

# DifferentTakes

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## The War Against Immigrants

by Eunice Hyunhye Cho

Only minutes after planes crashed into the World Trade Center and the Pentagon, a wave of hate violence swept the country, with immigrants the main victims of "retaliation." Since the first moments after the tragic events of September 11, 2001, immigrant and refugee communities have become the frontline victims of a new war. In the Bush Administration's war against terrorism, immigrants and refugees have once again become "enemy aliens." "In this new war," declared Attorney General John Ashcroft, "our enemy's platoons infiltrate our borders...their tactics rely on evading recognition at the border and escaping detection within the United States."<sup>1</sup>

In the post-September 11 era, immigrants and refugees are among the most politically expedient—and vulnerable—scapegoats available for the new "war against

terrorism." Non-citizens, the majority of whom are people of color, are denied the most basic of civil rights in immigration proceedings, including the right to probable cause for arrest, speedy trial, and court-appointed attorney. As a result, the government has conveniently used immigration policies and procedures to implement arbitrary programs of detention, registration, and surveillance. The current popularity of the nativist concept of "national security" which feeds on a distinction between "Americans" and "outsiders," U.S. citizens and non-citizens, has allowed policies and practices in which all immigrants, even those who are longtime residents or naturalized citizens, are viewed as legitimate targets and subject to a different level of human and civil rights protections than citizens.

As the Bush Administration pushes its war agenda within the United States and abroad, it simultaneously touts new immigration policies to buoy public confidence in the effectiveness of the "war against terrorism." In order to project a tough and effective image on national security, the government embarked on a program of interrogation, roundups, and secret detention of immigrants, portrayed as critical "intelligence sweeps." With the war on Iraq, the justification for increased surveillance, detention, and harassment of immigrant communities has become even stronger. These well-publicized policies, however, have done little to nothing to increase safety and gather intelligence for the "war against terror," but have rather spread massive confusion, dislocation and fear among immigrant and refugee communities.

### **Roundup and Interrogations: The criminalization of immigrants**

In the months following September 11, the Department of Justice encouraged the public's vigilance in reporting any "suspicious activity" that could be associated with "acts of terror," fanning the flames of fear that lead to racial profiling. The Immigration and Naturalization Service (INS), in cooperation with the Federal Bureau of Investigation (FBI), subsequently rounded up, secretly

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detained, and denied legal counsel to more than 1,200 South Asian, Arab, and Muslim men.<sup>2</sup> In November 2001, the Department of Justice announced its policy of “voluntary interviews” with a list of 5,000 additional South Asian, Arab, and Muslim men, requiring local police offices to interrogate local immigrants about their ties to “terrorist organizations.”<sup>3</sup>

By June 2002, the Immigration and Naturalization Service announced the start of a special registration program, part of the National Security Entry-Exit Registration System, requiring males 16 years and older from a targeted list of Arab, South Asian, and Muslim nations to report to INS facilities to be fingerprinted, photographed, and interrogated about topics including political affiliation, religious practices, and personal credit and financial accounts. Initial rounds of “special registration” resulted in the arrest and detention of hundreds of undocumented immigrants, some of whom registered late due to lengthy lines, and many of whom had applications pending with the INS for adjustment of status to gain documents.<sup>4</sup> In short, many immigrants are faced with the threat of arrest and deportation whether or not they register, often due to INS bureaucratic incompetence. The few detainees that have been charged with connections to terrorism have been subject to questionable tactics such as the use of military tribunals, secret evidence, closed hearings, and denial and monitoring of legal counsel, making the validity of the charges questionable. Controversies surrounding the special registration program led the Department of Homeland Security to relax several of its provisions in December 2003, though it remains deeply prejudicial to immigrants from the targeted communities.

