" conservatives, but as a long-term policy, it is of dubious value.

T.J. BONNER: I do not think that the military has a useful role in enforcing immigration laws...even if you train them to the same level as you train Border Patrol agents, which is a very costly, time-intensive proposition. At the end of the day, all they can do is the same thing we do which is apprehend people, send them back home... and [then] you have this revolving door...Personally, I have caught the same group of people four times in one shift and that shows the futility of our revolving door immigration system. Until we actually address the root of the problem, people will continue to try and try again because there is no disincentive... This is not a new concept. The National Guard has been down along our borders for the past several decades doing support functions...

Erin Anderson drove the point home that using troops on the border is far from a novel concept.

ERIN ANDERSON: I have here a newspaper article [entitled], "US to Build Seven Million Dollar Fence on the Mexican Border." Here is a map showing the border between the United States and Mexico. "Uncle Sam is building a giant fence along the Mexican border. It is 1,200 miles long and while its posts are of wood and other building materials, its rails will be American soldiers." This article was printed in 1919.

Incarceration is impractical...

Many opponents of illegal immigration have suggested that illegals should be rounded up, incarcerated, and then deported. Some panelists thought this idea, while perhaps justified, is not likely to work in practice. T.J. Bonner addressed the subject.

T.J. BONNER: The people coming across the border have nothing to lose. These are people who on average make \$4.00 a day. Incarcerating them would be tremendously expensive. It is estimated that we spend \$50,000 per federal prisoner, per year. If you run the numbers on that, for every million people we catch, that would be \$50 billion to incarcerate them...[We] do not have that kind of space right now...In the interim, who do we let free? Is it the robbers, the murderers, the rapists?

Cooperation with Mexico is highly unlikely...

Some opponents of illegal immigration suggest the United States should insist on more cooperation from Mexico in helping to stem the tide of illegals. Judicial Watch's panelists felt this highly unlikely.

STEVEN CAMAROTA: We should not be seduced by the idea that we can get a lot of cooperation with Mexico. It does not mean Mexico cannot sign agreements with us, but Mexico

We should not be seduced by the idea that we can get a lot of cooperation with Mexico. It does not mean Mexico cannot sign agreements with us, but Mexico does not have the institutional capacity to even police its own border. It is our border. We have to defend it.

— Steven Camarota

Photo: Front cover of the *Guide for The Mexican Migrant*, a 12-page booklet published by the Mexican government which provides detailed assistance to illegal immigrants, everything from how to cross the desert to how to handle law enforcement while in the United States.



does not have the institutional capacity to even police its own border. Some new sheriff comes to town and they are dead right after their press conference saying they are going to restore order. The bottom line is you cannot expect anything out of Mexico. It is our border. We have to defend it.

Janice Shaw Crouse noted that Mexico has a history of failure with respect to policing its own affairs.

JANICE SHAW CROUSE: [The U.S.] now [has] teeth in the laws against trafficking...Whereas six years ago there were absolutely no prosecutions for trafficking, today there have been almost 300 prosecutions. Contrast that with Mexico...[They] are very proud of what they have done in the last four years, but in truth they have only prosecuted Americans in Mexico. There has not been a single Mexican who has been prosecuted for trafficking.

Punishing companies that employ illegal aliens would remove an incentive for crossing the border...

Panelists T.J. Bonner and Steven Camarota argued that one effective way to stop the flow of illegals is to remove the incentive for coming here in the first place – namely jobs.

T.J. BONNER: [A] much simpler [solution] is to simply crack down on the employers. The only way you can do that is if you have an idiot proof system, something where every applicant for a job in this country has the same form of identification...A Social Security card is the logical choice. It would look no different than the one we have today, except it would have a person's digital photograph on it...Every employer would be required to run this through a reader and they would get verification that the card was genuine and that they could then feel free to hire the person. Then, it would be very simple for immigration enforcement agents to go into a work place and figure out who is complying with the law and who is not. In very short order, we would have full compliance with the law, the same way we have near full compliance with our tax code...

Steven Camarota believes punishing employers should be one element of a broader law enforcement program.

STEVEN CAMAROTA: I think we must avoid the false choice that the president is giving us. It is either a) we have to deport

everyone a week from next Tuesday, or b) if we cannot do that, we have got to grant everyone legal status. I think there is a middle way, and it is not giving out green cards to 10 million illegal aliens, as the president wants to do. It is attrition through enforcement. You go after the employers. You police the border. You make sure illegal aliens cannot get everything from a driver's license...to public benefits. You get the cooperation of local law enforcement. You make sure local municipalities do not have sanctuary laws...Right now about 200,000 illegal aliens go home on their own each year. If we could triple or quadruple that number, and that is what I think we could reasonably do...the problem would take care of itself over time. Again, not a week from next Tuesday...It took us 20, maybe 25 years of neglect to get in this situation and we are not going to get out of it overnight, but we should avoid the idea of quick fixes. We begin with the resources we have to enforce the law and move from there.

Steven Camarota also noted that in order for the crack-down on employers to work, the Bush administration would have to radically change its policies.

STEVEN CAMAROTA: [As] recently as the early 1990s we were fining 1,500 employers a year for knowingly hiring illegals. It was a small step, but at least it was something. In 2004, the last year for which data is available, we fined just three employers. The [Bush] administration is committed in this area to a policy of non-enforcement. That is why it is very hard to take the president seriously

... when he talks about [enforcement].

