



The Wrong Approach: State Anti-Immigration Legislation in 2011



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By A. Elena Lacayo



I. Overview

On April 23, 2010, Arizona Governor Jan Brewer signed into law SB 1070, the nation's most punitive immigration legislation, placing anti-immigrant initiatives into the national spotlight alongside herself and the bill's sponsor, Arizona State Senator Russell Pearce. The legislation was widely condemned by the country's leading civil rights organizations for essentially codifying and legitimizing racial profiling. However, in spite of the damage that Arizona has suffered in terms of its weakened national image, lost business and tourism revenue, and legal fees related to SB 1070, the legislators and private interest groups that helped pass this law announced their intent to pass similar laws in other states.

Since passage of SB 1070, legislators in 36 states have attempted to advance similar measures. To date, 31 states have rejected or declined to advance SB 1070 copycats,* and while five states opted to follow Arizona's misguided example and approve similar anti-immigrant legislation, all five have been sued and have been prevented from implementing the law in full. This stands in stark contrast to what was expected in the immediate aftermath of SB 1070, when various news reports predicted that as many as half of the states would pass similar legislation.¹

Congressional inaction to address immigration has fueled the consideration of increasingly draconian measures by state and local governments. Although the federal government alone has the authority to regulate immigration, an increasing number of states and local jurisdictions have begun stepping into the vacuum, leading to a rise in immigration-related measures, most of which are punitive and have proven detrimental to the jurisdictions that passed them. Moreover, by authorizing law enforcement to inquire into the immigration status of those they deem "reasonably suspect" of being present without legal documentation, SB 1070 subjects anyone who looks different or is perceived as foreign to discrimination, thereby opening the door to racial profiling. While legislators passing such measures claim that their efforts have focused on undocumented immigrants, anti-immigrant policies have also led to an increasingly hostile environment toward legal immigrants and Latinos citizens. A 2008 Pew Hispanic Center survey of Latinos,[†] including U.S. citizens and immigrants alike, found that nearly one in ten Hispanic adults in the U.S. reported that police or other authorities had asked them about their immigration status in the past year. More importantly, the study found that 35% of native-born Hispanic citizens (who cannot be deported) worry a lot or some about deportation for themselves or their loved ones.² After the passage of SB 1070 in Arizona, 72% of Latinos believed that police would be inclined to stop and question a person because that person is Latino.³

While immigration has often been a bipartisan issue, anti-immigrant voices growing in the Republicans' ranks have appeared to move that political party toward supporting an increasingly anti-immigrant agenda. Consequently, large wins for the Republican

* For a full list of states that rejected Arizona copycat legislation in 2010 and 2011, go to www.nclr.org/StateImmigration.

† The terms "Hispanic" and "Latino" are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

Party in 2010 state elections contributed to the expectation that Arizona-style anti-immigrant legislation would be approved in many state legislatures in 2011. Indeed, most states considered legislation modeled after Arizona's law in the 2011 legislative session, but the majority of these bills were rejected due to concerns about cost, threats of litigation, business losses, and damaged state reputation. Despite the fact that anti-immigrant legislation was primarily advanced by members of the Republican Party, half of the states that rejected such legislation were Republican-controlled, with two-thirds of those enjoying Republican supermajorities. This indicates that while the anti-immigrant movement has made inroads in the Republican Party, Republicans themselves are divided about the implications of Arizona-style anti-immigrant legislation, recognizing, as others have, the negative effects of such a law.



Unfortunately, in 2011 five states (Utah, Indiana, Georgia, Alabama, and South Carolina) opted to ignore the negative impact that SB 1070 had on Arizona and approve similar legislation in their states. As a result, similar negative effects are now beginning to surface in those states in the form of legal challenges, economic losses, and an increase in racial discrimination. Thus, while these bills are being presented under the guise of addressing immigration concerns, the balance sheet does not bear that out. Their costs, unintended negative economic effects,

and discriminatory effects, combined with the fact that these bills have been found to worsen many of the problems that they were intended to solve, show that such legislation is motivated more by political posturing than by attempts to create pragmatic state policy.

II. Consequences of Arizona SB 1070

At the time of its passage, Arizona SB 1070 was the most extreme and draconian immigration law in the country. Among other things, it criminalized undocumented immigrants,* required law enforcement officials to demand immigration documents from individuals who were “reasonably suspect” of being present without legal documentation, and permitted Arizonans to sue enforcement agencies if they believed that the law was not enforced with sufficient rigor. Civil rights advocates feared that the legislation had the potential to make all Latinos in Arizona suspect in their own communities, regardless of their immigration status.

