

# THE DEWEESE REPORT

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## OPEN BORDERS AND THE BETRAYAL OF THE GOLDEN VENTURE

By Tom DeWeese

One of the key arguments used by proponents of open borders is that America has always welcomed the downtrodden of the world to join us. Americans are a compassionate people with a strong sense of right and wrong. We believe it is our duty to help those who cannot help themselves. It's how we celebrate our own birthright of freedom.

However, while Americans are happy to extend a helping hand they also don't want to be taken for suckers. We are a nation – a proud one – with our own culture combined with a rule of law that has made us the envy of the world. It's the very reason many want to come here. Our arms are open to share what we have – but must we also reserve the right to insist that we share on our terms.

The fact is, there are immigrants who come here legally with our blessings;

there are illegals who come here for a very good reason – with our blessings; and there are “damned illegals” who come here openly biting our extended hand of assistance. And that is wearing down our natural reaction for compassion.

Some would say illegal immigrants are all the same. All should be scorned and deported. Others argue that all should be welcomed, granted amnesty to stay. Americans must understand that all illegals are not the same. Not all come here for the same reason. Motive and purpose should be strong arguments in deciding who enters and who doesn't. Laws, not political games, should decide. Consider the following:

In June of 1993, 286 people, mostly from China, boarded a rickety, rusty old ship named the *Golden Venture* to sail to the United States in a desperate attempt to escape the brutal Chinese communist regime. Their flight to freedom had taken most of them a year of running through steaming jungles, hiding from pursuing authorities and surviving the cramped, stifling, tiny hold of the ship. Finally, as the ship got within 300 yards of the Promised Land – the shoreline a few miles from Manhattan -- it hit a sand bar and ran aground, forcing the passengers to swim to shore in icy waters.

But as they stood on the shore in the shadow of the Statue of Liberty, the

trouble for these scared, desperate, cold, hungry refugees had just begun. One might wonder which was worse; the tyranny they fled in China, or the brutally impersonal, tortuous manipulation of the American bureaucracy and the betrayal of an American president they were about to face.

24 of the *Golden Venture's* passengers were women. Each of them tells a horrifying, yet inspirational story of their failed dash to freedom that rivals the legends of freedom fighters from throughout the ages. For each of them were running away to escape the quick, cold scalpel of the Chinese abortionists. You see, the women had broken Chinese law against multiple births. And so, with a death sentence over their head, they ran.

Dai Bo Mai was a tiny woman of 34, born in a remote farming village near Shanghai. She was guilty of having two children, a boy, 15 and a girl, 12. Multiple children are illegal in China and the government fined her \$3,000 and told her that she must be sterilized for having her daughter.

She ignored the order for sterilization until one day a gang of thugs captured and tied her and delivered Dai Bo Mai to a crude clinic for forced sterilization. There was no sanitation and she became infected.

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The resulting pain and infection prevented her from working in the fields. Because she could no longer work or have babies, her husband rejected her. She went back to the clinic and complained that they had ruined her life. They laughed and raised her fine to \$10,000 and had her house destroyed.

Knowing she would never see her children or family again, Dai Bo Mai decided to flee to America by walking out of China, climbing across the mountains, and eventually boarding the *Golden Venture*.

Another of the women, Qu Ai Yue came from the same primitive agrarian background. She had two children and became pregnant with a third. The government found out and forced her to have an abortion at six months. Then they told her she must be sterilized. Afraid of the operation, she and her husband ran to hide in the city.

Both she and her husband wanted to try to make it to America, but there was only money for one. He sent her on her way, across the mountains and through the mosquito-infested jungles of Burma. She almost died of disease along the way. In Thailand she spent three months in a small, crowded room waiting for a ship. Finally, she too boarded the *Golden Venture*.

After the ship ran aground the passengers were rounded up by U.S. Immigration and detained in jails around the United States. Under the first Bush Administration, the United States had shown compassion for refugees of brutal Chinese “family planning” policy, offering asylum to such victims of Chinese tyranny.

