

2/20/09

no 379, 380, 381

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February 19, 2009

Senator Perry, Chair, and Members
Senate Judiciary Committee
Montana Legislature
Capitol Building
Helena, Montana 59620

Re: SB 379, SB 380, SB 381, SB 382

Dear Mr. Chairman and members of the Senate Judiciary Committee:

My name is Carol Ferguson. I'd like to welcome all you migrants and descendants of migrants to Helena. It's good of you to take your time to join the rest of us migrants and descendants of migrants so that we can discuss issues of common concern.

Although I am, in fact, addressing the entire array of anti-migrant bills introduced during this session, I will be brief. The anti-migrant focus of these bills is wrong. The hostile tone and intent of these bills is wrong. If enacted, their outcome would be wrong, divisive and destructive – and expensive. They would precipitate an enormous cost in human terms, in economic terms, and in fiscal terms.

In the long run, whether the concern is jobs and the economy or the potential for terrorism, ultimately these bills would be counter-productive. They would weaken, not strengthen the fabric of our county.

Migrant workers are not the enemy. Migrant families are not the enemy. The children of migrants are not the enemy.

Migrant workers, documented and undocumented, add substantially to our economic well-being and to our cultural well-being. They enrich our lives in countless ways.

We have, through our national policies, contributed greatly to the destruction of the local economies of many communities in Mexico and Central America. In the past decade, this has produced many migrants, who are, in fact, economic refugees. They leave their communities not because they want to, but because they have to, to find work so that their families will not starve. Literally, will not starve. And they risk their lives in the process.

During the past few years, there have been between 4,000 and 5,000 documented immigrant deaths – men, women, children and infants – in the Sonoran desert of Arizona. It is estimated that this would translate to about 15,000 actual deaths. This is a result of the intentional "deterrence by desert and death" policy.

And this says nothing of the numbers of people, of all ages, who, apprehended by – or turning themselves in to – the Border Patrol, are abused and denied food, water or needed medical attention; the number families who are separated and deported through different ports of entry, sometimes hundreds of miles apart; the number of women or unattended children who are "dropped off" across the border in the middle of the night in highly dangerous areas.

Typically, detainees are stripped of all of their belongings, including their prayer cards, their identification documents, and their family letters and photographs. Nothing is returned to them.

Other migrants, who have become long-time US residents, documented or undocumented, are working at jobs that are important to the well-being of their US communities. Typically, they pay taxes considerably in excess of the tax supported services they receive. Often their spouses or children are US citizens. In a very real sense, anti-migrant laws are anti-children laws, anti-family laws, anti-community laws. They are anti-US citizen laws and anti-basic human rights and human dignity laws.

Some resident migrants have been here, working and paying taxes, for so long that they no longer speak their language of origin. Some no longer have any living family in their country of origin. But they now have family to support here and jobs and roles in their new communities. And, given the choice, they would not be here without documents.

That some recent or long-term migrants do not have documents is often our failure, not theirs. A failure of policy and a failure of function – the Immigration and Naturalization Service is notorious for gobbling fees, changing its “mind” about what it needs, losing paperwork, and, delaying the process until even originally “documented” resident immigrants may become “undocumented” while they are applying for their legally authorized renewals. The INS is noted for taking money from people who can ill afford it, without either producing the documents they have requested and paid for, or explaining why the documents are not forthcoming.

We ought not to be focusing on how to beat down, alienate, and destroy migrants and their families – including the US citizens within those families – or the US citizens who are friends of those families. The problems we ought to address are how to ensure permanent resident status or citizenship for those long-term residents who want it, how to ensure safe and secure passage across the border for visitors and workers to and from both sides, and how to ensure safe working conditions and equal application of our basic civil and human rights for all of us.

Many of these issues need to be addressed at the federal level. But we can do our part to encourage and ensure reforms that will shift the focus from criminalization to documentation and, as appropriate, naturalization. We need to focus our minds and our resources on achieving reforms that will enhance, rather than destroy, individuals, families, communities, and local economies.

People who are confused or afraid or in pain, sometime act with the blind desire of a bully to beat up on someone else. Let's not follow a course of action that, in its destruction, would make enemies of others and make us our own worst enemy. Let's hope that we can see ourselves and others more clearly, and more compassionately, and more constructively.

Thank you for your time and consideration.

Carol L. Ferguson

Carol L Ferguson
P.O. Box 163
Clancy, MT 59634