

# “Common Sense” Immigration Reform What’s FAIR got to do with it?

By Tom Barry | January 19, 2006

The House’s approval of the Sensenbrenner immigration reform bill in mid-December was a clear signal that the most virulent restrictionists were in control of the immigration policy debate.

Sponsored by Rep. James Sensenbrenner (R-WI), chair of the House Judiciary Committee, the Border Protection, Anti-Terrorism, and Illegal Control Act calls for the extension of a fence along a third of the 2,000 mile U.S.-Mexico border, involves local law enforcement and other government officials in immigration enforcement, and denies due-process of law for immigrants. The bill sparked a spate of international criticism of rising anti-immigrant sentiment in the United States, and raised alarm among immigrant communities and their advocates.

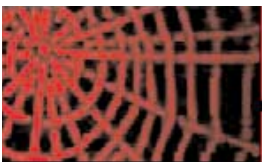
But the Federation for American Immigration Reform, the country’s leading immigration restrictionist organization, had a different response. FAIR, whose slogan is “Restoring Common Sense to America’s Immigration System,” complains that the bill should have been “stronger.” FAIR says the bill represents a washed-out version of the TRUE Enforcement and Border Control Act, supported by the Congressional Immigration Reform Caucus led by Rep. Tom Tancredo (R-CO). In its view, the Sensenbrenner bill is a “Trojan horse” that, because of its weak enforcement provisions, may allow the House and Senate leaders to play the “Potomac two-step” when constructing a final immigration reform package. Instead of a real immigration reform bill, the final result may be one that aims to “pacify the public” with “half-measures” that do nothing to stop the purported invasion of illegal immigrants, according to FAIR.

Established in 1979 by zero-population-growth advocates and cultural supremacists, FAIR has stood in the forefront of the anti-immigration forces, working at both the national and local levels.

Among FAIR’s criticisms of the Sensenbrenner bill are that it fails to include measures that would deny birthright to the U.S.-born children of illegal immigrants, increase the number of Department of Homeland Security personnel, immediately dismiss illegal workers, and extend the border fence along the entire southern border. FAIR contends that, in contrast, the True Enforcement Act will create an environment in which the country’s 10-13 million illegal immigrants would no longer “continue to live without inconvenience and nearly invisible to law enforcement.”

FAIR is even more critical of President Bush’s guest worker and law enforcement proposals. Acknowledging that the president did pepper his November 28 immigration speech with “tough-sounding talk about enforcement of the borders and our immigration laws,” FAIR charges that the president’s “version of comprehensive immigration reform and enforcement amounts to amnesty, open borders, and little in the way of enforcement.”

The success of restrictionist forces in advancing their agenda over the past several years is largely attributable to the upsurge in anti-immigrant and anti-immigration sentiment outside of Washington, in many states and communities across the nation, from traditional receiving states like California to nontraditional ones like Georgia and Virginia. Since its founding, FAIR has recognized the strength of what it terms the “open borders lobby” at the national level, and has therefore sought to provide logistical, legal, and financial support for local efforts—in the hope that a swell of restrictionism in



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the heartland would change the balance of forces in Washington.

Over the past few years, this local-national strategy has played out in extraordinary ways, as anti-immigrant initiatives at the local level have set the pace and shape of national immigration reform. Although it would be wrong to characterize local efforts as offspring of a national strategy, there are often very close ties between national groups like FAIR and local restrictionist initiatives.

According to FAIR, its Citizen Action Program for Immigration Reform “provides training, mentoring, communications and information exchange, advocacy opportunities, and recognition to a large and growing contingent of fine immigration reform activists and activist groups across the country.” Indeed, FAIR has played a critical role in key efforts that have given national policymakers the support and direction for national reform measures that stress uncompromising restrictionism and punitive enforcement.

FAIR both directly supports local groups and helps coalesce regional restrictionist alliances. For example, it supported the 2nd Annual Midwest Immigration Reform Summit that brought together activists from ten Midwestern states in late 2004. FAIR was a central player in the Protect Arizona Now (PAN) initiative that has sparked similar statewide restrictionist campaigns around the country. FAIR boasts that it provided “media training, message development, legal strategy, and public educational events that were critical to the extraordinary signature-gathering effort for the PAN initiative and its decisive victory at the polls.”

Symptomatic of its support for a wide range of local initiatives is the placement of FAIR field staff in Oklahoma to initiate a pilot project with Immigration Reform for Oklahoma Now, to advise business owners of the procedure for verifying the legal status of prospective workers.

One of FAIR’s main campaigns over the past couple of years has been to undermine local initiatives that

enable workers without residency documents to obtain driver’s licenses. Successful FAIR-assisted campaigns included Virginia’s new ban on driver’s licenses for illegal workers, as well as other similar bans in Illinois and Florida. While many local police support issuing driver’s licenses for illegal residents as a way to increase public safety, FAIR notes that it has won the support of one police association, the Fraternal Order of Police, in its driver’s license campaign.

Another successful front in FAIR’s strategy to restrict the progress of community integration that immigrant groups have made in the 1990s is their campaign to spur state drives to deny in-state tuition to immigrants. In Oklahoma, for example, FAIR helped organize a student group to demonstrate at the state legislature to protest granting “illegal aliens” in-state tuition at state universities. The intended upshot of such campaigns is that local authorities are beginning to ask for proof of citizenship for a widening range of programs.

