

U.S. FILIPINO COMMUNITIES UNDER ATTACK

RESISTING HOMELAND SECURITY

**ORGANIZING AGAINST UNJUST
REMOVALS OF U.S. FILIPINOS**

FILIPINAS IN DETENTION
CENTERS

homeland security racism

PREVENT FILIPINO
FAMILY DEPORTATIONS!

STOP
UNJUST
DEPORTATIONS

PASS COMPREHENSIVE
IMMIGRATION REFORM!

A Report of the Critical Filipina and Filipino Studies Collective | December 2004

Resisting Homeland Security: Organizing Against Unjust Removal of U.S. Filipinos

Critical Filipina and Filipino Studies Collective

Contents

Report Highlights	1
Preface	3
Filipino Deportation History.....	4
The National and Global Contexts of Homeland Security	7
The Unjust Removal Impacts of Homeland Security.....	12
Organizing Against Unjust Removals.....	19
Afterword.....	26
Appendix.....	28
References	29

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The hardship, struggle, and courage of many Filipinos and their families who experience the status adjustment backlog, inhumane detention, and unjust expulsion processes have to be recognized. Their tears, words, anger, frustration and resolve for justice envelope the stories and analysis presented in this report. The Cuevas family (Dale, Delfin, Dominique, Donna, and Lily) particularly energizes the anti-deportation movement for US Filipinos with their struggle for justice.

Many individuals and families in northern California and across the country shared their stories and experiences, yet they remain largely invisible to many. They also need to be commended for their resiliency and courage to fight.

For their insight, encouragement, and persistence in struggle, our deepest gratitude goes to the members and supporters of the Support Committee for the Cuevas Family, specifically Pastor Mel Navarro and the elders of the New Covenant Presbyterian Church (San Leandro, CA), Filipino Community Support (FOCUS), Bagong Bayan (a youth and student organization in San José, CA), Chris Campos, Joren Lyons, Kevin Pimental, Tina Shauf, and Nelson Toriano.

Critical Filipina & Filipino Studies Collective (CFFSC)

Founded 2002, CFFSC is a national network of community-engaged scholars, professors, and educators in the USA, forging critical Filipina and Filipino studies perspectives. It informs, provides exacting analysis, and unearths new understandings on global, social, and economic justice issues impacting the Filipino diaspora. It participates in progressive campaigns, coalitions, and movements that strive for justice and liberation. It is an organizational affiliate of NAFCON.

National Alliance for Filipino Concerns (NAFCON)

NAFCON is an alliance of organizations and individuals working for the protection and promotion of marginalized and disenfranchised Filipinos in the USA, the promotion of Filipino heritage and support for Philippine issues and international concerns.

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Report Highlights

Preface The increasing detention and removal of U.S. Filipinos remain invisible to many. The rising number of U.S. Filipinos detained and removed is directly tied to the shift in the U.S. government after the events of September 11, 2001. It is also tied to the legacy of U.S. imperialism.

History The history of U.S. Filipino detention can be traced to the late nineteenth century, the beginnings of U.S.-Philippine relations. There is a historical connection between contemporary removal of U.S. Filipinos to the deportations of Filipino nationalists during the U.S. occupation of the Philippines, of the “Oriental criminals” in the 1930s, and of suspected U.S. Filipino communists in the 1950s.

National and Global Contexts The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), implemented by President Clinton, dramatically shifted immigrant rights. IIRAIRA curtailed unauthorized immigration and regulated immigrants, regardless of status, making a home in the U.S. The passing of USA PATRIOT Act and the establishment of Homeland Security subsume the regulation of immigration into national security.

The Philippine government, under the leadership of Gloria Macapagal-Arroyo, was the first Asian country to fully support the U.S./Bush anti-terror campaign. The Philippine government’s collaboration with the U.S. regime has proved to be more detrimental to Filipino immigrants in the U.S.

Impacts Shifts in U.S. legislation have produced difficulty in the lives of U.S. Filipinos, regardless of citizenship status. U.S. Filipinos have been unduly targeted for unjust removal, destructively detained, and placed under detrimental legal uncertainties. They are struggling against new forms of family hardship, and living through legislatively-generated fear and harassment.

Community Organizing The issue of U.S. Filipino detention and removal is only one amongst the numerous detrimental effects of the current domestic version of Bush’s War on Terror. With lessons learned from the support of the Cuevas family, the current historical moment offers the possibilities of a renewed commitment to justice and equality for U.S. Filipinos. The Cuevas family is one of the first U.S. Filipino families to seek support for their impending deportation. Through organizing a support committee, generating public awareness and empathy, building wide institutional and organizational coalition, and taking direct action, the Cuevas family campaign is a notable example of such organized protest to challenge removal orders. ■

KEY TERMS

CBP Customs and Border Protection Bureau of the U.S. Department of Homeland Security responsible for border patrol and inspection functions.

CIS Customs and Immigration Services Bureau of the U.S. Department of Homeland Security, which was part of the old Immigration and Naturalization Service. It is responsible for adjudication, naturalization, and the processing immigrant and non-immigrant benefits.

DRO The Office of Detention and Removal of the U.S. Department of Homeland Security. Bureau of Immigration of Customs Enforcement.

DFA Department of Foreign Affairs (Philippines) is legally responsible to protect overseas Filipinos. DFA works with DHS to allow the detention and removal of Filipinos from the U.S.

DHS The U.S. Department of Homeland Security has absorbed the activities of the old Immigration and Naturalization Service.

HSA Homeland Security Act of 2002 is a law that contains provisions, among others, to subsume immigration matters into national security concerns.

ICE Immigration and Customs Enforcement Bureau of the U.S. Department of Homeland Security, which used to be a part of the old Immigration and Naturalization Service. It is responsible for the enforcement of federal immigration laws including investigations, detention, and removal.

IIRAIRA Illegal Immigrant Reform and Individual Responsibility Act of 1996 consolidates previous deportation and exclusion procedures to remove non-U.S. citizens effective April 1, 1997.

INS The U.S. Immigration and Naturalization Service under the Department of Justice was dismantled on March 1, 2003 and activities were transferred to the new Department of Homeland Security.

“TnT” Tago-ng-Tago is a Tagalog phrase referring to undocumented Filipinos.

The “Undocumented” This term refers to people in the U.S. without government documentation to work, enter, or reside. Government agencies labels them as “Illegals.”

USA PATRIOT Act The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 threatens civil liberties of U.S. residents by permitting activities such as secret surveillance, indefinite detentions, incarceration based on mere suspicion, and denying re-entry to the U.S. The proposed USA PATRIOT Act II will further erode human and constitutional rights. ■

The issue of deportation remains invisible to many. While there has been an increase in the number of deportation of U.S. Filipino in recent years, this phenomenon remains understudied and unexamined. The little information that does exist is poorly researched, some even flawed in its analysis.

Resisting Homeland Security: Organizing Beyond Unjust Removals asserts two main positions that differ from existing knowledge about and interpretation of Filipino deportations post-September 11, 2001:

First, the deportation of Filipinos must be understood for its particularities. A dangerous misconception is that deportations are uniform in and arbitrary across any and all immigrant groups; that these acts of detention and deportation are simply routine governmental practices to regulate migration flows. Our report links current deportations with the colonial and neocolonial relations between the US and the Philippines. In making the linkage of U.S. early imperial excursion in the Philippine with contemporary removal, detention, and deportation of U.S. Filipinos, we suggest a *systematic targeting* of Filipinos for deportation.

Second, the deportation of Filipinos must also be understood under the homeland security regime. Amongst a few misleading generalizations is that post-9/11 legislations and Bush's global "War on Terror" have no direct impact on the rise of U.S. Filipino deportations. We claim otherwise: *homeland security policies detrimentally impact U.S. Filipinos in a multitude ways.*

As we forge ahead, fighting the ugly heads reared by the Homeland Security regime, we realize that the struggles for immigrant justice can no longer be fought within the frameworks of immigrant rights and citizenship advocacy. Rather, the new homeland security regime dramatically **subsumes** "immigrant advocacy" into "national security" concerns. In our work with Filipino immigrants, citizens and non-citizens, we are learning that tactics that simply approach the issue of removal, detention, and deportation through immigrant rights advocacy no longer suffice.

In the following pages of this report, information, research, and analysis of U.S. Filipino deportation since the establishment of Homeland Security are provided. We compiled this report as a *beginning* of an ongoing analysis and organizing on detention and removal in this historical shift in U.S. practice of imperialism. This report is a testimony to the struggle of U.S. Filipinos against the increasing suspension of civil liberties by the U.S. government, in its pursuit of imperial ambitions.

Most of all, *Resisting Homeland Security* is a document of **hope**. Let the information and analysis gathered here inspire Filipinos and non-Filipinos alike, as far as this document can reach, to participate in global movement for justice and equality.

The Critical Filipina and Filipino Studies Collective

Filipino Deportation History: Expelling Subversives, Criminals & Communists

This section traces the deportation of Filipino nationals to the beginnings of U.S.-Philippine relations at the turn of the twentieth century. The year 1898 witnessed the emergence of the United States as a global and imperial power inaugurated by a U.S. war of colonial conquest, the Philippine-American War (1899-1902), and the violent occupation of the Philippines. The first Filipino deportees in U.S. history were “undesirable” Filipino nationalists who threatened U.S.-colonial rule in the Philippines. In the early decades of the twentieth century, Filipinos would once again be targets for deportation by being viewed as “Oriental criminals” and later as suspected communists.