Since SB 1070’s passage, negative consequences of the legislation have emerged, such as extensive legal battles to defend the bill, great financial losses to the economy, a tarnished state image, and political repercussions for the bill’s sponsor, Russell Pearce. Further, its mandate for law enforcement to inquire into people’s immigration status has resulted in racial discrimination for anyone perceived as foreign. Since the passage of SB 1070, legal immigrants and citizens have been stopped or detained for failing to carry immigration documents, including one Latino citizen truck driver who was detained until he showed his birth certificate.⁴

The law’s impact on Arizona’s economic well-being also became clear. The negative reaction to the law was so intense that Governor Brewer immediately transferred \$250,000 to the Arizona Office of Tourism for a marketing campaign to improve the state’s image and boost tourism, one of Arizona’s most important industries,⁵ but this was to no avail. As a consequence of multiple national boycotts launched against Arizona immediately after

Arizona’s Balance Sheet

- \$250,000 to boost its image
- \$434 million in lost direct spending from conference attendees
- 8,472 jobs lost from conference cancellations and booking declines
- \$265.5 million in lost earnings
- \$794 million in lost economic output
- \$28.8 million in lost taxes
- \$1.5 million in legal fees
- 60 CEOs opposing further legislation
- 5 anti-immigrant bills rejected
- 1 recall election of the bill’s sponsor, State Senator Russell Pearce

* Historically, the enforcement of immigration law has been viewed as a federal responsibility, with Congress leaving few, narrow ways in which states are allowed to assist the federal government. States and localities have been permitted to enforce only the criminal aspects of immigration law (e.g., alien smuggling), whereas the enforcement of civil provisions (e.g., illegal presence in the U.S.) has been viewed as a federal responsibility. The justification for separating the enforcement of criminal and civil immigration violations rested largely on the notion that states need a uniform immigration policy. However, authors of SB 1070 and subsequent copycat legislation have attempted to radically expand the ability of state and local law enforcement officers to make arrests and detain people simply on suspicion of civil immigration violations.

Governor Brewer signed the bill,* the state's economy lost an estimated \$752 million in conference cancellations, booking declines, and associated lost revenue, as well as another \$17 million of lost tax revenue due to reduced tourism spending and employment by the end of the year.⁶ As Glenn Hamer, President of the Arizona Chamber of Commerce put it, "It's now clear to the mainstream business community that there are consequences to going it alone on immigration."⁷

Financial losses also led to political opposition from the state's business community against the anti-immigrant agenda. For example, when Senator Pearce announced his intention to pass five more anti-immigrant bills in 2011, including legislation to alter the 14th Amendment's citizenship clause, 60 CEOs from Arizona-based companies, including U.S. Airways and PetSmart, signed a public letter urging the Senate not to pass immigration bills that would further hurt business and the state economy. Their letter urged the legislature to allow the federal government to address these issues instead, highlighting the negative impact that SB 1070 had on business: "Last year, boycotts were called against our state's business community, adversely impacting our already-struggling economy and costing us jobs...It is an undeniable fact that each of our companies and our employees were impacted by the boycotts and the coincident negative image."⁸ The powerful statement by these Arizona leaders led to the defeat of all five bills by the same legislature that delivered SB 1070 less than a year earlier.

Reaction to SB 1070 also resulted in the recall election of Russell Pearce, who sponsored and championed SB 1070 and other anti-immigrant legislation. Pearce's opponent and the winner of the election, Jerry Lewis, also a Republican, agreed to take a more moderate approach toward immigration than his predecessor, saying, "We need to allow people who are here a pathway to square themselves with the law. We need to consider the humane aspects, the aspects of keeping families together."⁹ The historic defeat of Pearce, arguably the most powerful politician in the state, was viewed as a referendum on his hardline approach to immigration through the years.¹⁰

Finally, Arizona also continues to face costly legal hurdles due to the law, including lawsuits filed by the U.S. Department of Justice and various civil rights organizations. These lawsuits have not only led a U.S. District Court to block the most egregious portions of the bill but also already resulted in millions of dollars of legal fees to defend the law. Thus, in the aftermath of SB 1070, conventional wisdom indicated that any state that opted to follow Arizona's example would face similar political, financial, and legal challenges.