But the Clinton Administration changed the policy. Two days into his Administration, Bill Clinton rescinded the Bush order. He wanted to make an example of these women in order to stop more from fleeing. Instead, INS agents were ordered to detain all of the passengers, rather than release them on bond, which had been the previous policy. Why? Politics. In 1996, even after the U.S. Congress passed a bill that would reinstate asylum for such women and grant those from the *Golden Venture* their freedom, Bill Clinton vetoed it. It’s embarrassing to the

Chinese, you see. Clinton didn’t want to harm trade relations with such a respected member of the international community.

Clinton’s actions basically put a death sentence over the heads of the *Golden Venture* women, for to be sent back to China would surely have meant just that. As they waited in their cells, Bill Clinton awarded the Chinese government with “Most –favored Nation” status.

The women waited in their cells for three long years, waiting, not knowing their fate. Finally, with pressure from caring Americans, President Clinton did parole 53 of the passengers, but they were given no legal status and 14 years later some remain in limbo, a kind of virtual cell, with no ability to travel, settle down or even see their families. But they are alive.

Meanwhile, open-border advocates use examples like the *Golden Venture* as an excuse to open the borders to all. In terms of compassion they tell of poor people who just want to improve their lives at America’s trough of freedom. The Bush Administration demands amnesty for more than 12 million who have dashed over the border, swelling our welfare rolls, flooding our schools and swamping our hospitals. Do these “migrants” as the politically correct now call them, seek America’s freedom like the tortured souls of the *Golden Venture*?

Arnoldo Borjas resides in Woodbridge, Virginia. He is a “migrant” from Mexico and spends a good deal of his time speaking out on “Mexican rights” here in the United States. He addresses meetings with his face covered to hide his identity. He is a member of Mexicanos Sin Fronteras. This group is spearheading the illegal alien lobby in Prince William County, Virginia. They hold rallies, organize boycotts and even call for the violent overthrow of the U.S. Government. Sin Fronteras states that it is “*anti-capitalist, anti-imperialists in the capital of the most terrorist country of world-wide history.*” Now you know why he has to hide his face.

Crimes committed by alien criminals, such as rape, murder, or drug distribution cost U.S. taxpayers \$1.6 billion in prison

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costs alone. The figure doesn't include the cost of lost property, medical bills of the victims, time lost from work to recover, higher insurance costs, etc. Today, illegal aliens make up twenty-nine percent of the U.S. prison population – over 500,000 illegals.

Latino gangs like Mara Salvatrucha 13 (MS13) constitute most of the crime from the ranks of the illegals. They originated in El Salvador and today their U.S. leadership still comes from there. They steal cars and use them to run drugs over the border. They terrorize local citizens with violence. They are the chief source of drug sales for the cartels. And they are racists.

In Los Angeles, Mexican gangs declared “ethnic cleansing zones” in specific parts of the city. They kill whites and blacks. In New Jersey, MS13 gang members killed three college students -- execution style.

But we are told these are extreme examples. There are respectable alien groups who seek to “work within the system” to promote their agenda. One of the most prominent Hispanic organizations pushing for “immigrant rights” is the National Council of La Raza – the Council of “the Race.” The mainstream media and many members of Congress treat La Raza as little more than a Hispanic Rotary Club. La Raza has received millions in federal government grants which it uses to fund get out the vote drives and lobbying efforts for open-border policies.

Behind the respectable front of La Raza lies its real agenda. Hiding behind its respectability, La Raza organizes with “secondary” groups like the Movimiento Estudiantil Chicano de Aztlan – or Chicano Student Movement of Aztlan (MEChA.) MEChA seeks to carve a racist nation out of the American West. It opposes assimilation into American society and is the leader of the “Reconquista” or reconquest of our western states. La Raza's slogan is “For La Raza to do, Fuera doi las Raza nada.” Translation: “*For the Race everything. Outside The Race, nothing.*”

While Americans are happy to share abundance and freedom with some of the world's oppressed, this new invasion seeks to swamp us, changing our culture and our economy. This invasion is not necessarily driven by a great desire to live the American ideal, but rather a sinister goal by the Mexican government to expand its territory and allow American tax payers to foot the bill for its failed economic policies.