After 1898: Katipuneros As Deportees

Deportation’s historical antecedent was the act of expulsion or exile. In the late nineteenth century, the Spanish Governor-General of the Philippine colony had the power to “expel or exile undesirable persons” (Barrows 1916). Under Spain and later the U.S. colonial government, the enforcement of deportation and exile were forms of legal punishment for those who posed as threats to colonial rule.

The year 1898 was the beginning of the “American Century” as the United States emerged as a new global and imperial power inaugurated by the military take-over of Hawai’i, Puerto Rico and the violent occupation of the Philippines that culminated in the Philippine-American War (1899-1902). The first Filipino deportees in U.S. history were “undesirable” Filipino nationalists that threatened U.S.-rule in the Philippines. These were members of the Katipunan or the Philippine revolu-

tionary government led by General Emilio Aguinaldo. One American writer referred to the exile of Katipunan leader Emilio Aguinaldo and his junta to Hong Kong as a “deportation” (Welsh 1900). After the arrest of Aguinaldo in 1901, the U.S. military government deported thirty-nine members of Aguinaldo’s revolutionary government to the island of Guam, a U.S. colonial territory (Barrows 1916). The “deportees” were called the “irreconcilables” by the U.S. government since they adamantly refused to pledge allegiance to the United States, nor did they denounce the Philippine Revolution against the United States. The radical Tagalog intellectual Apolinario Mabini, who was a paraplegic, would be among the irreconcilables and his deportation to Guam would eventually wreck havoc on his frail health, and would cost him his life (Le Roy 1906).

Despite the deportation, arrest and death of many of the Filipino revolutionary leaders after 1901, Philippine resistance to U.S.-rule would continue for more than a decade. They turned to guerilla warfare and peasant farmers led many of the revolts (Ileto 1979).

1930s-1950s: Filipinos As Oriental Criminals and Communists

In the early decades of the twentieth century, as tens of thousands of young Filipino males would come to the Pacific Northwest in search of employment as farm workers, they became the targets of racial profiling and deportation. In the mid-1930s, as many Filipinos found farm work in the states of Oregon, California and Washington, Filipinos were racially profiled as “Oriental criminals” more often than Japanese or Chinese male immi-



The deportation of Apolinario Mabini.

Filipino Deportation History: Expelling Subversives, Criminals & Communists

grants. One American writer observed that Filipinos had a higher “rate of criminality” compared to other Asian male immigrants (Hayner 1938). In a study of 1,944 arrests of “Oriental criminals” in Washington state from 1928 to 1932, Filipino males constituted 11.8% of the arrests, while Chinese males were 9.6% and Japanese males were 2.6% (Hayner 1938). In the late 1920s, in Honolulu where Filipinos worked in the sugar plantations, disputes over gambling were the largest cause of assault among Filipinos (Lasker 1969). Filipino farmworkers were also racially profiled as murderers and rapists in Hawai’i. In 1930, 60% of those incarcerated for murder in Hawai’i’s Territorial Jail were Filipino, while one-third of those incarcerated for rape were Filipino (Lasker 1969).

In Seattle, Washington in the 1930s, Filipino males were often cited for offenses such as gambling and disorderly conduct. Despite these minor offenses, the police would often target Filipinos for arrest and nicknamed them as “earwigs,” the name of a local insect. A special identification book at police headquarters in Seattle would have photographs of “Filipino offenders” that were taken since 1919, and the book was labeled as “Head Hunters.” The racist stereotyping of Filipinos as head-hunters refers to the popular Alaska-Yukon-Pacific Exposition of 1909, held in Seattle, WA, where Igorots were placed on display as living specimens of primitive savagery (Hayner 1938). A much earlier World’s Fair, the St. Louis Exposition of 1904, inaugurated and sealed the image of the Filipino as a “savage head-hunter” (Rydell 1984).

More than four decades later, the image of the “Filipino savage” and “Oriental criminal” would transform into the “Filipino communist.”



U.S. Filipinos in the Cannery Workers and Farm Laborers Union Local 7 fought against racism, anti-unionism, and being deported for “subversion” in the 1950s.

At the dawn of the McCarthy era, Filipinos were once again racially targeted for deportation as suspected communists. From 1949 to 1955, the Red Scare, the Hollywood blacklist and union purges of suspected Communists affected Filipino labor (de Vera 1990). At the time, American politicians were concerned with the encroachment of “world communism” coming to the shores of America. Two legislations, the Internal Security Act of 1950, and the Immigration and Nationalist Act of 1952 better known as the McCarran-Walter Act, broadened the definition of “subversive activities” and Filipino labor leaders became targets of harassment and deportation orders by the INS (de Vera 1990).

From 1949-1953, the INS “investigated and accused more than two thousand Filipino members of the 5,000-strong Cannery Workers and Farm Laborers Union, Local 7” (de Vera 1990). The Local 7 was a Filipino-led union that represented a significant faction of Filipino and ethnic labor in the West Coast. The Local 7 began as a union for “non-resident Alaska cannery workers” that included “Mexicans, African Americans, Chinese, Japanese, Hawaiians, Puerto Ricans and whites” (de Vera 1990). By the late 1940s, union membership had grown to approximately 4,000. The Local 7 was organizing Filipino cannery workers in the Northwest and were expanding their base to include Filipino farmworkers in California.

The first sweep began in the spring of

Filipino Deportation History: Expelling Subversives, Criminals & Communists

1949, when hundreds of union members in Seattle and Portland received letters from the INS requesting their appearance for questioning. That year, Ernesto Mangaoang, a veteran organizer, was arrested and charged with membership to the Communist Party U.S.A., a “crime” punishable by deportation. His arrest followed more round-ups of Filipino union members across the Pacific Northwest. These were Local 7 President Chris Mensalvas, Casmiro Bueno Absolor, Ramon Tancioco, Constancio Cargado, Pete Carbonay, Ponce Torres, Joe Prudencio, Joe Raymundo, Federico Domingo and Marcial Peralta. The charges were the same – they were suspected of being communists plotting the violent overthrow of the U.S. government. Many of the lives of the union members contrasted sharply with the INS’s image. Mangaoang, for example, entered the U.S. as a student, organized cannery workers in the Northwest and later served as president of a union in Portland, Oregon; Absolor was blind but was an active union member; and Cargado, at 64, was the oldest of the detainees and had an American-born son, Carl, who served in World War II and Prudencio was a World War II veteran himself (de Vera 1990). Despite their contributions to American society, their involvement with a Filipino-led union became grounds for suspicion as communists. By 1952, there were 120 aliens that were arrested and charged with subversive acts under the McCarran Act and the Justice Department announced that it would arrest and deport 3,500 more (de Vera 1990). There were some American unions

that saw through the deportation drive and decried it as the INS’ efforts in union-busting. Some labor organizations and progressive American groups sent donations for the legal funds of the Filipino detainees and their efforts, coupled with the organized protests by Filipino labor, enabled the successful resolution and acquittal of all the union members.

By 1955, none of the union members targeted by the INS were sent back to the Philippines. But despite the union’s legal victories, the Filipino community press reported that some Filipinos who were charged with Communist Party membership were deported.

What emerges from U.S.-Philippine relations history is the continuing criminalization and punishment of Filipinos. At the turn of twentieth century, Filipinos were deported as irreconcilable anti-colonials who refused to pledge allegiance to the U.S. military government that occupied their young and sovereign republic. In the succeeding decades, Filipinos were racially profiled as “Oriental criminals” and this criminalization worsened under the McCarthy era, when Filipinos who were labor organizers were targeted as communists, a crime punishable with deportation. While the high profile cases of the Local 7 labor leaders ended with their legal victory, contemporary Filipinos continue to live out the legacies of racial stereotypes of the Filipino as a “criminal” and as a suspected “subversive.” ■

The National and Global Contexts of Homeland Security

From Deportation To Removal

As the previous section illustrates, two distinct but related sets of issues have given rise to Filipino deportation historically. First, economic problems coupled with racist, nativist sentiment led to restrictive immigration laws, especially against immigrants from non-European countries. These laws have both limited prospective immigrants' entry into the United States, and given rise to large-scale deportation. Second, the issue of national security has led to expulsion of political dissidents, anti-imperialist nationalists and communists. These two sets of issues have given rise to particular state interventions at specific historical junctures. What links these state interventions is the underlying logic that those who are undesirable, racially, politically, and economically, must be *removed*. First, we discuss how more recent immigration legislation restricts the entry of prospective immigrants and the reentry of existing immigrants, as well as regulates immigrants presently residing in the United States. We then turn to a discussion of how new forms of surveillance and policing have emerged in the wake of 9/11 as a means of dealing with potential "terrorists" and protecting national security. Finally, we examine what is new about today's homeland security apparatus. We argue that the government brings together the previously disparate logics of deportation and expulsion into one, singular set of practices called "homeland security." *Removal* is the key aim of homeland security.

The Domestic Context: Immigration Restrictions and National Insecurities

Despite a more open immigration environment signaled by the Immigration Act

of 1965, which dropped national origins quotas, supported family reunification and favored highly skilled workers, an act that accounts for a significant amount of contemporary Filipino immigration to the U.S., restrictive immigration policies have reemerged over the course of the last twenty years.

THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT Democratic President Clinton's Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996 has had an especially dramatic effect for immigrants. A culmination of prior efforts at bolstering anti-immigration legislation led by Republican legislators. Under IIRAIRA the grounds for deportation were expanded.