* In the month after the legislation was passed, 51 civil rights, labor, and social justice organizations, including the National Council of La Raza (NCLR), called for a formal boycott of conventions, conferences, and other special events involving significant travel to Arizona from out of state. In addition, Sound Strike, a coalition of more than 400 performing artists, simultaneously initiated a boycott of the state, pledging not to perform there unless they were raising money for communities affected by the boycott.

III. Most States Reject Arizona-Style Legislation

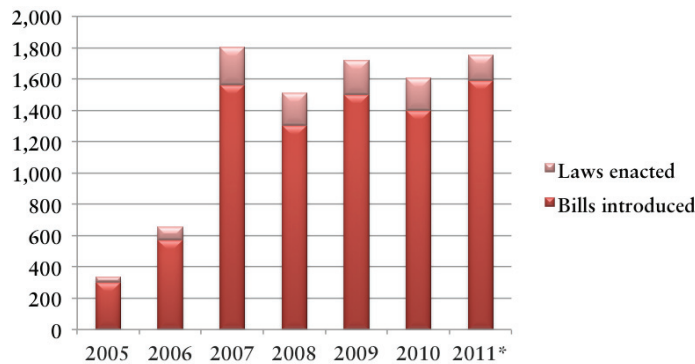
Federal inaction on immigration has led to an increase in the number of immigration-related laws at the state level for a number of years, and the passage of SB 1070 renewed interest in passing immigration legislation in the 2011 legislative session in several states. Changes in the composition of many state legislatures after the 2010 midterm elections—when states shifted to a more conservative makeup following many new members campaigning on the promise of passing Arizona-like legislation—resulted in speculation that similar laws would quickly move forward across the board.¹¹

Once elected, however, state legislators faced numerous obstacles to passing anti-immigrant laws. In addition to taking stock of the backlash felt in Arizona, nearly all states entered legislative sessions facing budget shortfalls,¹² making them particularly mindful about measures that could further burden their state economies or hurt local business. So while nearly two-thirds of the states considered Arizona-style legislation in 2011, most opted to reject such measures over concerns about the resulting loss in business revenue, high costs of implementation, and decreased public safety.*

Businesses step into the debate. With heightened concerns about the economy, legislators in many states were also closely listening to the business community, which played a vital role in defeating such bills in a number of states. In Kansas, Texas, and Florida, the business community raised concerns about the negative impact such laws

would have on important industries. For example, the Florida Chamber Foundation argued that immigrant workers in Florida contribute an average of \$4.5 billion in tax revenues per year.¹³ As Adam Babington, Vice President of Government Affairs for the Florida Chamber of Commerce, said, “It’s critical that Florida protect its strong brand as a state that welcomes tourists, promotes international trade, and supplies much of the nation’s fruits and vegetables...Florida must use caution with any immigration restrictions to help ensure

Immigration Laws Introduced and Passed, 2005–2011



* Data available through June 30, 2011.

