

Amnesty Impasse

Bush's immigration bill bogs down.

By Michael Brendan Dougherty

ON MARCH 6, federal agents raided a leather goods factory in New Bedford, Massachusetts, arresting 361 illegal immigrants. The news hounded President Bush during his diplomatic tour of Latin America. Guatemalan President Oscar Berger denounced the raid and personally asked Bush to halt the deportations. Mexican President Felix Calderon similarly chastised Bush, saying that U.S. border policy is "absurd." Bush countered with a bold promise: "My pledge to you and your government, but more important to the people of Mexico, is I'll work as hard as I possibly can to pass comprehensive immigration reform."

But pushing that legislation through the 110th Congress may be more difficult than the administration anticipates.

When Democrats took control of Congress, White House Press Secretary Tony Snow said that the president saw "new opportunities for comprehensive immigration reform." Assuming that comprehensive reform meant amnesty, border hawks were despondent. The most visible restrictionist in Congress, Rep. Tom Tancredo lamented, "We will fight it, we will lose. It will go to the Senate, it will pass. The president will sign it. And it will happen quickly..."

Asked about that post-election despair, Tancredo press aide Carlos Espinosa chuckles, "Obviously a lot has changed since then." "They have stalled the process," he says of the current state of play, "And that is working in our favor."

A rewritten version of last session's McCain-Kennedy immigration bill has been promised but has not been introduced. McCain's aides began circulating rumors that he may not want his name

attached to a bill unpopular with the conservative grassroots while he's campaigning for the Republican presidential nomination. Confirming that suspicion, the *New York Times* reported, "as he left Iowa, Mr. McCain said he was reconsidering his views on how the immigration law might be changed." Frustrated that disagreements were slowing the process, Kennedy elected to proceed on his own, promising to re-introduce legislation approved last year by the Judiciary Committee but never scheduled for a floor vote.

Senators have been meeting in evening sessions to discuss compromise bills. The White House dispatched Secretary of Homeland Security Michael Chertoff and Secretary of Commerce Carlos Gutierrez to grease the skids. But one Republican aide says that pressure from the White House "is not having the impact it once had. It's called being a lame duck."

The major sticking points revolve around the size and scope of the guest-worker program and the details of a path to citizenship for guest workers and illegal residents. But the pace of the process has caused some Democrats to wonder whether the Senate's eyes for immigration reform aren't bigger than its stomach: "I am now of the opinion that we may have reached too far in doing the comprehensive bill," said Dianne Feinstein.

Bush is counting on his No Child Left Behind point man: "[there is] a very good chance of getting the [immigration] bill out of the Senate, because Senator Kennedy is one of the best legislative senators there is..." But the Massachusetts liberal faces an uphill climb: in the closely divided Senate, Kennedy's bill, as

currently written, would likely lose support from red-state Democrats like Claire McCaskill and Jon Tester.

His efforts are further complicated by renewed lobbying efforts. The AFL-CIO is pressuring Kennedy to apply the Davis-Bacon Act, which would mandate that guestworkers receive "local prevailing wages and benefits." That would drastically increase the cost of an immigrant workforce, rendering it useless to employers looking for cheap labor.

But he's not giving up. According to Kennedy spokeswoman Laura Capps, he is still "working closely with GOP senators and the White House on the bill"—though she stopped short of predicting when the long-awaited legislation would arrive.

In the House, Congressman Steve King expects the immigration showdown to happen this summer. Commenting on the negotiations, the Iowa congressman's voice drips with sarcasm, "Really, it's a masterful political strategy to count the votes before there even is a bill." He observes that every time Congress gets ready to pass some kind of amnesty "they play this hide-the-ball game. They don't want to leave any time for debate on the floor." "They're looking for 20 to 30 Republican votes in the Senate and 50 to 70 in the House—nearly a third of our conference" to give the bill a bipartisan gloss and offset border-security Democrats, King says.

Indeed, many freshman Democrats found success running to the right on immigration. McCaskill and Tester ran ads criticizing the president's position. In the House, high-profile winners Zack Space, Brad Ellsworth, and Heath Schuler not only condemned amnesty but also advocated a barrier on the border. Rep. Lincoln Davis, who co-chairs a committee of Blue Dog Democrats exploring solutions to the immigration question, told a townhall meeting in Fairfax, Tennessee that any acceptable legislation must send

undocumented aliens to their countries of origin and must not contain the guest-worker program favored by the president. Of these Democrats, King says, "They're going to run from this thing and run fast."