Prior to 1996, even with increasing immigration restrictions, there were some recourse for undocumented immigrants to attain legal status. Once brought before an immigration judge, an undocumented immigrant could appeal for permanent residency on the grounds of having lived in the U.S. for at least seven years, possessing good moral character and proving that returning to their country of origin would throw them into extreme economic hardship. Many undocumented immigrants were, in fact, given a chance to change their status by the courts.

IIRAIRA was meant, principally, to curtail unauthorized immigration. It was also aimed at regulating immigrants, regardless of status, making a home in the United States. This regulation, however, required a level of voluntarism on the part of immigrants. Whereas historically, the state could justify the deportation of immigrants living in the United States by drawing on racist logics of immigrants' propensity for criminality and their threat to public health, today, the state conceals its racist logic. Instead, the state demands that immigrants

On Nov. 25, 2002, Congress passes the Homeland Security Act, the largest federal re-organization since World War II.

The Act places many public and social services activities under the control of new police, security, and military agencies.

It dissolved the Immigration and Naturalization Service (INS) and replaced it with two new bureaus, Citizenship and Immigration Services (CIS) and Immigration and Customs Enforcement (ICE).

The National and Global Contexts of Homeland Security

Understanding the Changing Legal Terms

The institutional regulation of the entry and movement of people across its geographic borders is one primary characteristic of modern sovereign nation-states. In 1996 the United States reorganized how it defined the legal *expulsion* of people from its borders, conflating state-determined resident status with the social and physical rejection of individuals and groups it deems undesirable. Since 9/11, the 2001 USA PATRIOT Act expanded grounds for deportation and inadmissibility, and the 2002 Homeland Security Act (HSA) consolidated and further institutionalized enforcement activities.

EXPULSION This is a generic concept referring to the social process by which residents and groups (with or without citizenship or visa documents) are expelled for state-sanctioned political, economic, or security reasons.

REMOVAL This legal concept had been given greater prominence under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), now combining procedurally inadmissibility and deportation. For the Department of Homeland Security (DHS), “removal” refers to the formal enforced expulsion based on a legal violation. Judicial, administrative, or “voluntary” removals are the possible pathways for expulsion. An immigration judge often determines a violation of the law or procedure has occurred and will issue a formal order of removal. Individuals and families can select “voluntary” departure before judicial removal proceeding begins. **Detention** can occur as part of removal proceedings.

DEPORTATION The 1996 IIRAIRA streamlines grounds for expelling short and long-term residents, irregardless of their legal resident status: those with certain criminal convictions, procedural violations, or deemed security risks. The 2001 USA PATRIOT Act expands grounds for deportation and detention to include U.S. citizens.

INADMISSIBILITY The 1996 IIRAIRA and the 2001 USA PATRIOT Act prevent the entry or re-entry of travelers and previous U.S. resident (irregardless of their U.S. citizenship or legal resident status). Inadmissibility grounds, for instance, include criminal convictions, health reasons, and deemed security risks. *Exclusion* was the previous legal term for inadmissibility.

In effect, the “removal” rubric streamlines the legal definition of social groups to be expelled and calls for new institutional apparatus to track, surveil, and expel these groups. The recent substantive changes under this “removal” rubric signal a distinct mode of societal regulation and governance, indicating new logics and practices of homeland security racism. ■

The National and Global Contexts of Homeland Security

be “responsible” and if they fail, they will find themselves no longer eligible to stay.

IIRAIRA has some provisions related to monitoring immigrants with possible links to terrorism, but it was primarily aimed at curtailing unauthorized immigration and regulating immigrants already residing in the United States. It was not until September 11, 2001 that questions of national security and terrorism would be of more significance.

THE USA PATRIOT ACT The most critical piece of legislation passed after 9/11 was the USA PATRIOT Act, signed into law only one month after the attacks. The USA PATRIOT Act was primarily aimed at protecting national security in the wake of tragic terrorist acts. In an attempt to bolster national security, civil liberties have been curtailed. Already the act contained many provisions related to the increasing the surveillance of immigrants.

HOMELAND SECURITY ACT Not long after the USA PATRIOT Act, the Homeland Security Act was passed leading to the dissolution of what we know as the INS. In its place it created several new bureaus including the Citizenship and Immigration Services (CIS) and the Immigration and Customs Enforcement (ICE).

The Detentions and Removals Office (DRO), a division of ICE, has developed a comprehensive integrated information system that combines local, state, federal, and private-sector databases to locate U.S. Filipinos for removal. Erroneous information, often uncontested, in one database can start the removal process. Databases include Criminal Alien Investigations System (CAIS), Deportable Alien Control System (DACS), ENFORCE Case Tracking System, Interagency Border Inspection System (IBIS), Automated Biometrics Identification System (ABIS), SEVIS, Advance Passenger Information System (APIS),



U.S. President Bush signs the 2005 budget for the Department of Homeland Security.

Arrival and Departure Information System (ADIS), US-VISIT, Bureau of Prison’s automatic information system SENTRY, EREM, NCIC, TECS, Choice Point, AutoTrack, and the Public Health Service electronic medical system (see DHS 2003b). Seizures of additional information such as credit history, medical records, student records, and even library records occur without prior individual consent. Increasingly applications of state driver’s licenses and identification cards have also been used to track U.S. Filipinos for detention and removal.

It was the passage of the 2002 Homeland Security Act and the creation of the new Homeland Security Administration that signaled a radical shift in how the state intervenes vis-à-vis immigrants and dissidents (“terrorists,” U.S. citizens or not).¹ Before, the state dealt with immigration and national security as relatively distinct issues. Homeland security, however, brings together issues that had previously been addressed separately.

Put another way, today, Homeland Security *subsumes* the regulation of immigration under national security. Consequently, all those deemed “foreign” to the United States are potential legal, cultural,

The National and Global Contexts of Homeland Security

Operation Liberty Shield (2003), required the DHS to detain asylum seekers from 34 countries that included the Philippines. The detainees were denied due process and subjected to harsh treatment without regard for individual circumstances.



political, and economic threats to the security of U.S. land, culture, and way of life. “Foreign” becomes a figurative term

that places citizens and non-citizens under state surveillance and limits freedom of movement. This means that U.S. Filipinos are therefore all suspect and eligible for surveillance, regardless of one’s legal status (whether as a permanent resident, as a “TnT,” as a born-in-the-U.S. citizen, or as a naturalized citizen) and because we are somehow linked to the Philippines, a country deemed to be home to “terrorists.” It also means that regardless of our political loyalties (whether for or against war) and ability to be “real Americans” (based on speaking English fluently or exclusively, growing up all or mostly in the U.S., and so on), or even our economic status (whether rich or poor), homeland security targets us all, ultimately, for removal.

Removal, is a manifestation of a new racialized institutional logic and practice, homeland security racism, which is *substantively different* pre-9/11 racial logics and practices. Homeland security racism does not simply operate from the logic that “outsiders,” are to be feared, but aims to consolidate politically and economically the empire’s reign locally *and* globally. While immigrant laws and their enforcement remain a primary venue for racism in general, homeland security racism – as articulated through a wide range of ever-changing homeland security laws – has become an expression of *imperialism* directed *inward* against its own citizens and residents.

Homeland Security, the War on Terror and U.S. Philippine Relations

Homeland security racism is a domestic counterpart to U.S. imperialism, today operating under the guise of the “war on terror.”

This connection between the racist targeting of Filipino removals by the U.S. government and the U.S. global imperialist war against terror supported by the Philippine President Gloria Macapagal-Arroyo is not obvious to many. After U.S. President George W. Bush’s declaration of a “war on terror” divided the world into pro-U.S. or pro-terrorism camps, the Philippines was the first Asian country to support fully the U.S. in its anti-terror campaign. Macapagal-Arroyo rushed to link up with the U.S., vowing to find and eradicate any Al-Qaida cells in the Philippines and work closely with the U.S. in capturing terrorists seeking sanctuary in Asia.

The Philippine-U.S. alliance took on forms such as the Balikatan Project (allowing the U.S. to use Subic and Clark air bases and eroding Philippine territorial sovereignty) and the establishment of a cabinet committee on internal security (replicating the structure of U.S. Homeland Security Department) (Putzel 2003).

Macapagal-Arroyo supported Bush’s plan to bomb Afghanistan in order to capture Osama bin Laden. Even after that ultimately failed, she supported Bush’s campaign against Iraq, albeit with the stipulation that the UN Council approve any plan of attack after the weapons search was finished.

This situation amounts to a backlash, so that instead of benefiting the Philippines and Filipinos, Macapagal-Arroyo’s alliance with the U.S. war on terror has

The National and Global Contexts of Homeland Security



President of the Philippines Gloria Macapagal-Arroyo supports the U.S./U.K.-led occupation of Iraq, homeland security racism, and the unjust removal of U.S. Filipinos. Photo taken during U.S. President Bush visit of the Philippines in 2003.

actually had the consequence of making life harder for Filipinos all over the world as well as degrading the perception of the Philippines in the eyes of other countries. Indeed, the war on terror has turned a spotlight on immigration and effectively criminalized undocumented immigrants, especially those who hail from “terrorist havens.”

U.S. Filipino communities now face new challenges to find effective antiracist and anti-imperialist tactics against unjust removals and detentions and against the sweeping laws, policies, and practices related to homeland security in the U.S. and the Philippine government’s complicity with these laws, policies, and unjust practices. ■



Filipinos calls for the ouster of Gloria Macapagal-Arroyo because of her active support of U.S. imperialist policies.

