

2008-2009 Immigration Update 4

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President Bush Commutes Border Guards' Prison Sentences

On his last full day in office, President George W. Bush announced that he was commuting the 10-year prison sentences of two former U.S. Border Patrol agents, Ignacio Ramos and Jose Compean, who were convicted of shooting a Mexican drug smuggler as he crossed the Rio Grande. At the time, the known drug dealer, Osvaldo Aldrete Davila, appeared to be fleeing from an abandoned van full of marijuana. The then-agents did not report the shooting and attempted to cover up the shooting by removing evidence. When the shooting was discovered, they argued that they thought Davila was armed and they were acting in self-defense.

Ramos and Compean were convicted of assault with a dangerous weapon and with serious bodily injury, violation of civil rights, and obstruction of justice. The obstruction of justice convictions were overturned on appeal, but the other convictions were upheld. The two have served approximately two years of their 10-year sentences.

Defenders of the agents argued that they were just doing their jobs, defending the U.S. border. Some even hailed them as heroes. Both Republican and Democratic members of Congress had asked the president to grant clemency in the case.

According to a senior administration official, President Bush decided against pardoning the two former agents (both were fired following the shooting incident and convictions) because he believed that their trials were fair. Instead, he commuted their sentences, which the official reported the president found excessive.

On a side note, President Bush pardoned 189 and granted 11 commutations, fewer than half the number issued by other recent two-term presidents (Reagan and Clinton).

The Obama Immigration Agenda

Immigration is one of 24 issue areas listed under "The Agenda" on the new White House web site. Less detailed than some of the issue areas, the Immigration page lists five policy priorities:

- **Create Secure Borders:** Protect the integrity of our borders. Support additional personnel, infrastructure and technology on the border and at our ports of entry.
- **Improve Our Immigration System:** Fix the dysfunctional immigration bureaucracy and increase the number of legal immigrants to keep families together and meet the demand for jobs that employers cannot fill.
- **Remove Incentives to Enter Illegally:** Remove incentives to enter the country illegally by cracking down on employers who hire undocumented immigrants.
- **Bring People Out of the Shadows:** Support a system that allows undocumented immigrants who are in good standing to pay a fine, learn English, and go to the back of the line for the opportunity to become citizens.

- **Work with Mexico:** Promote economic development in Mexico to decrease illegal immigration.

Throughout the first months of the Obama Administration, students might track the president's policy initiatives to determine if they address any or all of these areas. On Monday, January 26, a panel of Latino leaders convened to mark the publication of a new book edited by Henry Cisneros and titled *Latinos and the Nation's Future*, called on President Obama to take action on immigration. Panelists differed regarding their expectations for when such action should occur, with La Raza President Janet Murguia saying there would be political consequences if action was not swift and former San Antonio Mayor Cisneros calling for patience given the other issues facing the new administration.

The appointment of Arizona Governor Janet Napolitano to be Secretary of Homeland Security (she was confirmed by the Senate on Inauguration Day and sworn in on January 21) was perhaps the first immigration-related action taken by then-president-elect Obama.

The selection got mixed reviewed from both ends of the political spectrum. For example, Napolitano has been criticized both for signing the strict employer-sanctions bill passed in the Arizona legislature in 2007 and for vetoing other immigration legislation. She has, in the past, criticized the federal government for not fulfilling its responsibilities with respect to border security.

Among her first immigration-related actions was issuing an action directive asking for a report on "Northern Border Strategy." The directive stated:

The northern border of the United States has become, since 9/11, important to our national security. As we have designed programs to afford greater protection against unlawful entry, members of Congress and homeland security experts have called for increased attention to the Canadian border. What are the current vulnerabilities, the overall strategy for reducing those vulnerabilities, the requirements, the programs, the budget, and the timeframe for improving security along this border and what level of risk will remain once the programs are completed? An oral report is due by Feb. 10, with a final report due Feb. 17.

In interviews following her nomination, Napolitano said she would review raids at employers, which increased during the Bush administration; in his campaign, Obama had called the raids troubling. Napolitano also believes, however, that employer enforcement is a key component of immigration policy.

A director of Immigration and Customs Enforcement has not yet been named.

University of Arizona Report Critiques Treatment of Women in Immigration Centers

A yearlong study conducted by the University of Arizona's Southwest Institute for Research on Women found that women in immigration detention facilities lacked adequate care and attention. The institute's research team, led by Nina Rabin, interviewed detainees and their families, attorneys, and service providers to learn more about the conditions in detention centers and the people being held there. The team found that many women were not receiving adequate health care and most were separated from at least one child under the age of 10 who was a U.S.

citizen. While the facility studied was in Arizona, most of the women had been transferred there from other states. The team also found severe conditions, even for women not serving a criminal sentence.

The report, titled "Unseen Prisoners: A Report on Women in Immigration Detention Facilities in Arizona," is online at www.law.arizona.edu/depts/clinics/ilc/UnseenPrisoners.pdf.

Story Corps: Stories of the Migrant Experience

Story Corps is a national oral history project that was launched in 2003. The project brings a recording booth to a local community, and friends and family members interview people about some aspect of their lives. In summer 2008, Story Corps visited Colorado, collecting narratives from close to 200 Coloradans. These stories could be a useful way to give students a local and personal perspective to the issue of immigration. Some stories, several involving immigration experiences, are available on the Colorado Public Radio (KCFR) website: <http://www.kcfr.org/index.php?option=content&task=view&id=379>.

Facing History Publishes Two New Resources on Immigration

Facing History and ourselves recently released two new resources on immigration-related issues. *Stories of Identity* reveals experiences of immigrants—from the individual to the collective narrative—through memoirs, journalistic accounts and interviews. *What Do We Do with a Difference?* Provides critical background on France's national debate over the veil as a declaration of religious practice.

Book books can be used in high school world history, literature, civics, and religion classes. Downloadable audio clips accompany selected readings and not only enliven the material but make it suitable for varied reading levels. Additional classroom features include timelines, glossaries, and connection questions to stimulate classroom discussion.

Visit www.facinghistory.org/publications to download PDFs of the books, listen to the audio clips, or purchase the books in hard copy.