Senate Judiciary Committee Chairman Patrick Leahy explained to reporters that Republican support was indeed needed: "We're not going to waste time on something that the minority, they're going to shoot down." But that is just what border hawks in the House are hoping to do. "We're lining up. We'll use every strategy available to us," King said, including "floor speeches, strategically placed amendments, and cracking down on congressmen who can be turned away from this."

The timing of the legislation is just as important as the content. When asked whether the negotiations were stalled, Kennedy said, "It is the judgment of those who want the bill that the way we are following is the fastest way of getting the legislation. ... Obviously we have to consider it on the floor in May or no later than June." Senate aides from both sides of the aisle maintain that for an immigration bill to be passed, the August recess is the deadline. Otherwise, in the words of one observer, "presidential politics suck the oxygen out of the debate."

Though leadership in both parties would like to move immigration off the table as quickly as possible, the political stakes continue to mount, making compromise more difficult and gridlock more attractive. *Roll Call* neatly summed up the logic: "GOP and Democratic aides contend that both parties may be best served by a political impasse over the issue, since such a scenario would allow Members to show they are standing firm on the hot-button issue while avoiding compromises that may upset base voters." That outcome would enable Democrats to charge the GOP with obstruction and spare Republicans the wrath of anti-amnesty voters. ■

Those who have harbored concerns that the new Democratic Congress would differ little from the Republican one on foreign policy have noted with dismay recent developments regarding Iran.

On March 12, the Democratic Party leadership announced that it would decouple the issue of Iran from consideration of funding measures for the troop surge in neighboring Iraq. Opponents of possible military action directed against Iran sought specific language in the appropriation that would deny funding for military operations outside Iraq without prior congressional approval. The proposal seemed reasonable enough given the Bush administration's track record on the use of force, but apparently that was not acceptable to some Congressmen and lobbyists.

The American Israel Public Affairs Committee, which was meeting in Washington for its annual conference, mobilized immediately, initiating an intensive lobbying campaign against the measure. AIPAC instructed its supporters to flood Congress with calls, adding that it is best to telephone just after lunchtime, when there are more staffers available to answer the phone. Democratic Caucus leader Rahm Emanuel, a congressman from Illinois who served in the Israeli Army, organized resistance to the measure from inside the House of Representatives, while Charles Schumer from New York did the same in the Senate. Emanuel promised that the offensive language would be dropped. The Democratic Party subsequently held closed-door meetings and decided to exclude Iran from the funding discussion because of "possible impact on Israel." Majority Leader Nancy Pelosi, under intense pressure from AIPAC, initially favored the linkage but reluctantly agreed that there was too much opposition to proceed. Congressman Gary Ackerman of New York stated that reluctance to be "taking things off the table" vis-à-vis Israel's security was the reason for the decision, especially "if you're trying to modify their behavior and normalize it in a civilized way." Ackerman's belief that a possible nuclear first strike is the height of civilized demeanor might be disputed, particularly as the lack of any legislative hurdle empowers the White House and gives it *carte blanche* to attack Tehran. Congresswoman Shelley Berkley of Nevada, citing "widespread fear in Israel about Iran," provided a groundbreaking definition for the word "negotiating," adding that the threat of an impromptu attack on Iran is the "most important negotiating tool that the U.S. has..."

Separate bills introduced by Democratic Sen. Jim Webb and by Republican Congressman Walter B. Jones that would forbid military action against Iran without congressional approval are meanwhile languishing due to a lack of co-sponsors, while the mainstream media is also continuing to do its bit on Iran, as it did in the lead-up to Iraq. Senator Webb's legislation, accompanied by a lengthy floor speech, was tabled on March 5, but it was not reported by either "newspaper of record," the *New York Times* or the *Washington Post*. Neither newspaper would respond to queries as to why Webb was considered unworthy of mention. And neither Webb nor Jones is receiving any support from their respective political parties in their efforts to stop another catastrophic war of choice.

Philip Giraldi, a former CIA Officer, is a partner in Cannistraro Associates, an international security consultancy.