U.S. citizens should take action...

In addition to boosting law enforcement efforts, especially those that focus on companies that employ illegals, panelists also noted how the individual can make a difference on this issue.

ERIN ANDERSON: [The American people] know what they have to do...They are taking back their country one community at a time, one town council at a time, one election at a time... [Take] Herndon, Virginia...one year ago at this time, most of the citizens of Herndon that were involved in [the day laborer site]... did not know one another. They were ordinary American citizens who were just trying to make a living, pay their mortgages get their kids through school and naturally



"[The solution] is attrition through enforcement. You go after the employers. You police the border...you get the cooperation of local law enforcement."

— Steven Camarota

Photo: Border Patrol check point.

assumed incorrectly that their elected officials were doing the right thing. [Then], they find that this town council funded with their taxpaying dollars a day labor site against the will of the citizens, so the citizens banded together and worked very hard and put their own people into office – citizens like themselves who would represent them.

JANICE SHAW CROUSE: I think an individual can do a lot. We have seen throughout American history that individual people...make a tremendous difference. I would say keep sending those letters. Keep calling congressmen. Keep the phones lit up at the White House. Unless people act, nothing will be done and I think [individuals] have a lot of power and [must] use it.

CONCLUSION, TOM FITTON

I think this panel has done an excellent job of not only talking about the new fronts and the immigration battle, (but also) the crises and the problems we are facing. We need effective common sense solutions that move beyond just deporting

everyone. I think that is the consensus here. We can argue over the degree of law enforcement and what elements of the military ought to be involved and such, but there is no one here who thinks this problem is not manageable and there is no one here who has an extreme solution that cannot get political support. It is extraordinary that some of the leadership in this town just refuse to buy into these common sense solutions and that local governments continue to ignore their role. Baby steps can really have such a great effect on solving the problem. It is a big problem, but it is not as big as the media would portray it and it is not as tough as some would have us believe.

Two points of consensus emerged from Judicial Watch's educational panel, "New Fronts in the Immigration Battle." First, illegal immigration causes a variety of social, economic and national security problems. And, second, that law enforcement provides the best hope for a solution. In particular, panelists believe law enforcement authorities must begin punishing companies that hire illegal aliens with a view towards eliminating the major incentive for illegal alien crossings – jobs.



Two points of consensus emerged from Judicial Watch's educational panel, "New Fronts in the Immigration Battle." First, illegal immigration causes a variety of social, economic and national security problems. And, second, that law enforcement provides the best hope for a solution.

From left to right: Janice Shaw Crouse, Ph.D., Senior Fellow of the Beverly LaHate Institute; Tom Fitton, President of Judicial Watch; T.J. Bonner, President of the National Border Council of the American Federation of Government Employees; and Steven Camarota, Director of Research at the Center for Immigration Studies in Washington, DC. Missing from photo, immigration activist, Erin Anderson.



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ABOUT JUDICIAL WATCH

Judicial Watch, Inc., a conservative, non-partisan educational foundation, promotes transparency, accountability and integrity in government, politics and the law. Through its educational endeavors, Judicial Watch advocates high standards of ethics and morality in our nation's public life and seeks to ensure that political and judicial officials do not abuse the powers entrusted to them by the American people. Judicial Watch fulfills its mission through investigation, litigation, and public outreach.

Investigation:

Open government is honest government. This is the principle that drives Judicial Watch's fight against government secrecy. Using open records laws, such as the federal Freedom of Information Act (FOIA) and the states' Sunshine Laws, Judicial Watch forces the release of government documents into the public domain. When elected and appointed public officials or government agencies stonewall investigations or try to hide behind special privilege, Judicial Watch takes strong legal action to force them to comply with open records laws. Our persistence and strategy has proven extremely effective. Judicial Watch has filed more than 900 open records requests in its first ten years, leading to the release of hundreds of thousands of documents into the public domain.

Litigation:

Litigation and the civil discovery process not only uncover information for the education of the American people on anti-corruption issues, but they can also provide a basis for civil authorities to criminally prosecute corrupt officials. Judicial Watch has filed more than 150 lawsuits against corrupt public officials, achieving numerous victories on behalf of the American people. This is what separates Judicial Watch from other watchdog organizations. Judicial Watch is willing to take action, to use the civil court system in order to achieve justice. Thanks, in part, to its aggressive litigation, Judicial Watch was recently named one of the "top ten" most effective government watchdog organizations by *The Hill* newspaper.

Public Outreach:

Judicial Watch's investigation, legal, and judicial activities provide the basis for strong educational outreach to the American people. Judicial Watch's public education programs include speeches, opinion editorials (op-eds), publications, educational conferences, media outreach, radio and news television appearances, and direct radio outreach through informational commercials and public service announcements. Through its publication *The Verdict*, educational mailings, and special reports, Judicial Watch educates the public on abuses and misconduct by political and judicial officials and advocates for the need for an ethical, law abiding and moral civic culture. Judicial Watch also pursues this educational effort through its Internet site, www.judicialwatch.org, where many of the open records documents, legal filings, and other educational materials are made available to the public and media.

"I think it is fair to say that Judicial Watch has been singularly successful in bringing scandals to light, educating the public, and using the legitimate tools of the judicial system to obtain justice on behalf of the American people."

— Former Congressman Bob Barr (R-GA)