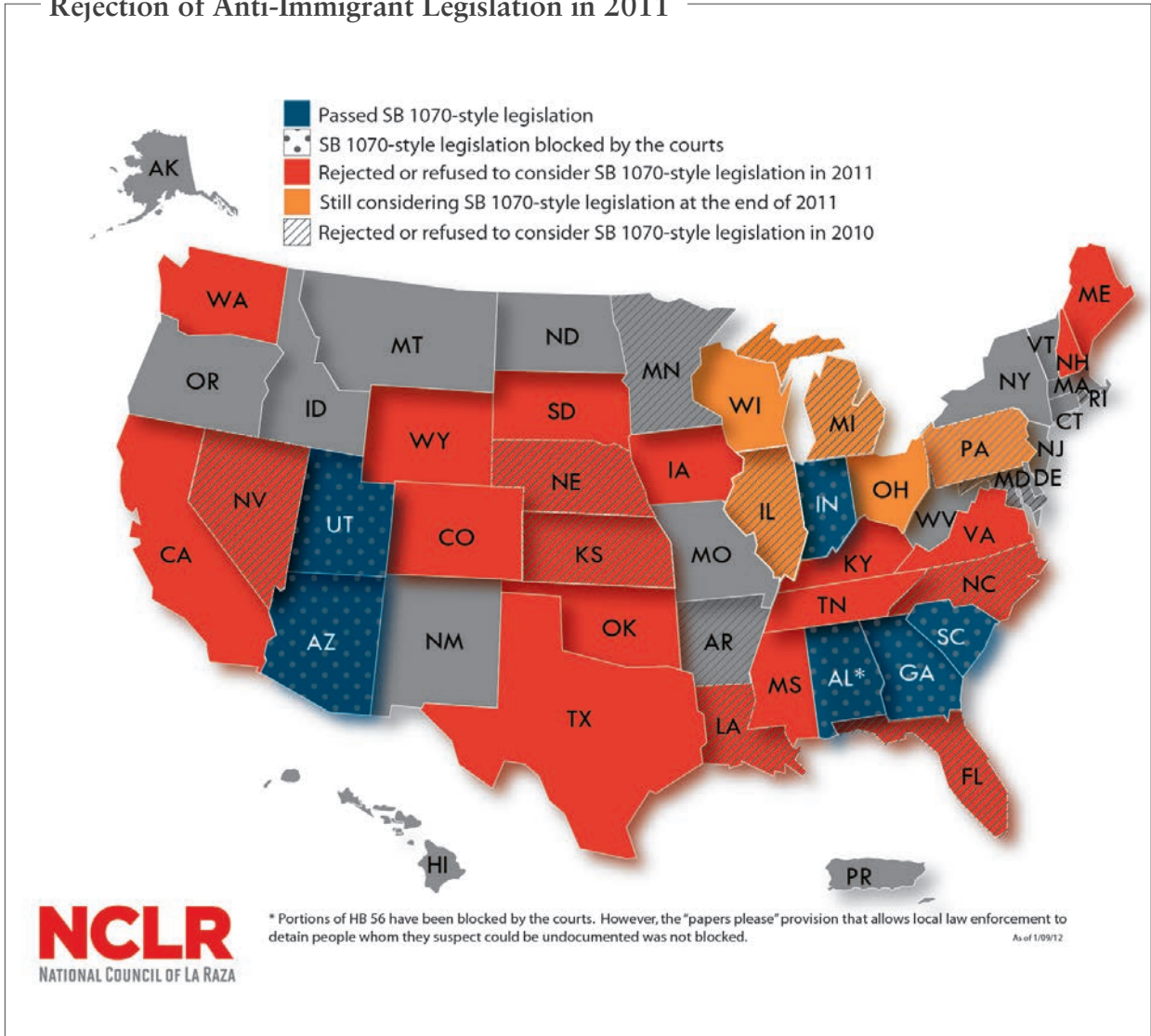
Source: National Conference of State Legislatures, “2011 Immigration-Related Laws and Resolutions in the States (January-June),” <http://www.ncsl.org/default.aspx?tabid=23362> (accessed December 1, 2011).

* See Appendix A for a full list of states that rejected Arizona-style bills in 2011.

we don't provoke an economic boycott or restrict economic growth.”¹⁴ Outspoken opposition from business leaders such as Babington helped defeat a proposed Arizona-style bill in Florida in 2011.

In Kansas, various business sectors, including the state's major agribusiness groups such as the Kansas Farm Bureau and Livestock Association, formed a coalition to oppose various anti-immigrant bills, including an Arizona-style bill.¹⁵ After numerous attempts to pass the bill through committee, the Arizona copycat was soundly defeated in an 84-40 vote on the House floor.¹⁶ Most notably, in Texas, where Governor Rick Perry's immigration proposal seemed almost certain to pass in a special session that lacked certain procedural hurdles, two business magnates, Houston homebuilder Bob Perry and San Antonio grocery store owner Charles Butt, opposed the bill just days before the session was to end.¹⁷ This move by the two powerful businessmen persuaded legislators to defeat the bill.