After September 11, the INS began to conduct highly visible raids at high-profile public events such as the Super Bowl (“Operation Game Day”) and the Salt Lake City Winter Olympics as well as in locations popularly associated with national security, like airports. In November 2002, the Aviation and Transportation Security

Act mandated the replacement of over 28,000 immigrant airport screeners with U.S. citizens slated to earn much higher wages. The Social Security Administration began to issue “no-match” letters to thousands of employers that reported inconsistent information, resulting in the firing of tens of thousands of immigrant workers, even in cases where there may have been bureaucratic error. These law enforcement initiatives, however, have yielded **no** terror-related charges to date, and have simply resulted in unemployment, detention, deportation, and despair for many immigrant workers and families.<sup>5</sup> Initiatives that target immigrants, however, have kept national security enforcement in the headlines, assuaging public doubts when recommendations to buy plastic sheeting and duct tape do not suffice.

Recent developments have shed light on the role of immigration enforcement as image control for the government’s national security program, and the extent to which racial profiling has played a role in post-9/11 immigration practice. A memo leaked to the press revealed that the FBI leadership recently issued explicit directives establishing numerical quotas for “counter-terrorism” investigations and secret wiretaps in Arab and Muslim communities—based on geographic regions with a high concentration of mosques. In a public letter veteran FBI Agent Colleen Rowley, who gained recognition when she testified to the agency’s inaction on intelligence gathered prior to the events of September 11, highlighted the use of immigration policy in current “national security” policies. “From what I have observed, particular vigilance may be required to head off undue pressure (including subtle encouragement) to detain or “round up” suspects—particularly those of Arabic origin,” she stated. “After 9-11, Headquarters encouraged more and more detentions for what seem to be essentially PR purposes.”<sup>6</sup>

Current immigration policies and practices are not unique to this new period of “national security.” Detention, deportation, border militarization and immigration enforcement abuse have been standard operating practices of the INS, and anti-terrorist rhetoric has long been a staple of anti-immigrant arguments. In 1986, the Investigations Division of the INS released an operational planning guide entitled *Alien Terrorists and Undesirables: A Contingency Plan* that outlined steps to focus its counter-terrorism efforts against particular nationalities, providing statistics on immigrants exclusively from eight countries—seven Arab nations and Iran. The report also proposed a location in the southern U.S. as a potential internment camp for these persons. In 1996, Congress passed the Anti-Terrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), a result of anti-immigrant sentiment after the 1995 Oklahoma City bombing. These two pieces of legislation set much of the legal infrastructure in place for today’s policies of detention and deportation. In addition, the 1996 IIRIRA law expanded the government’s ability to use secret evidence in cases involving terrorism charges, and has since been a key tool in targeting Arabs

and Muslims.<sup>7</sup>

### **September 11, 2001: The Anti-Immigrant Right Wing's Dream Come True**

The government's post-9/11 immigration policies reflect the increased influence held by right-wing, anti-immigrant forces in shaping policies within the Bush Administration and Congress. In the weeks following September 11, organized factions of the racist, right-wing, anti-immigrant movement seized upon an unprecedented opportunity to set their agendas in motion.

Before the dust of September 11 had begun to settle, anti-immigrant forces saw a way to draw on the shock, fear, and hysteria caused by the attacks to pass their agenda into law. By equating the September 11 attacks with immigration, anti-immigrant forces found a way to disguise their agenda as "national security." As a result, anti-immigrant policy objectives long held by groups such as the Federation for American Immigration Reform, Center for Immigration Studies, Americans for Immigration Control, Negative Population Growth and Numbers USA have passed through Congress with little controversy and with astonishing speed. In addition, these groups recognize the strategic value in the national security argument, and have since formed a coalition called "United to Secure America" (USA) to lobby Congress and broadcast television and newspaper advertisements, working for "improvements in immigration security and reductions in overall numbers."<sup>8</sup> (see *DifferenTakes* No. 27).