Before 9/11, immigrants and their allies had been making major advances in coming out of the shadows and working with businesses and town councils to facilitate their integration into local economies and communities. Using their worker identification number and matrícula consular (issued by Mexican and other consulates), immigrants were able to open bank accounts, buy homes, and obtain loans.

Over the past several years, however, FAIR and other anti-immigration groups have launched a campaign to rollback these advances with lawsuits and anti-immigrant organizing at the local level. Not only has this campaign succeeded in rolling back pro-immigrant measures but it has also halted almost all advances in other states and communities. What may appear as a locally-organized effort to oppose the constructive integration of immigrants into community life is oftentimes the product of FAIR’s strategy to leverage people’s fears, resentments, and nativist sentiments into backlash movements with populist overtones. As FAIR itself notes in its 2004 report, “FAIR field staff has assisted in

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the formation and development” of activist groups aimed to push immigrants further into the shadows.

One of FAIR’s most effective anti-immigrant tactics has been the use of lawsuits to protect restrictionist gains and nullify the gains of immigrant communities and their supporters. One of the major successes of the restrictionist movement and FAIR was Proposition 187, which was part of Gov. Pete Wilson’s 1994 reelection strategy in California. But Proposition 187, which served as a pilot case for the more recent Proposition 200 in Arizona, was quickly overturned by court challenges based on resulting discrimination and civil rights violations.

Working together with the right-wing Mountain States Legal Foundation, FAIR successfully won a court case filed by the ACLU and MALDEF that argued that the Protect Arizona Now proposition should be denied as unconstitutional. Furthermore, FAIR filed suit in an Arizona court that contends that the social services denial clause of Proposition 200 should be widely interpreted to include all state and local benefits under the 1996 federal welfare reform act, as opposed to “only a very small and innocuous handful of public benefits.”

Throughout the country, FAIR is legally fighting all community efforts to establish local hiring halls for immigrants—which many communities believe would provide a more humane and organized replacement of the common practice of prospective employers looking for day labor among gatherings on public street corners of immigrants looking for work.

The aim of FAIR is to fill the courts and state legislatures with an array of suits and bills that make it increasingly difficult for immigrants to regularize their lives and work of themselves and their families. In what the organization characterizes as “an outstanding example of creative litigation,” FAIR is participating in what it characterizes as the “first alien-smuggling civil racketeering (RICO) case,” which argues that illegal workers are illegally and intentionally collaborating to drive down wages and working conditions of native workers.

While FAIR constantly makes the case that illegal immigrants undermine U.S. standards, its bottom-line position is that immigrants—legal and illegal—are undermining the cultural integrity and definition of the United States. FAIR’s media director Ira Mehlman paints an alarmist picture of a disintegrating society resulting from immigrant infiltration. “If the social bonds that hold the nation together are shattered,” he warns, “we will become slaves to destiny instead of masters of it.” Immigration restrictionism, he argues, is fundamental to how “we choose to define ourselves as a nation [which] must be something more than an amalgamation of workers, consumers, or even taxpayers, who happen to occupy a defined geographic area.”

When FAIR was founded in 1979 by John Tanton, former president of Zero Population Growth and chairman of its Immigration Study Committee, similar arguments by Tanton about the threat of immigrants to U.S. culture, values, and security didn’t have the same resonance that they do now in the wake of 9/11 and as the insecurities created by globalization and the reduced social safety net spread throughout our society.

Today, FAIR’s chairwoman Nancy Anthony can rightly claim that FAIR is “front and center in what has emerged as one of the defining political issues of the early 21st century.” By positioning itself to the right of the Sensenbrenner bill and the president’s own proposal, FAIR aims to keep pushing its own extremist reform proposals into the mainstream and into the center of the policy debate.

In the absence of bipartisan support for a moderate and more pragmatic immigration reform bill, FAIR and other restrictionist forces have good reason to believe that their “common sense” agenda of criminalizing immigrants, driving them deeper into the country’s economic and social underground, and walling ourselves in will continue to gain traction in today’s political climate.

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*Tom Barry is policy director of the International Relations Center, online at: [www.irc-online.org](http://www.irc-online.org).*

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## FOR MORE INFORMATION SEE IRC'S RIGHT WEB PROFILES:

Tom Tancredo

<http://rightweb.irc-online.org/profile/3006>

John Tanton

<http://rightweb.irc-online.org/profile/1360>

FAIR

<http://rightweb.irc-online.org/profile/1467>

Reframing the Immigration Debate:

The Actors and the Issues

<http://americas.irc-online.org/am/2959>

## RESOURCES

Enlaces América

Heartland Alliance

208 S. LaSalle St., Suite 1818

Chicago, IL 60604 U.S.A

(312) 660-1460

fax: (312) 557-0991

[www.enlacesamerica.org](http://www.enlacesamerica.org)

National Immigration Forum (NIF)

220 I St. NE, Suite 220

Washington, DC 20002

(202) 544-0004

[www.immigrationforum.org](http://www.immigrationforum.org)

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Editor: Tom Barry, IRC

Layout: Chellee Chase-Saiz, IRC