Note

1. A number of homeland security initiatives have been introduced over the course of the last few years. We detail some of them here:
 - DHS Operation Tarmac (2001) targets U.S. Filipino workers and passengers at airports and other ports of entry across the country, finding any reason to deny entry, detain, apprehend, and being removal proceedings.
 - DHS Absconder Apprehension Initiative (2002) goes beyond ports of entry with the increased priorities of removing 85,000 U.S. Filipinos.
 - DHS National Security Entry-Exit Registration System (NSEERS; 2002) expands the post-9/11 Special Registration Program, requiring thousands of Filipinos and others with visitor or temporary working visas to be fingerprinted and to register in-person annually or face deportation. Furthermore, failure to report change of address within ten days of moving residence is grounds for removal.
 - DHS Student and Exchange Visitor Information System (SEVIS; 2003): requires schools to tract and monitor international students as suspects of terrorism, further fostering the practice of “guilty before proven innocent.”
 - DHS Visitor and Immigrant Status Indicator Technology (US-VISIT, 2003) is a monitoring program combining NSEERS and SEVIS activities.

The Unjust Removal Impacts of Homeland Security

After September 11, 2001, life in the U.S. for Filipinos has become worse. Repeatedly, families report to CFFSC that homeland security laws promote fear, threats, and harassment of Filipinos, whether they are U.S. citizens or not. Homeland security laws have produced overlapping Filipino experiences of unjust targeting and uncertainties, creating an exceptional manifold crisis. U.S. Filipinos have been unduly targeted for unjust removal, destructively detained, and placed under detrimental legal uncertainties. They are struggling against new forms of family hardship, and living through legislatively-generated fear and harassment.

TABLE 1
Homeland Security Selects New Targets for “Non-Criminal” Removal

Percent Change from 2001 to 2003

1. Morocco	173%
2. Haiti	133%
3. Jordan	128%
4. Egypt	88%
5. Uruguay	86%
6. Lebanon	67%
7. Philippines	67%
8. Russia	66%
9. Pakistan	61%
10. Argentina	60%
11. Brazil	51%
OVERALL	5%

The table ranks countries with 100 persons removed in 2001 with over 50% increased annually. Source: DHS (2004), Table 43.

Increased Target for Removal

The Department of Homeland Security (DHS) Office of Removal and Detention directed considerable effort to deport and remove U.S. Filipinos since 9/11 with dramatic outcomes. In January 2003, it released a report estimating that over 85,000 Filipinos need to be removed from the U.S. (INS 2003).

While DHS reports a moderate 5-percent rise in removals between 2001 and 2003, it removed 765 Filipinos in 2003, a 65% increase over the two-year period. Figure 1 depicts this increased trend from the 162 Filipinos removed in 1993 to the rise in 1997 (due significantly to IIRIRA) to the slight decline before and the rapid rise by 2003.

A closer look into these DHS figures reveals the extent of the “post-9/11-effect” impacts U.S. Filipinos. While it limited the overall removal, DHS placed much more effort in targeting “non-criminal” Filipinos (that is, those who have not been found guilty of aggravated felony) for removal. Figure 2 highlights this by showing the dramatic rise of “non-criminal” removals of U.S. Filipinos, increasing 134% between 2001 and 2003, even while such DHS removals increased

FIG. 1 **Noticable Increase of U.S. Filipino Removals Since 9/11**
Over 65-Percent Increase In Two Years

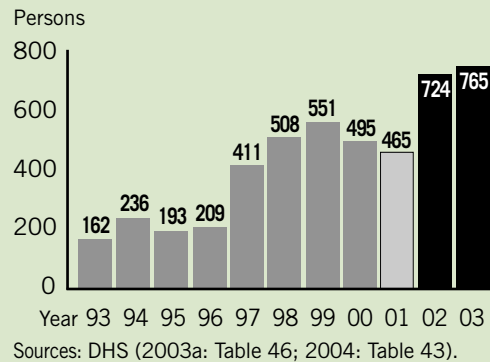
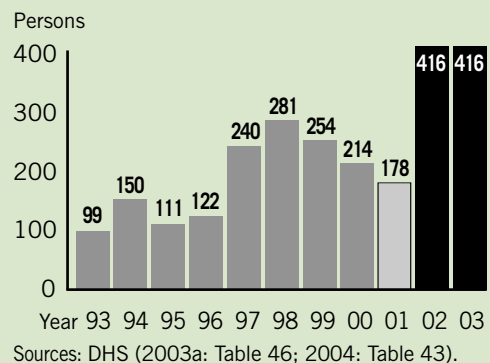


FIG. 2 **After 9/11, Dramatic Rise of “Non-Criminal” Filipinos Removed From the U.S.**
Over 134-Percent Increase In Two Years



1% during this period. Table 1 illustrates that selected groups such as Moroccans, Jordanians, Egyptians, and Pakistanis living in the U.S. faced similar increased targeting for removal as U.S. Filipinos. This is significant because it highlights the uneven extent to which racial, ethnic, and religious groups

The Unjust Removal Impacts of Homeland Security

are newly targeted for removals (including formal deportations). They are targeted primarily for coming from countries assumed to have strong al-Qaeda networks. They are often times removed without adequate due legal process.

As a result, DHS has been closely scrutinizing the legal, travel, financial, and employment records on U.S. Filipinos and a limited number of groups to find reasons for removal.

The top most reasons for removals of U.S. Filipinos (DHS 2003a, Table 39) include:

- Legal permanent residents with an aggregative felony conviction: 42%
- Overstayed visitor visas: 33%
- Entry without inspection: 10%
- Overstayed contract worker visas for seafarers and temporary (including agricultural) workers: 10%

This shows significant number of “legal” documented Filipino immigrants being detained and removed. Conventional wisdom suggests that these removed are only those “undocumented.” This highlights the greater confluence of the 1996 IIRAIRA and the post-9/11 Homeland Security laws (such as the 2001 USA PATRIOT Act) impacting permanent residents such as those born in the Philippines.

CHARTER PLANE DEPORTATIONS Waves of mass forced removals of U.S. Filipinos have been occurring, transporting them from detention centers to Clark airfield (a former U.S. military base) in Pampanga, Philippines. On June 25, 2002, sixty-three Filipinos (including the Manalastas family) were chained, handcuffed, and shackled, humiliated as suspected terrorist. This was the first group to be deported at one time. Philippines human and migrant rights groups filed complaints on the inhumane treatment of deportees. By July 22, 2004, eight over charter flights have occurred (see Table 2). Many 737 Boeing planes chartered from TransAir

or Miami Air departed from California with Filipino passengers from New York, New Jersey, Florida, Texas, Arizona, and Colorado, making stops at Guam, Hawai'i, or Wake Islands. Some flights continued to Cambodia to transported U.S. Cambodians who have also been removed. DHS expects to transport from Yuma airport in Arizona 360 Filipinos from surrounding detention centers to Clarkfield, Philippines (DHS 2003c).

As the “The Removal Pathways” diagram on the next page suggests, IIRAIRA, the USA PATRIOT Act and the Homeland Security Act have, together, made it easy for the government to ultimately remove U.S. Filipinos, legal or undocumented immigrants and even U.S. citizens.

We offer the following case studies to illustrate the complexities that removal in its various stages and forms creates U.S. Filipinos, their families, and their communities.

Deportation: Absconder Apprehension

On March 6, 2002, William Manalastas, an undocumented immigrant, was apprehended and detained over 100 days without bond or due process as part of the post-9/11 Absconder Apprehension Initiative (with the National Fugitive Operations Program). This Initiative was meant to target dangerous criminals and fugitives. Instead many U.S. Filipinos who have been removed are not dangerous. William Manalastas, with his wife and two daughters, had overstayed their visitor visas for over ten years, creating a home, and building a community in rural Elizabethtown, Kentucky. Their plight and media campaign, spearheaded by Myleen, the oldest daughter, became the first national and international appeal to challenge the rapid legal developments impacting U.S. Filipinos.