You see, it's not just the rantings of some radical elements among the Hispanic illegals. It is an orchestrated effort by the Mexican government to flood our nation with their own people. As former Mexican president Ernesto Zedillo told a loudly cheering Chicago audience of La Raza in 1997, “I have proudly affirmed that the Mexican nation extends beyond the territory enclosed by its borders.” As Carlos Gutierrez, head of

the Institute of Mexicans Abroad, said in 2005, “The Mexican nation goes beyond the borders of Mexico.”

Clearly this is a foreign national policy to invade the United States and change it forever, and our own government is aiding the effort in the name of free trade. This is not about compassion for the oppressed -- and never has been.

Obviously there is a difference in immigrants and their motivation for coming to our land of the free. Americans should never allow themselves to feel guilty for acting on their survival instincts that tell us to close the borders. This war over illegal immigration is not about racism or prejudice. It's about values and the rule of law – American law.

Human beings are all different. Some take great pleasure in controlling others. Some readily accept the control and set about to mold their lives to fit the circumstances. But a few carry a flame in their hearts. As they pace their cages of tyranny and crash against its bars, a constant thought burns in their mind, “I want to be free.”

Americans have a natural passion for such souls. It's who we are. And such passion has now become a tool for manipulation for those seeking to open America's borders for political purposes. They know we want to stop suffering. Americans are proud to share our abundance. But there is a vast difference between compassion for the oppressed and being made a sucker.

Those who came here on the *Golden Venture* believed in the American dream of freedom. There is little doubt they would have been proud to have the opportunity to become American citizens and promote the ideals of individual liberty, free enterprise and limited government. Certainly one who has lived through the horrors of the Communist Chinese experience knows the danger signs of the growth of an all-powerful government.

But there is now another game of politics being played over the immigration issue. Just as Bill Clinton sought to appease the Chinese government by tossing back the women of the *Golden Venture*, today, the Bush Administration seeks to appease the Mexican government by letting it push hoards of illegals into our country for political purposes not supported by the fair-minded, generous American people.

Americans should be proud of their willingness to help – and they should never lose it. But we must also realize that our generous nature to help those like the victims of the *Golden Venture* is being used against us to ultimately bring about our own destruction.

True American immigration policy demands that we close our borders to protect our way of life -- and yet, still give us room to exercise our natural compassion for those who truly seek freedom on our shores.





# ABSOLUTES....!

## Calm Sun, Cold Earth

By Alan Caruba

I can understand why people believe that global warming is real and that all the things Greens say are true. One cannot read a newspaper or magazine, turn on the television or radio, without getting the Green message.

Since switching their message in the 1970s that an Ice Age was coming to the complete fiction of a massive, dramatic global warming due to greenhouse gases, the Greens have been able to influence policy at the international and national level. They have been utterly relentless, a modern version of the Mongols on horseback who swept out of the East to conquer everything before them until they reached the gates of Europe. These days the Greens have long since conquered Europe.

One thing alone stands against the Greens. The science does not support them. Their sense of moral superiority, their contempt for all things modern, their resistance to all forms of energy except the weakest -- wind and solar, and at the very heart of the Greens' message is a contempt and hatred for the human race.

Humans have come to dominate life on Earth because we know how to adapt to the planet. We know how to use its minerals, the riches of its plant life, the domestication of its animals, and its reserves of energy in the form of coal, oil, natural gas, and nuclear fission, to fuel the creation of great cities, farms and ranches, and everything that passes for modern civilization.

