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Professor: So long, civil rights

By [Josh Indar](#)

This article was published on [03.06.03](#)



Our nation was formed with the words “We the People.” But when it comes to policies of deportation, suggested a speaker at a recent Chico State University forum, what we really need to know is, “How do we define who we are and who they are?”

In a one-hour speech attended by about 150 people, anthropologist, immigration expert and Brown University professor Miguel Moniz gave a startling account of how changes in U.S. immigration policy over the last 15 years have curtailed the rights of aliens and citizens alike.

“These laws have led to decidedly unequal treatment under the law,” Moniz said. “Not only are people being held indefinitely, no one knows who they are or why [they are in custody].”

U.S. immigration laws have a long history of being used to exclude and marginalize people of certain races and ethnicities. In 1882, Chinese people were singled out under the Chinese Exclusion Act. In 1917, Congress ruled that immigrants could be deported for “crimes of moral turpitude,” which included drug use and “idiocy.” In the 1990s, a series of immigration laws made it even easier to deport not just those here illegally, but also those who were properly documented and on their way to becoming citizens.

With the passing of last year’s USA Patriot Act, the backlash against immigrants continued, Moniz said, but with the twist that even natural-born citizens were asked to give up some constitutional rights in the name of national security.

The “pretext” of national security has long been used to curtail immigrants’ and citizens’ rights, Moniz pointed out, citing the detention during World War II of 127,000 Japanese-Americans, 70,000 of them legal citizens.

“The erosion of civil rights in the context of post-9/11 thinking is nothing new, it is only more pronounced,” Moniz said.

Immigration laws have curtailed civil rights in the following ways, Moniz argued:

- In 1990, the INS was given broad authorities to arrest immigrants; the Department of Justice was allowed to jail immigrants indefinitely; drug addicts, users and sellers were candidates for immediate deportation; not reporting a change of address became a deportable offense.
- In 1996, immigrants were required to speak English; immigrants with HIV were banned from entry; recent arrivals were banned from receiving food stamps and other aid; any felonious immigrant who had ever been sentenced to a year or more in jail was a candidate for deportation, even if the sentence had been handed down years prior to the new law.
- In 2002, many immigrants from Arab and Southeast Asian countries were required to register with the INS; 8,000 such immigrants were interrogated with no evidence of wrongdoing; immigrants can now be jailed indefinitely on no evidence of wrongdoing and without being charged with a crime; terrorism was defined in such a broad way as to include traditional methods of protest; military tribunals were authorized in some cases; attorney-client privileges were substantially weakened; and safeguards against wiretapping and surveillance were lifted for citizens and non-citizens.

During a question-and-answer period, an audience member noted that a Corning man was recently deported after a tenuous connection was found between him and a convicted terrorist. That deportee, Pakistani citizen Nasir Ali Mubarak, was the subject of a CN&R cover story last August. Mubarak, who is married to an American woman and has children who are American citizens, was jailed for several months on charges of overstaying his visa. Although it was revealed that a man with whom Mubarak had traveled to the United States in 1991 later was arrested for terrorist conspiracy, it was never proved that Mubarak had any idea the man harbored terrorist tendencies.

Mubarak was never formally charged with a non-immigration crime and had been working through proper INS channels for years to become a citizen. Nonetheless, he was deported to Pakistan in September 2002, whereupon he was arrested and held for a few weeks by the Pakistani Federal Police. In a recent phone conversation, Mubarak said he was still trying to get back to the

United Arab Emirates, where, previous to entering the United States, he had lived since he was 3 years old. Mubarak said he thought he had been blacklisted by immigration authorities, as he has been unable to secure a visa.



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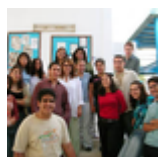
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