



Farm Labor Organizing Committee, AFL-CIO
1221 Broadway Street, Toledo Ohio 43609
(419) 243-3456
www.floc.com

Immigrant Rights

WHAT IS ILLEGAL?

The Minutemen and other anti-immigrants are shouting that immigrants who come to the U.S. without authorization are "illegal", and many in Congress have called for the rule of law in immigration policy, enforcement, and denial of due process rights for undocumented immigrants. At the same time, President Bush has asserted that he can disobey more than 750 laws enacted since he took office when it conflicts with his interpretation of the Constitution (*Boston Globe*, "[Bush challenges hundreds of laws](#)", April 30 2006).

Immigrant rights advocates state that "no human is illegal", taking the position that the larger principle of human rights takes precedence over specific legal rules. The U.S. Declaration of Independence, Constitution, Bill of Rights, and Pledge of Allegiance express the basic principles upon which the nation was founded. These include the values of *equality and justice for all*, and that *all people have the right to equal treatment under the law*. The U.N. Declaration of Human Rights, which was largely based on the U.S. Constitution and Bill of Rights and was signed by the United States, declares that the rights which *all* human beings have include (<http://www.un.org/Overview/rights.html>):

- All human beings are born free and equal in dignity and rights to life, liberty, and security of person.
- No one shall be subjected to degrading treatment or punishment.
- Everyone has the right to equal recognition everywhere before the law, presumed innocent until proven guilty. No one shall be subjected to arbitrary arrest, detention or exile. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
- The family is the natural and fundamental group unit of society, and is entitled to protection by society and the State.
- Everyone has the right to freedom of thought, conscience and religion, and to freedom of opinion and expression, regardless of frontiers.
- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, to equal pay for equal work, and to form and to join trade unions.
- Everyone has the right to education directed to the full development of the human personality and to the understanding, tolerance, and friendship among all for the maintenance of peace.

U.S. history has been full of **contradictions** between these ideals and the realities of how immigrants have actually been treated. For example, when the basic principles of our society were established, slavery was legal, and even many of the founding fathers owned African slaves. In 1851 a law was passed making it a criminal act to aid escaped slaves; after the Civil War African-Americans were legally denied equal rights and opportunities for almost a century; in 1882 the racist Chinese Exclusion Act was passed; during World War II Japanese immigrants were shipped to concentration camps without any evidence of violations of laws or treasonous acts; and after September 11 thousands of Arab Americans have been detained without due process rights or public evidence of legal violations. Recently, we have seen attempts to pass laws making unauthorized entry into the country and aiding undocumented immigrants a felony, as well as to deny immigrants constitutional due process rights to legal council and judicial review. The Inter-American Commission on Human Rights is currently investigating the human rights abuses of immigrant workers in the U.S.

While everyone agrees that our basic principles are noble and worthwhile defending, we seem *not* to see these principles consistently included in our immigration policies. And while most people also agree that the rule of law contributes to the effective functioning of society, the question remains "How well do laws reflect the guiding principles of society?" Certainly some laws clearly violate these basic principles, and President Bush has declared himself above the law in over 750 cases.

A question we have asked continually is: **Who is benefiting** from immigration policies that contribute to hate and discrimination and that cause fear and suffering for those who have come to seek better opportunities to support their families?

It is in times of social distress that we see the most serious challenges to the basic principles of our society. Without the active commitment of people of who really believe in these principles we would never become the **best** that we can be as a society.