Long ago humans conquered the continents of the Earth and its great oceans to spread everywhere. Humans now fly between continents in hours. Everywhere on the face of the Earth humans now communicate with one another via the Internet.

For billions of years the Earth existed without humans and it will do so again when we cease to inhabit it. As a species, we are newcomers, but like every other species that lived on planet Earth -- 95% of which are extinct -- we are subject to forces far greater than anything we possess.

To suggest that humans actually cause climate change is such idiocy that the Earth itself reminds us daily of our vulnerabilities. The news is full of tornadoes, volcanic eruptions, hurricanes, blizzards, earthquakes, tsunamis, floods, and wildfires.

On February 7, Investors Business Daily had an editorial titled "The Sun Also Sets" in which it cited the views of Kenneth Tapping, a solar researcher and project director for

Canada's National Research Council. In essence, Tapping wants people to know that solar activity such as sunspots, i.e., magnetic storms, "has been disturbingly quiet."

It's useful to know that global temperatures and events closely reflect solar cycles.

The lack of activity "could signal the beginning of what is known as the Maunder Minimum." While solar cycles tend to last about 11 years, the lack of normal or increased activity can trigger the Maunder Minimum, an event that occurs every few centuries, can last as long as a century, and causes a colder earth.

The most recent such event was the mini-Ice Age that climatologists date from around 1300 to 1850. In the midst of this there was a distinct solar hibernation from around 1650 to 1715.

"Tapping reports no change in the sun's magnetic field so far this cycle and if the sun remains quiet for another year or two, it may indicate a repeat of that period of drastic cooling of the Earth, bringing massive snowfall and severe weather to the Northern Hemisphere."

If these events continue and become a cycle of cooling, it represents a major threat to the Earth's population because it means that food crops will fail and, with them, the means to feed livestock, and the rest of us.

If you have been paying attention to global weather reports, you know that China has had the heaviest snowfall in at least three decades. David Deming, a geophysicist, in a December 19, 2007 article in The Washington Times, noted that, "South America this year experienced one of its coldest winters in decades. In Buenos Aires, snow fell for the first time since the year 1918." This occurred across the entire Southern Hemisphere. "Johannesburg, South Africa, had the first significant snowfall in 26 years. Australia experienced the coldest June ever."

It must be said that one big blizzard does not an Ice Age make, but a whole series of events that suggest a cooling cycle may well be the warning that is being ignored in the midst of the vast global warming hoax.

Dr. Oleg Sorokhtin, Merited Scientist of Russia and fellow of the Russian Academy of Natural Sciences, is staff researcher of the Oceanology Institute. He recently published a commentary asserting that a global cold spell could replace global warming. Note that the Earth has been warming --

## ...THESE THINGS REALLY ARE HAPPENING!

about one degree Fahrenheit -- since the last mini-Ice Age ended around 1850. "The real reasons for climate change are uneven solar radiation", said Dr. Sorokhtin, while citing others that include the Earth's axis gyration and instability of oceanic currents.

"Astrophysics knows two solar activity cycles, of 11 and 200 years. Both are caused by changes in the radius and area of the irradiating solar surface." Yes, the Sun itself goes through periods of change. Dr. Sorokhtin believes that "Earth has passed the peak of its warmer period and a fairly cold spell will set in quite soon, by 2012. Real cold will come when solar activity reaches its minimum, by 2041, and will last for 50-60 years or even longer."

There is a reason scientists refer to our current era as an "interglacial period", i.e., a time between Ice Ages.

Up to now, the mainstream media has ignored the cold reality of the Earth's known cooling cycles. They have been in complete thrall to the howling of Al Gore with his endless lies about an imminent warming. Given the accolade of a Nobel Prize and even a Hollywood Oscar, why should people unschooled in science believe otherwise?

The United Nations International Panel on Climate Change whose reports have been based, not on hard science such as observations of solar activity, but on flawed, often deliberately false computer models, has been the driving factor behind the global warming hoax. What better way to assert political and economic control over the Earth than to create a global crisis? To their credit, many participants in the IPCC have protested these reports.