Rejection of Anti-Immigrant Legislation in 2011



Law Enforcement Discusses the Impact of Arizona-Style Bills on Public Safety

- Former Mayor Mike Levensen of Aberdeen, South Dakota said that the “reasonable suspicion” requirement would divert city police from other duties, and investigating the status of a single person could take hours. “To put it bluntly, we just don’t have the time.”*
- Lincoln, Nebraska Police Chief Tom Cassidy testified, “For my own tax dollar, I would prefer that we focus efforts on the deportation of aliens who have already been convicted of crimes...I am always concerned with unfunded mandates that increase our cost of doing business without new revenue to offset these costs.”†
- Minneapolis Police Chief Tim Dolan and St. Paul Police Chief John Harrington issued a joint statement saying, “We believe that mobilizing local police to serve as primary enforcers of federal immigration laws will throw up barriers of mistrust and cause a chilling effect in immigrant communities, impairing our ability to build partnerships and engage in problem-solving that improves the safety of all members of the community.”‡
- Salt Lake City Police Chief Chris Burbank was among those who spoke out against the bills: “I expressed concerns about these bills not only because they are going to make our jobs more difficult but also because of their potential to increase crime. It is difficult to provide effective community policing when misguided legislation erodes the vital community trust on which we rely.”§

* Bob Ellis, “Republican Legislators Again Shoot Down Illegal Alien Bill,” *Dakota Voice*, February 14, 2011, <http://www.dakotavoice.com/2011/02/republican-legislators-again-shoot-down-illegal-alien-bill/> (accessed December 1, 2011).

† Rachel Albin, “Lincoln’s police chief strongly cautions against Arizona-style immigration law in Nebraska,” *Daily Nebraskan*, February 28, 2011, <http://www.dailynebraskan.com/news/lincoln-s-police-chief-strongly-cautions-against-arizona-style-immigration-law-in-nebraska-1.2500649#.Tqh7tnKArjM> (accessed December 1, 2011).

‡ Hart Van Denburg, “Top cops Dolan and Harrington oppose Arizona-style anti-immigrant law,” *City Pages*, May 7, 2010, http://blogs.citypages.com/blotter/2010/05/twin_cities_top.php (accessed December 1, 2011).

§ National Council of La Raza, “Buyer Beware: Lessons from Arizona SB 1070,” news release, April 20, 2011, http://www.nclr.org/index.php/about_us/news/news_releases/buyer_beware_lessons_from_arizona_sb_1070/ (accessed December 1, 2011).

As in the states where Arizona copycat legislation was ultimately rejected, business leaders in Georgia, Indiana, Utah, and Alabama were at the forefront of the opposition to SB 1070 proposals in their respective states. As predicted by business leaders, those states are now facing problems similar to Arizona’s as a result of the legislation.

High costs of implementation. With nearly all states heading into the 2011 session facing struggling budgets, many legislators were reluctant to create new programs that would require significant funding. Consequently, the costs of implementing an

anti-immigration law for cities, law enforcement agencies, and the criminal justice system played a large role in halting these bills and leading to their defeat. For example:

- In Louisiana, Representative Ernest Wooton withdrew HB 411 from consideration after the bill was found to cost \$11 million.¹⁸
- In Florida, the finding that HB 7089 was estimated to cost \$840 million to implement contributed to that bill's defeat.¹⁹
- In Tennessee, a fiscal note showing that SB 780/HB 1380 would increase state expenditures by nearly \$3 million for the first year and over \$1.8 million in each subsequent year led to the bill's defeat.²⁰
- In Kentucky, a fiscal impact statement by the state's Legislative Research Commission showed that its Arizona-style bill would cost the state \$89 million per year, which contributed to the bill's defeat.²¹

While not every state that considered an Arizona-style bill had a fiscal note associated with it, lessons learned from Arizona and financial estimates from neighboring states made it clear that passage of anti-immigrant bills modeled after Arizona's would come at great cost to the state at a time when they would be least able to manage it.

