

Guest commentary: Immigration reform is destined to be whipping boy of November elections

CASEY WOLFF, Special to the Daily News
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It must be election time: the candidates are picking on immigrants. Immigrants are easy targets. They cannot vote, they cannot raise huge sums of money for political-action committees and they make convenient law-and-order targets for those selling “fear.” Fear, real or imagined, motivates voters.

Xenophobic rhetoric is at a fevered pitch among law-and-order candidates and their core voting constituencies. The current target of the anti-immigration vitriol is the Hispanic population. This raises a question: If most illegals were Swiss, would there even be a debate?

In Collier County, there appears to be an epidemic of faulty tail lights on pickup trucks driven by Hispanics. This is the common modus operandi (MO) used by the sheriff to pull over otherwise law-abiding drivers to check on documentation. There is little doubt that the basic constitutional principles of “unreasonable search and seizure” and “probable cause” are under attack as part of pre-election anti-immigration enforcement.

Last summer, the U.S. Senate failed to vote on Comprehensive Immigration Reform (“CIR”). The bill had bipartisan and presidential support, but was blocked by a minority of senators. The anti-immigration forces called it an “amnesty.” An amnesty is basically a freebie. CIR would have fined illegals thousands of dollars in order to legalize.

Actually, the last amnesty occurred in 1986 under President Reagan. Since then, there have been two programs allowing illegals to become legal upon qualifying (like other immigrants) and paying significant fines. This same principle is included in the Senate’s CIR bill which pays for the program. In other words, your tax dollars are not at work.

Even if you called this an amnesty, so what. Over the years, the IRS, the old INS and multiple state tax departments have all held amnesties in order to entice compliance with the law. Why then will Congress not solve this problem? Simple: the November 2008 elections.

With the failure of CIR, the current policy trickling down from Washington is to scare foreigners and build walls — walls between the U.S. and Mexico, prison walls behind which to throw illegals and xenophobic walls where Americans hide. Walls won’t solve anything, but fear will stampede the vote.

I saw a bumper sticker the other day saying “Get legal or go home.” That makes sense except for one problem: there is no way that 12 million to

20 million illegals in the U.S. can get legal even if they wanted to. The last such law expired in 2001. Without a legal safety valve allowing millions to get legal, the enforcement policy of rounding up hundreds and thousands appears to be pre-election frenzy “to vote for me” because I’m tough on illegals.” By doing the math it is apparent that 12 million to 20 million problems cannot be solved several hundred or 1,000 at a time.

There is no dispute that illegal immigration needs to be stopped. But, we are not a country of “walls.” Despite Osama bin Laden’s effect on the American psyche, we remain a compassionate people. Poll after poll shows that Americans would like to give illegals a chance to legalize and come out of the shadows. My suggestion: identification, registration, legalization and penalization. For those who refuse, try deportation.

Being illegal in the U.S. is not a crime; it is a civil violation. Penalize as you would any other civil violation: an appropriate fine and the opportunity to end the violation by legalizing. We did it in 1986, 1990 and 2001. This problem can be solved by building a bridge, not a wall.

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Casey Wolff is an immigration attorney in Naples.