Large numbers of scientists have sold their soul to the global warming lies in order to receive millions in research

grants, but increasingly other scientists have been coming forth to tell the truth. On March 2-4, several hundred will convene in New York for the 2008 International Conference on Climate Change to offer papers and serve on panels disputing and debunking the global warming hoax.

Beyond the climatic threat of a cooling planet is the one posed by U.S. politicians and their counterparts in Europe who are seeking to impose all manner of regulation and limits on energy use based on the false assertion that greenhouse gas emissions are causing global warming.

They want to mandate a "cap-and-trade" scheme that will make some people and industries wealthy selling credits that will permit greenhouse gas emissions. But it is not greenhouse gases we need to fear, it is the action or, in this case, the inaction of the Sun.

At the very moment the Earth is on the cusp of what is likely to be a very long cooling and possibly a full scale repeat of the last Ice Age, all the engines of government, nationally and internationally, are trying to inhibit the discovery, extraction, and use of energy reserves that will be needed to cope with climate changes that will impact millions and, ultimately, billions of people.

All the wind turbines and solar panels in the world will not keep you warm in your home or apartment when a short or long term cooling of the Earth occurs. Ironically, as the Greens rant about so-called endangered polar bears in the Arctic, the bears are far more likely to survive than humans.

What controls the Earth's climate? The Sun!

*Alan Caruba writes "Warning Signs," a weekly column posted at the Internet site of The National Anxiety Center ([www.anxietycenter.com](http://www.anxietycenter.com)). The views expressed are those of the writer.*



### PRINCIPLES OF EQUAL JUSTICE... (Cont'd from Page 8)

of "social justice". Social justice can be defined as law formulated to obtain government's social objectives at the expense of individual liberty. Many law schools, including my alma mater, now teach social justice principles in the training of new lawyers. The American concept of equal justice supports a respect for the independence and the unalienable rights of the individual. Social justice and equal justice are diametrically opposed standards of law. Private property is ultimately abolished under social justice doctrine.

What the court did in *Kelo* poses a terrible threat to Liberty. At least in *Crown Point* the court gave us - the mass of individuals, small concerns, and freedom defenders - a powerful tool designed to stop the systematic destruction of free enterprise,

the abolition of private property, and the end of liberty:

*'If you take from me the use of my property, you will have to pay for it'* can now become the motto of all extorted landowners toyed with by planning and land use agencies.

*Michael Shaw has made a career in real estate having built a multi state chain of self storage projects. Shaw is a licensed attorney, and Certified Public Accountant. He is President of Freedom Advocates.org and speaks on how Sustainable Development is designed to transform America. He is also proprietor of Liberty Garden, a native plant oasis located outside of La Selva Beach Ca. In regard to Liberty Garden he is a litigant against Santa Cruz County in connection with the application of Sustainable policy and inverse condemnation. He also is pursuing litigation in Alameda County in connection with the application of Sustainable policy. He can be reached at [Shaw@FreedomAdvocates.org](mailto:Shaw@FreedomAdvocates.org).*



# INSIDER'S REPORT

## American Policy Center Opposes the SAVE Act

*In December, 2007, The American Policy Center and NumbersUSA (a pro-secure borders organization) held a conference call to discuss our differences over an immigration "enforcement" bill called the SAVE Act (Secure America Through Verification and Enforcement Act. H.R. 4088). The bill has some very good provisions, including increasing border patrols, building the fence, training local and state police to arrest and detain illegals and, in general, making living in the U.S. as an illegal very difficult.*

*However, the bill also contains what APC believes to be unnecessary and very dangerous intrusions on the lives of legal, law abiding America citizens. It was our hope that we could come to an agreement over these concerns, perhaps changing or eliminating some language so that we all support the SAVE Act.*

