

# Chico

I N S I D E

S T A T E

A publication for the faculty, staff, administrators, and friends of California State University, Chico

March 13, 2003  Volume 33, Number 12

## A Dragon Grows Up

### Anthropologist Miguel Moniz says USA Patriot Act took pointers from earlier immigration laws

As war clouds gather and faint sounds of thunder trouble the sensitive, those exposed to the imminent downpour begin to look around for suitable cover. Such storm signs, now an almost daily preoccupation, also indicate that political weather forecasters will find attentive audiences just about anywhere, and such was the case for anthropologist Miguel Moniz, who spoke on campus Feb. 27. Moniz, a Brown University professor and author of the upcoming *Strangers in a Free Land*, is a scholar of race, ethnicity, and transnational migration issues. His lecture, "Who Belongs Here and Why: The Politics of Deportation in the Land of the Free," was the second in a series of Center for Applied and Professional Ethics forums concerning the USA Patriot Act.

Moniz sketched the legislative history leading up to this act and contended that the Antiterrorism and Effective Death Penalty Act as well as the Immigrant Reform and Immigration Responsibility Act—both enacted in 1996 as a result of the Oklahoma City bombings—served as resources for many of the provisions in the Patriot Act. His conclusions regarding the intentions of the current administration in Washington certainly weren't reassuring in terms of civil liberties, particularly for noncitizens.

"Noncitizens have a very tenuous relationship to constitutional protection in this country," he said. "The USA Patriot Act and recent efforts on the part of the Ashcroft justice department are a rearticulation of ... earlier



Miguel Moniz, author of *Strangers in a Free Land*

Taran March

## Dragon

continued from page 1

immigration legislation. An uneasy nation state is one that craves distinction between citizens and noncitizens by eliminating rights for the latter group. Within the Patriot Act, the erosion of rights affects citizens as well."

The 1996 acts themselves were first broached after the Oklahoma City bombings, when opinion leaned toward foreign nationalists as the perpetrators. However, even in light of Timothy McVeigh's indictment, a wave of distrust toward things foreign prevailed, and the two acts rode to shore on that tide. However, representatives from both the Republican and Democratic parties found favor with the legislation, Moniz pointed out, and President Clinton, adhering to his popular "tough on crime" policy, signed the acts into law.

The 1996 acts greatly reduced rights of noncitizens, says Moniz, eliminating social service benefits and making illegal immigrants subject to immediate deportation should they

---

With the passing of the Patriot Act into law ... any U.S. citizen can be investigated without just cause if the FBI says so.

---

receive benefits before their 10 years' U.S. apprenticeship has passed. Moreover, the traditional power of habeas corpus, which prevents people from being held without just cause, was greatly weakened. Illegals suspected of predominantly drug-related felonies especially were targeted.

"If you faced a deportation order from the INS, you were immediately deported," said Moniz. "In many cases, the suspects had been in this country since childhood and really had no connection to the land they were deported to whatsoever." Moreover, offenders originally from China, North Korea, Vietnam, or Cuba found that their countries refused to readmit them, so they spun out their days in INS detention centers.

With the passing of the Patriot Act into law, the situation for noncitizens has worsened, said Moniz, and even citizens are finding their rights overruled. "Noncitizens can be jailed now without any evidence, simply on suspicion of wrongdoing as defined by the FBI," he explained. "They can be denied immigration to the U.S. by engaging in acts like free speech, if those acts are considered to be inciting a terrorist action." For that matter, "any U.S. citizen can be investigated without just cause if the FBI says so." The other measures of what Moniz called "draconian" measures of this "patriotic" act include increased ability/license to wiretap surveillance and searches, covert investigations, and infringements of those protections stipulated in amendments one, four, five, six, eight, and fourteen of the U.S. Constitution.

"There's a grotesque irony to the whole thing," observed Moniz. "Apparently, the only way to uphold the 'American way of life'—which presumably includes adherence to the principles that define the constitution—is to, well, ignore the constitution." ~