

Fighting Back Against Copycat Immigration Laws Like Arizona's

Helpful Materials for Opposing Similar Legislation

Henry Fernandez August 2010

Since the passage of Arizona's SB1070 law similar laws have been proposed in other states around the country. These laws have generally been found to be unconstitutional because they are preempted by federal law, as the federal court noted in Arizona last month. They are also problematic because they encourage racial profiling by requiring law enforcement officials to seek identification papers from anyone who looks like an immigrant. And they can cost states lots of money in legal fees and economic losses.

The following materials can be helpful in pushing back against such proposed laws.

Who's behind these laws?

The Immigration Reform Law Institute, or IRLI, the legal arm of the Federation for American Immigration Reform, or FAIR, drafted the Arizona law and most of the copycat bills. The Southern Poverty Law Center designated FAIR a hate group because of its founder's writings, its repeated participation with white nationalist groups, and its receipt of major funding from a racist organization.

Copycat laws frequently rely on the work of attorney Kris Kobach, who works for IRLI. Kobach's lawyering has cost localities who have hired him millions of dollars while the laws have been found unconstitutional. The Arizona law was brought forth by State Senator Russell Pearce, who Arizona press has described as having a history of associating with neo-Nazis and sending anti-Semitic emails.

Sources

Mark Potok, “FAIR: Crossing the Rubicon of Hate” (Montgomery: Southern Poverty Law Center, 2007), available at <http://www.splcenter.org/blog/2007/12/11/fair-crossing-the-rubicon-of-hate/>.

Melinda Warner, “Meet Kris Kobach: Lawyer For The Anti-Immigrant Movement,” Political Correction, July 15, 2010, available at <http://politicalcorrection.org/blog/201007150011>.

David Neiwert, “Profiling Arizona legislator Russell Pearce: Author of immigration law is pals with noted neo-Nazi,” Crooks and Liars, April 27, 2010, available at <http://crooksandliars.com/david-neiwert/profiling-arizona-legislator-russell>.

Mike Sunnucks, “State lawmaker under fire for citing neo-Nazi article in e-mail,” *Phoenix Business Journal*, October 10, 2006, available at <http://phoenix.bizjournals.com/phoenix/stories/2006/10/09/daily22.html?surround=lfm>.

These laws are generally unconstitutional

The federal government has largely exclusive control over the nation’s immigration laws. This is why federal courts, as in Arizona, have repeatedly struck down local laws or the portions of local laws that try to impose new standards on immigrants in such areas as policing, housing, and permitting.

Sources

United States of America v. State of Arizona, AZCentral.com, available at <http://www.azcentral.com/ic/pdf/0729sb1070-bolton-ruling.pdf>.

Pedro Lozano, Humberto Hernandez, et al v. City of Hazelton, Latino Justice PRLDEF, available at http://latinojustice.org/civil_rights/Hazleton_decision.pdf.

“Kobach in Hazelton, PA,” Political Correction, July 15, 2010, available at <http://politicalcorrection.org/factcheck/201007150005>.

“Q&A Guide to Arizona’s New Immigration Law,” Immigration Policy Center, June 2, 2010, available at <http://www.immigrationpolicy.org/special-reports/qa-guide-arizonas-new-immigration-law>.

SB1070 and copycat laws use fake data to make their case

Individuals often point to faulty studies and research claiming that immigrants create economic, tax, or crime burdens on taxpayers and citizens to justify SB1070 and similar laws. For instance, one talking point was that crime was up and that’s why SB1070 was needed. But definitive FBI crime statistics show a consistent decline in Arizona crime over the last decade as the immigrant population increased.

These studies are often filled with erroneous information or data purporting to show one thing when it actually shows something quite different. Most of this research comes from two organizations: FAIR and the Center for Immigration Studies, its ally organization. To rebut this purported research, trustworthy analysis can be found at:

www.immigrationpolicy.org and <http://www.americanprogress.org/issues/domestic/immigration/>, with state-by-state information available at <http://www.immigrationpolicy.org/just-facts/economic-and-political-power-immigrants-latinos-and-asians-all-50-states>.

Sources

Ann Garcia, “Fact Sheet: Setting the Record Straight on Border Crime,” (Washington: Center for American Progress, 2010), available at http://www.americanprogress.org/issues/2010/06/border_crime.html.

Andrea Nill, “Kyl Dismisses Reports That Crime Is Down In Arizona As A ‘Gross Generalization,’” ThinkProgress, August 1, 2010, available at <http://thinkprogress.org/2010/08/01/kyl-crime-arizona/>.