*After two months of trying, it became obvious that no such compromise could be reached and so I was forced to send the following letter to Numbers USA president Roy Beck to let him know our full objections and to say that APC would resume its fight to defeat the SAVE Act.*

Mr. Roy Beck - Numbers USA February 22, 2008

Dear Roy:

First let me reiterate that I have great respect for the job Numbers USA has done in defeating the amnesty bills. We are certainly on the same page in the battle to stop illegal immigration. We agree with efforts to enforce the laws and we even agree with your stand on "attrition through enforcement." I am a major proponent of efforts to take away the incentives and government handouts which attract illegals to this country. And I believe that by doing this it will not be necessary to load 20 million illegals on buses and ship them out – it will happen automatically as we have seen in several communities which have cracked down.

Our differences are in the need for government databanks which snare all Americans in their nets in order to find the few law breakers. I fully accept your claim that you aren't interested in creating a National ID. I accept that your motivation is to protect this country. However, I think that in your zeal to achieve those goals you are helping to create that very National ID system.

Freedom is a very difficult thing to protect. I suppose the definition of freedom can be twisted to accept anything in its name. Many believe that freedom means being safe. Many now believe that creating a national matrix to document our every movement is freedom.

A very wise friend of mine just related a bit of a parable to me that I think puts the situation well into perspective. She asked me this question: Do you know why Zebras have stripes? My answer was – for camouflage. She said, do you see black and white in the landscape of Africa? The stripes

don't blend in. The fact is, when a lion (the predator) seeks to capture a Zebra (the prey) he focuses on one animal from the herd, chasing it down until it drops from exhaustion.

When a herd of Zebras runs to get away from the lion, the stripes make it absolutely impossible to focus on just one animal. Therefore the lions can't detach just one from the herd. The stripes are the Zebra's protection.

It would be to the great advantage of the lion to have a system to focus on one Zebra – a chip, an ID card, some way to break it from the herd. On the other hand, it would be a great disadvantage to the Zebra to have such a system of identification.

The question of whether a National ID is good or bad is really a question of who is the predator and who is the prey. In the case of illegal immigration clearly those of us who want to rid the nation of illegals are the predators. So it is easy to support such means to rid us of this threat. Some of us may even take pride in being able to "show our papers" to prove "we are American citizens." It's pretty compelling – until the same system is used to make us the prey.

That is my fear, and that is why I oppose any excuse to create even a small piece of a National ID databank system. Like you, I certainly have political enemies. Someday I will certainly be the prey.

Once begun, even for an honorable purpose, how can the system be controlled? Homeland Security Secretary Chertoff has said, "*Again, eventually, this might allow us to do double-duty or triple duty, have the same license also be used to cross the border, and be used for a whole host of other purposes where you now have to carry different identification.*" Could it be that those other purposes won't match what you are hoping to accomplish? Could it be that once such a system is in place it will be out of our control?

Congressional testimony by Professor Ben Shneiderman of the University of Maryland explains in great detail the problems inherent in trying to integrate existing data banks as a means to guarantee identification.

*"While most proposals have been well intentioned, some have been misguided in that they overlook the potential for unintended consequences or underestimate the technical challenges and risks inherent in their implementation."*

Professor Shneiderman, an expert in human-computer interaction, went on to say: "*A national ID system requires a complex integration of social and technical systems, including humans to enter and verify data, plus hardware, software and networks to store and transmit. Such socio-technical systems are*



*always vulnerable to error, breakdown, sabotage and destruction by natural events or by people with malicious intentions.*

*For this reason, the creation of a single system of identification could unintentionally result in degrading the overall safety and security of the nation, because of the unrealistic trust in the efficacy of the technology...*

*We must ask whether there is now a secure database that consists of 300 million individual records that can be accessed in real time? The government agencies which come close are the Internal Revenue Service and the Social Security Administration, neither of which are capable of maintaining a network that is widely accessible and responsive to voluminous queries on a 24 hour by 7 days a week basis."*

No matter how much we may desire a quick, easy solution to deal with the issue of illegal immigration; no matter how well intentioned we may be to enforce tough laws to make it happen, sometimes such actions are worse than the problem they seek to solve. So it is with using federal data banks to establish "verifiable" Identification.