TABLE 2.
Batch
Deportations
of U.S.
Filipinos
Since 9/11

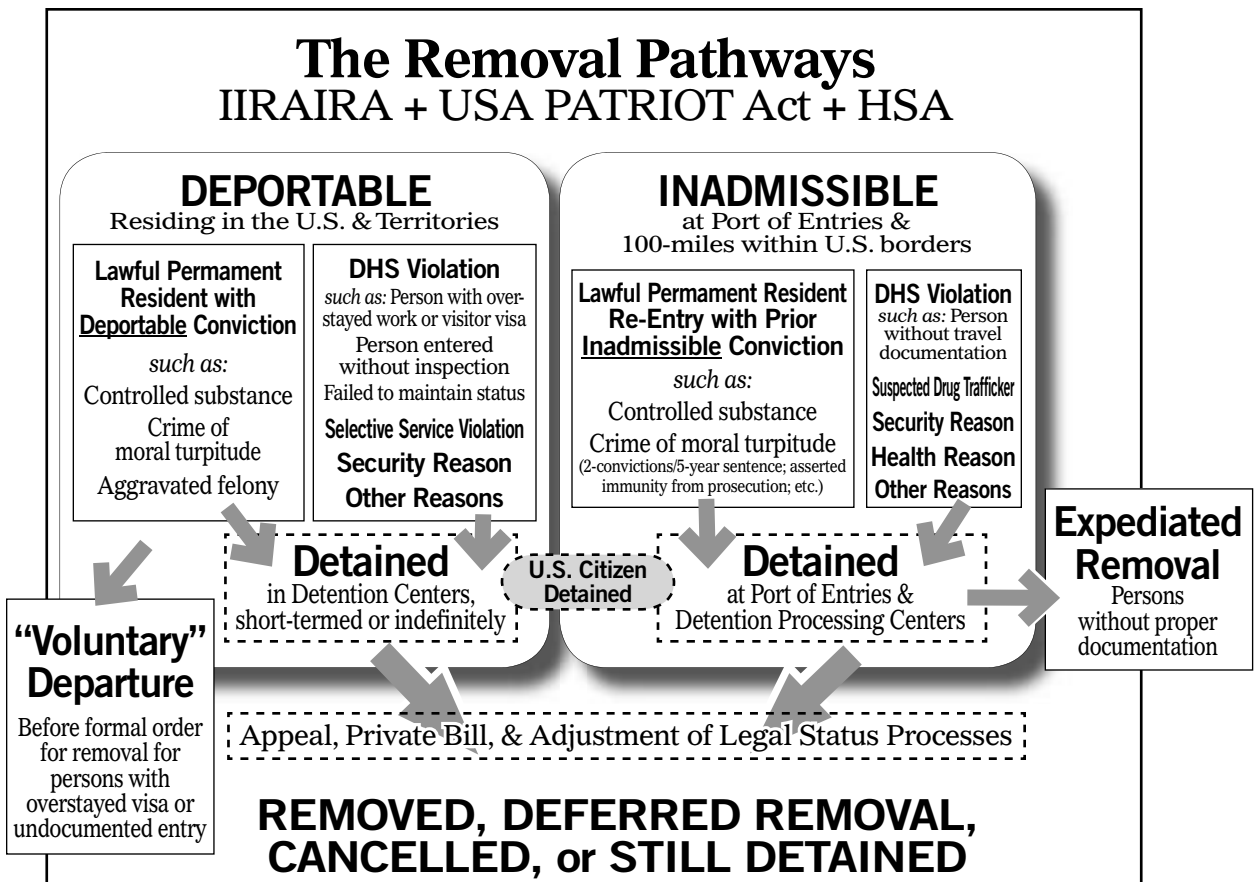
Deportees
Transported
by Homeland
Security Charter
Flights

	ARRIVAL DATE	NUMBER
1.	6/02	63
2.	12/02	85
3.	2/03	53
4.	5/03	71
5.	8/03	82
6.	12/03	108
7.	3/04	63
8.	7/04	89

Total **614**

Sources: Orejas 2002a, Orejas 2002b; Orejas 2003; “Filipino Deportees” 2003; DFA 2003; Salaverria 2003; Calderon 2004; Aning 2004.

The Unjust Removal Impacts of Homeland Security



The Manalastas case is an example of two sets of DHS violations (see the box on the left). The Manalastas family had overstayed their visitor visas. Simultaneously, because of racist homeland security mandates to target dangerous criminals and fugitives, Mr. Manalastas was rounded up and detained because of his “suspected” criminality. Subsequently he was forcibly removed from the U.S. on a chartered plane with other Filipinos, chained and shackled all the way. His family would “voluntarily depart” shortly after.

THE TEXAS AIRPORT MECHANICS Filipino airport workers faced greater risk of removal and lengthy detention as part of the ongoing apprehension program. On June 28, 2002, ten undocumented Filipino mechanics at Fort Worth’s Meacham Air-

port (Texas) were apprehended (Lim 2002). Moreover, these mechanics were surprisingly detained for nine months, facing legal uncertainties. Rather than swift deportations like other undocumented airport workers, these mechanics encountered greater anti-terror scrutiny because they came from the Philippines. The prosecutor also sought five to 25 years jail sentences before the removal of these mechanics.

Voluntary Departure and Deferred Removal: Change Resident Status Requests

Undocumented Filipino families have often sought to acquire legal documentation to live and work in the U.S. This

The Unjust Removal Impacts of Homeland Security

was the case, for instance of the Cuevas family. They first arrived in the early 1980s with visitor visas, but managed to secure authorizations for employment. Believing that long-term residence in the U.S. would eventually allow them to file for legal, permanent residence, they overstayed their visas and proceeded to build a life in the United States. To begin the process of changing legalizing their status, the Cuevas' elected to secure an attorney who filed a case of political asylum on their behalf. Asylum cases typically get filed with the INS, which is then required to refer them for hearings before an immigration judge. Despite their attempts to legalize their status, the INS reviewed the Cuevas family's case *after* the passage of IIRAIRA in 1996. This meant that the new law would apply to them. The new law, as discussed in the previous section, made it more difficult for undocumented immigrants to stay in the U.S. Despite their legal appeals and a major public campaign supporting them (discussed in a later section), they were ordered to "voluntarily depart".¹ In effect the Cuevas family was deported in June 2004.

This case also corresponds with the left side of the Removal Pathways figure. The Cuevas family, like the Manalastas family, was undocumented. The Cuevas family, however, attempted to regularize their status, failing, in the end, to get legal reprieve. Because their case was already in the government's database, they could be easily identified for removal. They were issued an order to "voluntarily depart," which they did.

ASYLUM SEEKERS AND DEFERRED REMOVAL In Washington state, the middle-class Agandas with two young children came to the U.S. in 1990 as visitors. While here, the parents gave birth to one more child and owned and operated a dry cleaner and laundry firm for 13 years. They

attempted to change their residential status, seeking asylum by claiming political persecution from the rebel army waging a thirty-year civil war.

Support for the Aganda family has come from divergent interest groups (Heftner 2003). State and federal Republicans politicians support the Aganda family for their anti-communist claims and entrepreneur success. While liberals and humanitarians support the family because Judy, the mother, needs to stay in the U.S. to receive brain cancer treatment. On March 2, 2004 the Washington State Legislature unanimously voted to support the Agandas and asked President Bush and Congress to intervene. DHS has stayed the family's removal until October 31, 2005 for humanitarian reasons.

Removal: Prior Felony Convictions of Permanent Residence

Filipinos with legal permanent residence who have prior felony convictions have also been targeted through post-9/11 DRO surveillance databases.

Because of divergent state and federal sentencing guidelines, DHS uses federal guidelines to determine felony convictions, even while states do not consider some convictions felony. Filipino permanent residents who committed petty crimes and were convicted of a misdemeanor will now face deportation.

Amelia Garza (a pseudonym) reported to CFFSC that, prior to 9/11, her green-card holding husband, Eduardo was able to freely leave and re-enter the U.S. after visits to the Philippines despite a felony drug charge in 1998. The felony was not a deportable conviction. The drug charge nearly ruined the Garza's marriage. Edu-

The Unjust Removal Impacts of Homeland Security

BOX 1. Homeland Security Transports U.S. Filipinos Facing Removal To Arizona Detention Centers

Since 9/11, many U.S. Filipinos facing removal have been transported to Arizona processing facilities in Eloy and Florence.

Florence, AZ Operated by DHS Immigration and Custom Enforcement (ICE), the secure 1,000-bed Florence Service Processing Center holds and processes detainees while they undergo administrative proceedings regarding their right to stay in the U.S. Previously it was a World War II facility designed for German and Italian prisoners in the desert, it processes about 20,000 detainees annually from over 45 countries, half of whom are Mexicans. Florence is 60 miles south of Phoenix, east of Eloy.

Eloy, AZ The 1500-bed Eloy (located between Phoenix and Tucson) facility detains people under going “criminal” removal proceedings. This private facility is owned and operated by Corrections Corporation of America (CCA) with the U.S. Bureau of Prisons. In 2001, Filipinos were the top fifth group of detainees in the Eloy facility, 93% of whom lack adequate legal counsel (DOJ 2003). In comparison, 58% nationally lack legal counsel.

Once judges rule for removal, Filipino detainees are transported to San Diego, CA or **Yuma, AZ** and sent back on charter flights to Clarkfield, Philippines. ■



Eloy Detention Center

ardo, repentant, served time, underwent rehabilitation and attended marriage counseling with his wife. Eduardo was eventually

able to get a good job. With their marriage and finances stable, they decided to start a family. After a visit to the Philippines in 2004, Eduardo, upon return to the U.S. was almost immediately detained during the entry interview process at the airport. While he was temporarily released from airport detention, he was given one month before his formal removal where he was literally forced to “sign away” his legal right as a permanent resident. Fortunately, Eduardo was able to afford the cost of legal counsel. After spending four months in detention, he was released. The financial and emotional turmoil that caused for his wife and two young toddlers are immeasurable. Unfortunately, his was a rare case of success. Often, because of shock, intimidation, and not knowing what is happening to them, many immigrants in similar situations have no understanding of the legal proceedings and no access to private legal counsel.

This case reflects the right-side of the Removal Pathways for a lawful permanent resident. Though Eduardo is a lawful permanent resident and his drug felony a non-deportable one, he nevertheless, is prohibited from reentering the country. Despite his previous trips to the Philippines, it was likely that he simple was not caught because the government’s databases were not as expansive as they are now. With better reinforced surveillance technologies, Eduardo, this time, was deemed inadmissible and initially set for removal.