Implementing these laws costs local jurisdictions lots of money

These laws repeatedly lose in federal courts and the legal battles over them are expensive, so the costs to states and municipalities are very high. Arizona has had to raise hundreds of thousands of dollars in donations only to lose in federal court. Most places have been even less lucky as they have paid bills out of taxpayer dollars. Just a few examples of taxpayer expenses defending these laws include Hazelton, PA, at \$2.4 million; Farmer’s Branch, TX, at \$4 million; and Valley Park, MO, at \$270,000.

If these laws were ever implemented at scale it’s estimated that they would cost communities huge sums without any way of recouping these dollars. One Arizona border county with a small population evaluated a proposed bill requiring the arrest of undocumented immigrants for trespassing as a result of their very presence in the United States. They estimated that it would cost taxpayers just for that county approximately \$25 million to enforce the law while resulting in 12 percent fewer officers to handle other community policing needs, as well as the obligation to build an additional 683 jail beds.

Sources

Melinda Warner, “Meet Kris Kobach: Lawyer For The Anti-Immigrant Movement.”

Immigration Policy Center, “Implementation Costs of SB1070 To One Arizona County” (2010), available at <http://www.immigrationpolicy.org/newsroom/release/implementation-costs-sb-1070-one-arizona-county>.

Implementing these laws hurts communities economically and creates unnecessary tensions

Since SB1070’s passage Arizona has lost tens of millions of dollars from boycotts. This includes losses in the tourism industry and from municipalities that passed divestment resolutions, meaning they stopped doing business with companies based in Arizona. In towns like Riverside, New Jersey, once vibrant commercial strips emptied out and residential properties saw increased vacancy as immigrants and their supporters moved out to avoid racial profiling due to anti-immigrant laws passed there.

Community tensions, once either nonexistent or small in scale, often become exacerbated as the laws are fought over. Heightening such tensions serves no legitimate purpose given that the laws are generally found to be unconstitutional in the end.

Sources

Krissah Thompson, “Arizona tourism loses more business in wake of immigration law vote,” *The Washington Post*, May 12, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/12/AR2010051203317.html>.

National Employment Law Project, “Costly in Every Way: States that Have Implemented Harsh Anti-Immigrant Laws Face Grave Economic Risks” (2008), available at http://www.nelp.org/page/-/Justice/Costly_in_every_way_022108.pdf.

Ken Belson and Jill P. Capuzzo, “Towns Rethink Laws Against Illegal Immigrants,” *The New York Times*, September 26, 2007, available at <http://www.nytimes.com/2007/09/26/nyregion/26riverside.html>.

Jeffrey Kaye, “Enforcing Arizona’s SB1070: A State of Confusion” (Washington: Immigration Policy Center, 2010), available at <http://www.immigrationpolicy.org/special-reports/enforcing-arizonas-sb-1070-state-confusion>.

States and legislators can take useful, positive action on immigration

States and legislators can provide alternatives to anti-immigrant legislation. High-quality positive alternatives include addressing wage enforcement and workers' rights, integrating immigrants into communities, supporting English language instruction, community policing, and supporting women and minority entrepreneurs to help build local economies and grow jobs.

Good examples of these actions, including model legislation, can be found here:

Suman Raghunathan, "Immigration-Related Bills to Move in 2011 State Legislative Sessions," Progressive States Network, July 23, 2010, available at <http://www.progressivestates.org/node/25345>.

Legislators can also use their unique voices to engage the debate via blogging, writing op-eds, joining panel discussions, providing press statements and/or conference calls on current events, working with their colleagues in groups like the National League of Cities and US Conference of Mayors—which have both made powerful statements opposing the Arizona law—and also via lobbying Congress and the White House.

Examples of all of these can be found here:

Dawn Mabery, "What Legislators Can Do," (Washington: National Immigration Forum), available at <https://s3.amazonaws.com/s3.reformimmigrationforamerica.org/images/WhatLegislatorsCanDo.doc>.

It's also possible to join with other local elected officials concerned about immigration reform to get regular updates and strategies. Two groups that support local elected officials with information, expertise, and online updates are Reform Immigration for America and Progressive States Network. More information is available below.

Reform Immigration for America, "State and Local Elected Leaders for Immigration Reform" (2010), available at http://act.reformimmigrationforamerica.org/cms/sign/elected_officials/.

State Legislators for Progressive Immigration Policy, "Immigration Reform Letter" (2010), available at <http://progressivestates.org/immigrationreform/letter>.

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This briefing was developed in consultation with the following organizations:

Center for American Progress (www.americanprogress.org)

Immigration Policy Center (www.immigrationpolicy.org)

National Immigration Forum (www.immigrationforum.org)

Political Correction (<http://politicalcorrection.org/>)

Progressive States Network (www.progressivestates.org)

Southern Poverty Law Center (www.splcenter.org)