Moreover, the E-Verify System is not designed, nor ready for the massive accessibility required to meet the requirements of Section 201. The SS data bank is dirty. And it was not created for the purpose of authenticating citizenship.

But you argue that the E-Verify System is already in existence and therefore not helping to create a National ID Card. Consider this congressional testimony by the Electronic Privacy Information Center (EPIC): *"Under the newly announced changes, the Department of Homeland Security will (1) greatly expand E-Verify, (2) raise fines against employers by 25 percent, (3) increasingly use criminal action against employers, as opposed to administrative action, (4) add to the numbers of databases E-Verify checks by including visa and passport databases, (5) ask states to "voluntarily" allow DHS access to their motor vehicle databases, and (6) use an "enhanced photograph capability" that will allow employers to check photographs in E-Verify databases. These do not resolve the many problems already in E-Verify; instead, the Department of Homeland Security has made the employment eligibility verification worse."*

The fact is the Real ID Act is not going to just help create a NATIONAL ID, instead it is helping to create an INTERNATIONAL Biometric ID Card. The world is being enrolled into a single global biometric ID system through documents purported to establish and authenticate identity – passports, driver's license Social Security card and others

I believe that you are honestly trying to create a method by which Identification can be verified. However, it appears you have accepted the premise that the Driver's License is the proper means of identification. In fact it is not. The driver's license is strictly an authorization to drive on American streets and should stay that way. To enforce an ID through DMVs means empowering a hoard of state government employees who were never supposed to have such power, allowing them

access to information they aren't supposed to have and in so doing, creating a false sense of security that simply isn't valid.

In order to protect the privacy of the American people it is essential that we decouple identification from driver's licenses.

As I have stated before, we have no problem with attempts to strengthen efforts to enforce immigration laws. But these should include building the wall; deploying troops if necessary; supporting the Border Patrol; detaining illegals for court appearances; denying services like schools, hospitals and welfare to illegals; denying citizenship to the new born of illegals; denying college tuition discounts to illegals; and prosecuting sanctuary cities.

None of these things require the establishment of databases. Recent history has shown that removing such incentives in communities has resulted in lower illegal populations. They leave voluntarily.

Simply looking to punish businesses by making them the first line of defense when the federal government refuses to do its job by enforcing the items listed above, is cowardice and grossly unfair. It puts a burden on both employers and potential employees (a vast majority of whom are law abiding Americans) rather than putting the burden where it belongs -- on illegals.

As we seek much needed solutions to the very real threat of illegal immigration, we need to disengage from the politics of fear. We are being given a false choice in the immigration war. We are being told that we must sacrifice freedom so that we may have order and security. It's simply not a true choice.

As Katherine Albrecht, author of the book "Spychips" wrote, "One of the most surveilled people in history were the Soviets under communist rule. During Stalin's decades-long reign of terror and the KGB era that followed, government agents could intercept and read mail, listen in on phone calls, and plant informants to probe their neighbors' political views and assess their loyalty to the state.

The surveillance was near complete, but did the watchful eye of the state keep the Soviet people safe? Hardly. It seems no coincidence that history's most watchful regime was also one of its most deadly. Between 1917 and 1987, the Soviet government killed over 60 million of its own citizens – more than any other government in the 20th Century."

I believe Sections 201 and 203 of the SAVE Act are helping to create parts of a matrix that will lead to a National ID system which will destroy our liberty. Those are the very liberties you see as threatened by illegal immigration. Illegal immigration can be stopped – but if allowed to start, a National ID will be forever. In such a system today's predators will be tomorrow's prey.

For these reasons, the American Policy Center and others are now prepared to resume our fight to oppose the SAVE Act.