Detention

Detention often occurs as part of the removal and deportation process. With limited or no due process, U.S. Filipinos facing removal become confused, isolated from family members, and placed with violent criminals. The detention process

The Unjust Removal Impacts of Homeland Security

(whether at ports of entry or detention centers) is often shrouded in secrecy, with detainees being repeatedly denied prompt access to attorneys and relatives. Many Filipino detainees report inhuman conditions at the deportation centers.

Detained over 100 days for instance, William Manalastas was moved to three deportation processing centers (Hurd 2002). He was allowed very limited phone contacts with his family (who were not fully aware of his location) until they were deported. Eduardo Garza, also spent time in detention as he awaited decision about his removal.

HUMAN RIGHTS VIOLATIONS AT PROCESSING CENTERS While the U.S. has been experiencing a dramatic increased in jails and prisons with exponential growth in the number of prisoners of color, detention units and centers are becoming a new addition to the prison industrial complex (Davis and Rodriguez 2000). The conditions vary from the infamous Brooklyn detention facilities where Muslim detainees faced torture, humiliation, and permanent surveillance to the privatized more recent detention centers in Eloy, Arizona (see Box 1).

Deportee Antonio Perlas of Chandler, Arizona – presumably in one of the Arizona facilities – claims that he spent 21-days with 50 others in one cell, mostly Latinos, Middle Easterners, and other Filipinos, eating crackers and slices of bread (Cabreza 2003). Amnesty International, American Civil Liberties Union, and the Human Rights Watch report worsening conditions in detention centers since 9/11.

Inadmissibility

THE FILIPINO PILOTS One of the first known detention cases was two Filipino nationals coming to the U.S. for pilot retraining. On October 31, 2001, INS and

FBI agents detained and interrogated Wel Come and Bernie Crisostomo at the Seattle-Tacoma International Airport (Washington). They were suspected for carrying anthrax bacteria from Manila. The Filipino nationals were not aware of their legal rights during detention and the intense grilling on their personal life and links to terrorist groups in the Philippines, particularly they had no access to legal consult. Furthermore, the Philippine embassy or any officials did not provide assistance during and after the detention. “And even when they reached the Philippines [on Nov. 2], no one was even at the airport to assist them. Nobody cared,” according to Come’s sister (de Quiros 2001).

“PUBLIC CHARGE”: INADMISSIBILITY OF THE POOR Cecilia (a pseudonym) married a U.S. citizen and believed that she would be able to adjust her status. She had initially entered the United States as a tourist and then overstayed her visa. While living and working in the U.S. for a number of years, she met her American husband. The DHS, however, requires that U.S. citizen sponsors of immigrants for permanent residence meet strict income requirements. Cecilia’s husband, a low-wage worker, cannot meet the requirements and therefore cannot sponsor his wife. Cecilia remains undocumented. They are desperately seeking a third-party sponsor with sufficient income, which would allow Cecilia’s husband to sponsor here.

Cecilia’s case corresponds with the “inadmissible” pathway. Though not listed in our figure, the DHS is biased against those it considers possible “public charges.”

More Detrimental Effects of Unjust Removals

LEGAL UNCERTAINTIES U.S. Filipinos going through detention and removal

The President's post-9/11 “homeland security” policy, which has generated as rash of unjust detentions and removals, is unsafe for Filipinos and other U.S. communities of color.

The Unjust Removal Impacts of Homeland Security

face detrimental legal uncertainties. They report to CFFSC that they lack adequate legal understanding, particularly since the passage of homeland security laws. They go through legal proceeding often without adequate legal counsel and due process as the result of the 1996 IIRAIRA.

Detainees and those facing removal have not been able to keep up with the rapid homeland security legal changes. They get unexpectedly entangled, without a sense of their legal and human rights.

Post-9/11 U.S. legal institutions have been increasingly inadequate in protecting the human rights of detainees and those facing removal.

With greater reliance on lawyers and legal counsel, U.S. Filipino families lack the economic resources to respond adequately and appropriately.

NEW FORMS OF FAMILY HARDSHIP Filipino families report to CFFSC that homeland security laws that promote unjust detention and removal create new forms of undue social and economic hardship. They lose jobs, homes, and economic security, interrupting careers and schooling while attempting to fix problems created by homeland security laws. They face greater racial and religious stigmatization and harassment in their residential communities.

Once individual Filipinos are removed who often contribute greatly to the economic wellbeing of the family, those who remain in the U.S. have to pick up the pieces. Isolated, lacking familiar and communal networks, spouses and children then seek to rebuild their lives. Increasingly they are poor and burdened, seeking public assistance.

Conclusion

This section highlighted the worsening crisis of unjust removal and detention

of U.S. Filipinos. More are being removed and detained daily, negatively and disproportionately impacted by homeland security policies since September 11, 2001. Racial profiling and targeted enforcement of homeland security policies have led to charter plane deportations, human rights violations at detention processing centers, legal uncertainties, and new forms of family hardships.

In this way, homeland security enforcement represents a new institutional form of racism creating new racialized practices drawing upon notions criminality, work and civic society surveillance, and state-defined individual responsibility, and relations to the present U.S. empire.

Moreover, the Philippine government remains complicit in the institutionalization of homeland security racism, by engaging in unequal diplomatic relations with the U.S. and a leading supporter to the U.S. policies on the global war on “terror.”

As a result, U.S. Filipinos have been – unlike certain immigrant and racial-ethnic groups – increasingly targeted for unjust removals and detentions. We must underscore the point that these cases are only a fraction of the many, many other cases that are likely to exist in our communities. These cases merely represent the ones that have become public. Many of the effects of homeland security racism remain secret. What is clear, however, is that homeland security racism has provided a multitude of mechanisms through which it can remove U.S. Filipinos. ■

Note

1. In the previous section, we discussed the peculiar “voluntaristic” logic that has emerged recently in the regulation immigrants. “Voluntary departure” shifts focus from the state as the active agent in removing immigrants. Instead, immigrants are made to appear as if their deportation is a choice.

Organizing Against Unjust Removals: A Case Study

We are only beginning to understand the full implications of “homeland security” for our community. What follows is a discussion of how CFFSC and the Cuevas Support Committee addressed the specific issue of deportation with a focus on the Cuevas family of Fremont, CA. This campaign to support them is a notable example of an organized protest to challenge removal orders.

Deportation, it must be remembered, is only one of many kinds of campaigns we will have to engage in. We will discuss some of these possible campaigns in the recommendations section.

The Cuevas Family Fight to Stay

What makes the Cuevas family unique was their courageous move to come out of hiding and fight to remain in the United States. When Mr. and Mrs. Delfin and Lily Cuevas first arrived in the United States in the early 1980s, their children Donna, Dale and Dominique were practically toddlers. The United States has been their home for nearly twenty years. When the Board of Immigration Appeals and the Ninth Circuit Court of Appeals in San Francisco denied the family’s court appeals and the Cuevas’s found themselves faced with orders for a “voluntary departure,” they turned their appeals to the public. They called for the public’s support in pressuring Senator Dianne Feinstein to introduce personal legislation on their behalf. Senator Feinstein had successfully prevented the deportation of other “TnT” families through personal legislation.

The children were the first to turn to the news media, which, remarkably enough, were drawn to their story. Weeks after their initial “voluntary departure”

orders were issued in December 2003, newspaper articles and radio programs told the story of the Cuevas children who, having resided most of their lives in the United States, faced the prospect of being sent back to a country they barely knew.

The media coverage prompted community advocates to connect with the family to provide whatever support they needed in their struggle to stay. According to Jay Mendoza, executive director of San Jose-based Filipino Community Support (FOCUS), the same group responsible for fighting on behalf of the Filipino airport screeners who were laid off post-9/11, “This was the first time we were seeing undocumented Filipino immigrants, from a predominantly Filipino immigrant community come out into public and fight back. We believed that the Cuevas family deserved our support.” Indeed, Fremont and neighboring Union City are home to one of the larger concentrations of Filipino immigrants in the San Francisco Bay Area.

FOCUS along with the Critical Filipina and Filipino Studies Collective (CFFSC), immediately connected with the family and provided them support. Launching a media campaign, holding a public forum, and generating petitions, the newly formed



Cuevas Support Rally at Senator Feinstein’s District Office (Photo: Joanne Rondilla)

Organizing Against Unjust Removals

“For Genuine Democracy and Justice, Comprehensive National Legislative Reform Is Necessary Now.”

Support Committee for the Cuevas Family including FOCUS and CFFSC members along with Cuevas friends and relatives, was able to project the issue in both the mainstream and Filipino media and to secure widespread support for the family. Despite this support, culminating in a community delegation in front of her San Francisco office, Senator Feinstein refused to introduce a private bill for the family.

Though the family was initially set to officially leave by the end of March when their final deportation orders were received, community advocates encouraged them to file for an extension. With the help of Asian Law Caucus attorney, Joren Lyons, their stay was extended until June 30th, allowing their eldest daughter to graduate from the California State University, Hayward and giving their supporters more time to fight for personal legislation, this time from Senator Barbara Boxer. Though Senator Boxer does not have a record for introducing personal legislation for undocumented immigrants, she faces a major election race for 2004.