A recent exposé of anti-immigration groups conducted by the Southern Poverty Law Center revealed that what appears to be a broad assortment of anti-immigrant groups with large grassroots support is in fact an illusion. "The vast majority of American anti-immigration groups—more than a dozen in all—were either formed, led, or in other ways made possible" by one individual named John Tanton. In the past twenty-five years, Tanton and his wealthy allies have been able to bankroll many

successful anti-immigrant organizations and campaigns through a subsidiary called "U.S. Inc.," including "English Only" legislation and Proposition 187, and have moved to shape anti-immigrant discourse in environmental groups such as the Sierra Club.<sup>9</sup>

While these groups purport to represent mainstream views on immigration, the leadership and membership of the anti-immigration movement suggest otherwise. Observers have noted that these anti-immigrant activists have cultivated close relationships with white-nationalist hate groups such as the Council of Conservative Citizens (CCC)—a white-nationalist group seeking to restore "Confederate values," to the United States, with ties to Jesse Helms, John Ashcroft, and Trent Lott. These anti-immigrant forces also conducted Congressional visits after September 11, 2001 with a roster of extremist lobbyists including Mark Weber of the Institute for Historical Review (which denies the Holocaust took place); former Klansman Don Black, and several members of the neo-Nazi National Alliance.<sup>10</sup>

### **Immigrant Rights and the Movement for Peace**

Since September 11, the government has put into place an anti-immigrant program of increased policing, restriction, and militarization that restrictionist and white supremacist groups have been urging for years. As the Bush Administration pursues military action in Iraq and the rest of the world, it encourages "wartime loyalty," heighten fears of more "terrorist attacks," and further emboldens those with racist, hateful agendas in the corridors of power. War and militarism create the public's perception of an enemy, and immigrants and refugees—the enemy aliens—will be vulnerable as civilians lash out through hate violence, or become caught in the government's wide anti-immigrant dragnet. Meanwhile, thousands will die—and thousands more will become refugees—as the United States wages war. The Bush Administration's war against Iraq, its war against immigrants, and its war against all communities are one and the same—and our opposition must reflect this, together.

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## Endnotes

<sup>1</sup> John Ashcroft, "Attorney General Prepared Remarks on the National Security Entry-Exit Registration System," June 6, 2002. Department of Justice transcript.

<sup>2</sup> Somini Sengupta and Christopher Drew, "A Nation Challenged: The Immigration Agency," *New York Times*, November 12, 2001. For more detailed documentation of Post-September 11 detention, see Human Rights Watch, *Presumption of Guilt: Human Rights Abuses of Post-September 11 Detainees*, August 2002.

<sup>3</sup> Thomas Farragher and Kevin Cullen, "Plan to Question 5,000 Raises Issue of Racial Profiling," *Boston Globe*, November 11, 2001.

<sup>4</sup> Hugh Son, "Pakistanis Fear INS: Registration Rule Called a Catch-22," *New York Daily News*, February 7, 2003.

<sup>5</sup> Michael Tackett, "Airport Net Caught Small Fry: Washington-Area Sweep Yielded No Terror-Related Charges," *Chicago Tribune*, October 6, 2002; Sarah Tippit, "INS Detains 69 Foreigners in Super Bowl Sweep," *Reuters*, January 25, 2003; National Immigration Law Center, SSA "No Match Letters Packet", March 2002; and Fred Tsao, *Losing Ground: The Loss of Freedom, Equality, and Opportunity for America's Immigrants Since September 11*, ICIRR, September 2002

<sup>6</sup> Colleen Rowley, "Rowley Letter to FBI Director, February 26, 2003," *Minneapolis Star Tribune*, March 6, 2003.

<sup>7</sup> Dan Kesselbrenner and Sandy Lin, "An Immigrant's Worst Nightmare: Facing the U.S. Legal System," *From the Borderline to the Colorline: A Report on Anti-Immigrant Racism in the U.S.*, National Network for Immigrant and Refugee Rights, 2001.

<sup>8</sup> United to Secure America, "Questions and Answers Regarding Ads Sponsored by United to Secure America," January 15, 2002.

<sup>9</sup> Southern Poverty Law Center, "The Puppeteer: The Organized Anti-Immigration Movement, Increasingly in Bed With Racist Hate Groups, is Dominated By One Man," *Intelligence Report*, Summer 2002.

<sup>10</sup> Ibid.; Political Research Associates, *Defending Immigrant Rights*, February, 2002.