Sincerely,

Tom DeWeese  
President



# SPOTLIGHT ON TYRANNY

## THE PRINCIPLES OF EQUAL JUSTICE GET SUPPORT FROM 9TH CIRCUIT COURT OF APPEALS

By Michael Shaw

In a case with daunting ramifications, the Ninth Circuit Court of Appeals ruled that elected officials, “planning” bureaucracies and their agents no longer enjoy absolute immunity when processing land use applications.

In November the Ninth Circuit Court of Appeals unanimously applied a 2005 U.S. Supreme Court decision that operates to change how inverse condemnations are evaluated. Inverse condemnations occur when government imposes restrictions or regulations that prohibit the reasonable exercise of private property rights.

The federal appeals court held that government agencies and their employees can no longer use as a defense to a property owner’s takings claim that they were simply ‘advancing a legitimate state interest’. With this decision the federal courts will require compensation if the right to the reasonable use of private property has been abridged.

The case is *Crown Point v. City of Sun Valley* and various individuals involved with that City. The City defended against the takings claim with the Ninth Circuit’s earlier ruling in *Armendariz*. *Armendariz* held that government and its individual officers can defend itself against claims of inverse condemnation by uttering the magical incantation: “We were working to substantially advance a legitimate state interest”. This gave carte blanche to the implementation of the policies of Sustainable Development and its Smart Growth component.

Ironically, it was in the same Supreme Court rulings that established the right to sue for regulatory or inverse takings that also established the ‘legitimate state interest’ defense to such claims.

The holding in *Crown Point* was also based on U.S. Supreme Court precedence. This is where the story becomes especially intriguing. In 2005 the Court unanimously decided *Lingle v. Chevron*. Mrs. Lingle is the Republican Governor of Hawaii. In *Lingle*, the Court held that there was no standard under takings analysis that allows government officials to claim that their efforts were in furtherance of the ‘public interest’. Accordingly, inverse condemnation cases are to be decided without consideration of this defense.

Shortly following *Lingle*, the Supreme Court further changed the course of American political economics in *Kelo v. New London*. It did this by furthering the change in the meaning of the Constitutional phrase “public use” in reference to the

government’s eminent domain powers. Historically, public use meant that property taken by eminent domain was to be used by the public; e.g. roads, schools, post offices, police stations and the like. The concept in the *Kelo* decision was to change the meaning of the phrase “public use” and interpret that phrase to mean “public purpose”.

Public purpose has been given a broad interpretation by the Court. In effect, the court sanctioned public/private partnership economics with this ruling.

Around the country, there are emerging and growing calls for:

- privatizing our roads and jails,
- the creation of a trans continental toll-based highway system owned by foreign corporations,
- directing public money for the construction of government controlled, privately built “affordable housing” projects in neighborhoods everywhere,
- the privatization of military forces,
- the collectivization of water resources, and creation of greenbelts,
- the subsidization of favored industry and/or favored participants, and
- other Sustainable Development objectives.

When I was born this approach was called fascist economics or just plain fascism. Today it is euphemistically called “public private partnership”.

In *Kelo* the Court sanctioned the exercise of a city’s eminent domain power when that power was used to condemn blocks of single family homes in order to allow Pfizer Corporation, the multi national pharmaceutical corporation, to build a parking lot.

However, surrounding the black cloud of the rise of public/private partnership, the citizens can find a silver lining and a defense to this economic trend coming out of *Lingle* and *Crown Point*: The court in *Crown Point* effectively held: As the political economy makes way for the increase in public/private partnership, it must pay reasonable compensation to the affected private property owner. No more hiding behind the social justice magical incantation that ‘Judge, I was just pursuing the public good’! The courts will now look to the burden placed on the property owner. “Benefits to the public” are no longer a consideration in taking cases.

*Crown Point* is a simple illustration of how the principles of equal justice contrast with the doctrine (Cont’d on Pg. 5)