The Support Committee was able to generate even more support for the family in the Boxer campaign. This time in addition to Filipino organizations, labor unions, student organizations and a range of social justice groups rallied to support the Cuevas family. In total, over two hundred organizations endorsed the

campaign. Moreover, online petitions supporting the family generated thousands of signatures. In the month of June, the Support Committee, which had expanded to include a predominantly Filipino Presbyterian church, joined by a multi-racial corps of allies, vigilantly organized four different actions to draw media attention to the family’s plight and to pressure Sen. Boxer to introduce legislation. The family was met, however, with silence on the part of the Senator. Indeed, after one action at the senator’s office, the family’s supporters were met with threats to call the police. Eventually, like Senator Feinstein, Boxer too, turned her back on the family. In a press conference, the Senator noted that there might have been other “more worthy” families deserving of personal legislation. Senator Feinstein, it seemed, agreed with her colleague as she responded favorably to a Latino undocumented family’s request for personal legislation only a week before the Cuevas’ departure.

The Support Cuevas Campaign

The key objective of the Cuevas campaign was to get a California senator to introduce personal legislation to keep them in the U.S. and allow them to become permanent residents. To achieve that objective required several tasks:

Organizing a Support Committee

- We first recruited support committee members from among the friends and family members of the Cuevas.



The Cuevas family of Fremont, CA publicly fought against removal order.

Organizing Against Unjust Removals



Speakers at a public forum on Homeland Security and Unjust Deportation. (Photo: Joanne Rondilla)

- As more individuals and organizations became aware about the issue and proceeded to endorse the campaign, some came forward to become active on the support committee. The committee was responsible for carrying through the tasks of the campaign.

Generating Public Awareness and Empathy: Media and Public Forums

- We rode on the wave of media interest initiated by the Cuevas family themselves in mainstream, progressive, Filipino and other ethnic media. We followed up with key reporters who covered the issue, and identified others whose responsibility it is to cover immigration related stories.
- We held two public forums in predominantly Filipino communities that focused on the Cuevas family's plight along with general discussions about immigration

legislation post-9/11 and how they unfairly target Filipinos for deportations. These were well-attended. Moreover, the forums sustained the media's interest in the issue.

Getting Organizational, Institutional, and Individual Endorsements of the Campaign Forwarded to Senators

- We identified organizations and institutions the Cuevas family was linked to first to get their support including churches, schools and the union. Mr. Cuevas was a member of SEIU Local 1000. The union ended up being on the key organizational supporters amongst this set of organizations.
- We identified elected bodies (i.e. the San Francisco Immigrant Rights Commission; local Democratic party members of Congress; local Democratic party members of the State Assembly; and so on) close to the Senators for their endorsement, using those political connections as a means to getting Senators' attention.
- We approached Filipino, labor, student, immigrant rights, and other ethnic organizations for endorsements. (See Appendix.)

***“No to Jails!
No Racist
Scapegoating!
No Unjust
Deportations!”***

***“Fight Against
Homeland
Security
Racism!”***

Organizing Against Unjust Removals

**“No Filipino
Is Illegal!”**

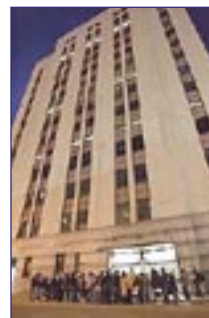
Taking Direct Action

- We sent community delegations to first present endorsements to the Senators. Feinstein immediately rejected our pleas. Senator Boxer did not respond. Hence, we followed up initial delegations with direct actions, twice in front of her office. A final time, we held a more symbolic candlelight vigil action, in front of the ICE building. Other supporters organized an additional media action at the airport with the Cuevas’ departure.

Key Shortcomings and Lessons

1. Though we were effective in generating public awareness, we found ourselves scrambling to develop a proper analysis of the issues. This report is an attempt to begin that process, but it requires more discussion and reflection amongst activists.
 2. One of the major challenges we face is that many in our community believe that immigration issues can only be resolved in the courts. We need to find a way to effectively raise the political consciousness of our community members to understand that ultimately, the dismantling of homeland security apparatuses is necessary to addressing our collective problem. Hence, building U.S. Filipino organizations is key.
 3. Because the homeland security apparatus affects all people, it will
4. We did not target the Philippine state adequately. Though the Cuevas are undocumented immigrants in the United States, they do have citizenship: Philippine citizenship. The Philippine state must be a target in anti-homeland security campaigns.
 5. Though the Cuevas’ friends and family members worried about their deportation, it was difficult to sustain their active involvement in the support committee. A better plan for training them would have been key.
 6. Our initial attempts to organize the undocumented who came forward during the course of the campaign failed. After a few meetings, people were unwilling to continue meeting. They felt that private attorneys could best address their issues, not community organizing. This feeling needs to change. We need to instill that grassroots community organizations are as, if not more, powerful and effective than private attorneys.

critically require that we work with allies locally, regionally and nationally because this is a crisis we do not face alone.



Candlelight vigil against unjust Filipino removal at the U.S. Department of Homeland Security, San Francisco, CA.

Organizing Against Unjust Removals

Filipino Organizing in the Era of Homeland Security

The National Alliance for Filipino Concerns (NAFCON) is an alliance of organizations working for the protection of marginalized U.S. Filipinos and the support of Filipinos everywhere.

As an organizational affiliate of NAFCON, the Critical Filipina and Filipino Studies Collective calls for our allies to begin with the following organizing tactics:

1. **Organize all U.S. Filipinos – undocumented, legal permanent residents, citizens – across all sectors of society**
2. **Identify Filipino organizational allies to join NAFCON**
3. **Identify other allies who we can work with at different local, regional, national, and international levels**

The undocumented and their families must have a space to collectively voice their concerns. They need organizations that allow them to fight for their rights and welfare, beyond mere citizenship rights. (Also see Nyers 2003.) In addition, we know that given the expansiveness of homeland security racism along with this “war without end,” ALL U.S. Filipinos must organize around a progressive agenda to address local, national and even foreign policy issues. Therefore, our work in a deportation campaign should be to build our existing organizations bringing in those not already organized, or if necessary we

must launch new organizations in our areas. Additionally, we must identify existing Filipino organizations that can be targeted to join NAFCON.

During the course of the Cuevas campaign we were able to accomplish most of these broader goals. Many of our existing organizations were able to benefit with new members as they engaged in the campaign. For those individuals who could not plug immediately into our existing organizations, we have managed to link them to the regional NAFCON structure. We gained a new NAFCON member organization and we are in the process of recruiting those other Filipino organizations who endorsed the campaign. Moreover, we are cultivating deeper relationships with allies through joint work.

CAMPAIGN ALLIES

The following organizations are possible allies in your organizing:

Border Action Network (BAN)

PO Box 384,
Tucson, AZ 85702
520-623-4944
ban@borderaction.org

Critical Resistance

1904 Franklin St, Suite 504
Oakland, CA 94612
510-444-0484
crnational@criticalresistance.org

Immigrant Legal Resource Center

1663 Mission St, Suite 602
San Francisco, CA 94103
<http://www.ilrc.org>

National Immigration Project of the National Lawyers Guild

14 Beacon St, Suite 602
Boston, MA 02108
617-227-9727

Organizing Against Unjust Removals

Multisectoral Responses to Homeland Security

Because homeland security is an expansive apparatus that aims to target all U.S. Filipinos, the responses to it can be varied. The following are recommendations for ways U.S. Filipino organizations can incorporate a campaign against unjust detention and removal in their sectoral organizing efforts:

1. Students and campus-based organizing:

Given the monitoring of international students, campaigns can be mounted on campuses to force university administrations to stop the surveillance of international students. Students can also raise the issue of how university budgets are spent to support homeland security over other sorts of priorities. Additionally, given what we learned with the Cuevas family, we must realize that students can be immigrants too. They too may be faced uncertain educational options because of their legal status. This expands our notions of what it means to organize students.

2. Women organizing: With homeland security often targeting men as suspected terrorists, suspected criminals, or with male immigrants caught in the criminal justice system and therefore eligible for detention and deportation, women as wives and mothers are forced to deal with the burdens of supporting their families. Organizing in their area can provide support for women and children while also highlighting the gendered nature of homeland security racism.

3. Prison activism: Increased detentions means more prisons. We can make important linkages with the anti-prison

movement and contribute to generating a broader understanding of homeland security and the racist and anti-poor logic behind incarceration.

4. Human rights campaigns: We can organize ourselves around the human rights of detainees in the United States. We need to investigate conditions in detentions centers and raise public awareness of the treatment of detainees.

5. Migrant worker organizing: Many of undocumented immigrants entered to the United States temporary, migrant workers and face the threat of removal. Given the rise of the global deportation of Filipino migrants (for reasons distinct but also connected to U.S. homeland security racism and the war on terror), this becomes an opportunity for migrant workers and their advocates to link their issues transnationally.

6. Lesbian, gay, and transgender organizing: Many Filipino immigrants enter the United States, legally or without proper documentation, to live their lives with their same-sex partners. Immigration legislation does not allow gay and lesbian, transgender, and transsexual partners to sponsor one another for immigration if a partner is a U.S. citizen. There are opportunities to make connections between heterosexism and immigration here.

NAFCON provides training workshops to support organizational affiliates to develop local and sectoral specific mass actions and campaigns to organize against unjust detention and removals of U.S. Filipinos. NAFCON works in coalitions with organizations struggling against homeland security enforcement and imperialist globalization, and for migrant and human rights. ■

*“Support
Justice and
Human Rights
For Filipinos,
End Unjust
Detentions
& Removals!”*

TOGETHER

FILIPINAS, FILIPINOS & OUR SUPPORTERS MUST:

- SUPPORT** Filipinos and their families facing removal and deportation, and in detention.
- REFORM** the unjust laws targeting Filipino migrants living and working in the U.S.
- JOIN** community and immigrant/refugee/asylum rights organizations to educate, organize, and mobilize different sectors of the Filipino communities about post-9/11 U.S.
- HOLD ACCOUNTABLE** all elected officials responsible for trampling the constitution and eroding civil and human rights in the “war on terrorism.”
- REPEAL** anti-immigrant law enforcement programs, policies, practices, and laws.
- CALL FOR** new laws such as allowing deportees improperly removed to return to the U.S. and strengthening social and economic rights of immigrants in the U.S. and in other countries where Filipino migrant rights have been threaten.
- PREVENT** the further erosion of constitutional guarantees, which would strip people of their citizenship and other rights.
- WORK** in coalition with other organizations supporting the rights and economic wellbeing of migrants and their families.
- STOP** hate violence and illegal racial, ethnic, and religious profiling.
- DEFEND** our civil liberties by upholding full constitutional protections and processes, including accountability by the FBI, DHS (including CIS, ICE, and the Office of Detention and Removal), Transportation Security Administration (TSA), and other government agencies.
- GUARANTEE** all members of our communities, regardless of their immigration status, live with social and economic justice and in peace, safety, and security.
- GET INVOLVED NOW.** Join a national grassroots movement to defend Filipino migrant rights.

Resisting *Homeland Security* is a significant document that all Filipinos and all peoples concerned with social justice should read and deeply understand. The findings are another wake-up call for Filipinos to organize for their rights and safety. It is a reminder for all culturally diverse and multiracial peoples to work in alliance and coalition with each other, despite ethnicity, nationality or race—towards the single objective of justice for our communities.

Racial Profiling

The report clearly exposes the unjust racial profiling being done by the Department of Homeland Security against U.S. Filipinos. Among all nationalities and countries worldwide, Filipinos have suffered one of the largest increases in “non-criminal removals.” Filipinos have the 7th largest increase in “non-criminal removals” from the United States from 2001 to 2003 (67%), with only Lebanon, Egypt, Jordan, Haiti, Uruguay and Morocco having larger percentage increase for countries with more than 100 persons removed in 2001. Removals being the tip of the iceberg, a large segment of the Filipino community in the United States is living in fear and harassment due to the detentions and removals of “innocent” persons.

This report shows that since the establishment of the Department of Homeland Security, Filipino non-criminal removals have risen by 134%. It precisely connects the establishment of the Department of Homeland Security (DHS) to the subsequent dramatic increase in Filipino detentions and removals nationwide.

Resisting Homeland Security is a watershed and challenges one to take a stance: Do we accept that the dramatic increase in detentions and removals is due to an indiscriminate, blind implementation of an across-the-board policy? Or is the increase in detentions and removals part of a policy objective to target specific communities from certain national origins where the United States has identified as countries harboring terrorist threats to the safety of Americans?

The Department of Homeland Security has cast a huge net around the Filipino community in the hopes of finding suspected terrorists to protect the security of America. Why must so many innocent people, who are not terrorists, suffer? Whose safety is being protected here?

Whose Safety?

This CFFSC report drives one’s intellect further towards the depths of soul-searching to the very basic question of: what does it mean to be Filipino in America? What does it mean to be American? Who is American? And again, whose safety is being protected? Don’t Filipinos in the United States have the right to safety as well?

The report reminds us that the Filipino’s assimilation into American society does not necessitate us to be obedient servants of an unjust system or its practices. Filipino American-ness necessitates us to integrate ourselves into the broad movement for social justice within and among Americans that is being built by the many diverse ethnicities, nationalities and races in the U.S.

Immigrant Rights Paradigm Shift

Resisting Homeland Security clearly articulates the need for a paradigm shift for social justice advocates regarding immigrants rights. For the last 20 years, the *immigrant rights movement* has focused itself on immigration reform that places amnesty, legalization, access to public services and family unification at the center of its core values. This strategy has led to the concrete formation of coalitions and alliances nationwide, with Latinos and Asians as the largest impacted constituencies. The immigrants rights movement has developed a broad network of grassroots and public support; and, it has the strength to inspire needed reforms and changes.

However, foreign policy and national security have rarely entered into the subject of reforms for the immigrants rights movement. In many cases, foreign policy and national security have been separated out and isolated as separate issues, as a tactical method of winning immigration reforms. However, this strategy has its shortcomings in the absence of a clear articulation and analysis of how immigrants rights is related to war, national security and foreign policy. Thus, in many of the coalitions and alliances, immigrant groups and organizations representing Middle Eastern countries are not prevalent, nor do they have a strong voice from within

the *immigrants rights movement*.

Since the establishment of the Department of Homeland Security, the “traditional” Latino and Asian constituencies of the immigrants rights movement concerned with amnesty, are cornered into having stronger connections to Middle Eastern constituencies who suffer from racial profiling and discrimination due to war and foreign policy. Both constituencies are being handled under the framework of national security under a single department, subject to the tone, atmosphere and policies that emanate from the center of the department.

Thus, this CFFSC report calls for an active paradigm shift towards the future of immigrants rights, building strong ties and unity with between “traditional” immigrants rights constituencies and “non-traditional” immigrant rights constituencies. Filipinos are one racial-ethnic group that provide a bridge between these two constituencies, as they have historically been and presently are impacted by both sets of issues.

There is a dark cloud that hangs over our heads, and it can only be removed through our active involvement and participation. We must demand that it be removed. The CFFSC report exposes the empire and calls for resistance to it. *Resisting Homeland Security* challenges the fundamental precepts and notions of national security regarding the imperial kingdom, itself, and the peoples of which it is made.

*Jay Mendoza, Executive Director
National Alliance for Filipino Concerns (NAFCON)*

Appendix

Organizations and Individuals Who Supported the Cuevas Family and Sought To Prevent Their Deportation

Akbayan, SJSU, CA
Alliance of South Asians Taking Action (ASATA), CA
Alpha Kappa Omega, SJSU, CA
APICAW, CA
Asian Pacific American Students for Leadership,
De Anza College, CA
Asian Pacific Islander Legal Outreach (APILO), CA
Asian Pacific Islander Youth Promoting Advocacy
and Leadership (AYPAL), CA
Associated Students of SJSU, CA
Bagong Bayan, CA
Bay Area Immigrant Rights Coalition, CA
Bayan-USA, CA
Californians for Justice (San Jose), CA
Chin Jurn Wor Ping (CJWP), CA
Committee for Human Rights in the Philippines, CA
Critical Filipina and Filipino Studies Collective
(National)
Crocker Masonic Lodge No. 212, Free and
Accepted Masons in Daly City, CA
De-Bug, CA
East Bay Alliance for a Sustainable Economy, CA
Filipino Bar Association of Northern California
(FBANC), CA
Filipino Youth Coalition (San Jose), CA
Filipinos for Affirmative Action (FAA), CA
Filipinos for Global Justice Not War Coalition, CA
FOCUS (Filipino Community Support), CA
Foothill-De Anza Colleges Multicultural Staff
Association, CA
Former New Haven Unified School District
School Board Member, Pat Gacoscos
Fr. Arturo Balagat, United States Catholic
Filipino Ministries Council, Chairperson
Hotel Employees and Restaurant Employees
Local 2850, CA
Indigenous Pacific Islander Alliance,
UC Berkeley, CA
Jay Gonzalez, Department of Politics,
University of San Francisco
Jay Mendoza, National Alliance for Filipino Concerns
Korean Community Center of the
East Bay (KCCEB), CA
La Raza Centro Legal, CA
Lakas Diwa, NJ
Lawyer's Committee for Civil Rights, CA
League of Filipino Students, San Francisco, CA
Lucy Mae San Pablo Burns, Post-Doctoral Fellow,
UC Santa Cruz

Maganda Magazine, UC Berkeley, CA
Manilatown Heritage Foundation, CA
MEChA, San Jose State University
MIGRANTE Sectoral Party - USA
Mission Masonic Lodge #169 of San Francisco, CA
National Filipino Presbyterian Council
New Covenant Presbyterian Church, CA
Northern California Citizenship Project
Northern California Immigrant Workers
Freedom Ride Coalition
Pacific Islander Kie Association, CA
PAWIS (People's Association of Workers and
Immigrants), CA
Peter Chua, Department of Sociology,
San Jose State University
Philippine Forum, NY
Pilipino American Alliance, UC Berkeley, CA
Pilipinos for Pre-Professional Partnerships (P4),
UC Berkeley, CA
Regional Filipino Presbyterian Council
of the Mid-West
Regional Filipino Presbyterian Council of the West
Rick Baldoz, Dept. of Sociology, University of
Hawaii, Manoa
Robyn Rodriguez, Department of Sociology,
University of San Francisco
Rowena Tomaneng, Chair of the Dept. of English,
De Anza Community College
Rudy Guevarra, Ph.D. Candidate, Dept. of History,
UCSB
San Francisco Human Rights Commission
San Jose State University Associated Students
SIREN (Services, Immigrant Rights and Education
Network), San Jose, CA
Square and Compass Club of the Bay Area, CA
Stanford Asian American Activism Committee, CA
Students for Justice, De Anza College, CA
Vice Mayor of Union City, CA, Manny Fernandez
Victor Uno and Josie Camacho, Asian Pacific
American Labor Alliance (APALA)
Villasinian Association of East Coast USA Inc.,
NY & NJ
Virg Cristobal, President, Pilipino American
Alumni Chapter, UC Berkeley, CA
Yisa, NY
Youth United for Community Action (YUCA), CA

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