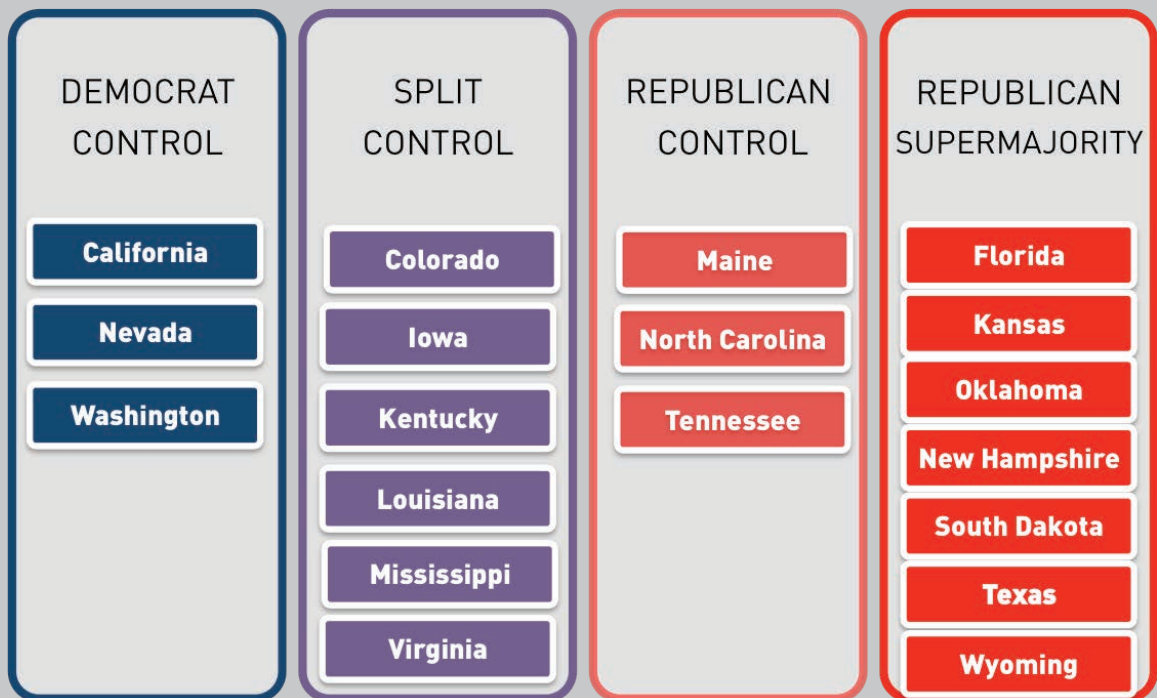
Jeopardizing public safety and burdening law enforcement. In some states, the strongest opposition to these bills came from the law enforcement community. Concerned with the effect that immigration-related bills would have on their ability to uphold public safety, police continued to oppose state-level legislative mandates that required them to enforce federal immigration laws. Various studies, including NCLR's report, *The Impact of Section 287(g) of the Immigration and Nationality Act on the Latino Community*, show that police involvement in immigration checks can have a deep impact on community members' safety and willingness to report crimes, even as victims and witnesses. For example, in Davidson County, Tennessee, which has implemented a local immigration enforcement program, more than half (54%) of respondents in the Latino community said that they would choose not to report a crime in the future, compared to 27% of Black respondents. Additionally, one-third of Latinos who provided specific reasons for their discomfort with the police spoke explicitly to concerns related to immigration.²²

During the 2011 legislative session, law enforcement agencies emphasized their heavy reliance on community policing strategies in which police depend on information obtained from the community to fight crime, and they argued that Hispanic communities would be unwilling to come forward with information if police became involved in immigration enforcement. This factor was particularly important in Texas, where a number of chiefs from the state's major cities stated that anti-immigrant bills HB9 and SB9 would "cause irreparable harm to police-community relations across the state...In Texas cities, fear of being questioned about one's immigration status will ultimately destroy the relationship with the community we have worked so hard to establish over the years."²³ Law enforcement opposition to Arizona copycat bills also played a role in the defeat of such legislation in South Dakota, Nebraska, Minnesota, and Colorado.

Political Breakdown of States That Rejected Arizona Copycat Bills

The rejection of SB 1070 remains bipartisan. As indicated by NCLR's report, *One Year Later: A Look at SB 1070 and Copycat Legislation*, midway through the 2011 state legislative session states with a diversity of legislative compositions rejected Arizona-style anti-immigrant bills. This trend continued through the remainder of the 2011 state legislative session, despite the large conservative political shift that occurred in most legislatures following the 2010 elections as well as the growing influence of anti-immigrant voices within the Republican Party.

While all five states that approved anti-immigrant legislation in 2011 were Republican-controlled, legislatures controlled by both parties have rejected legislation similar to SB 1070. In fact, half of the states that rejected such bills in 2011, ten in total, were Republican-controlled legislatures, with seven of these states enjoying a Republican supermajority. In Oklahoma, for example, the Republican Party supermajority disagreed on its approach to immigration. While some Republican legislators pushed for Arizona's hardline approach, other Republican legislators quietly opposed legislation that would hurt Oklahoma's economy.²⁴ Their disagreement ultimately contributed to the demise of the Arizona-style anti-immigrant bill in their state.



Note: A supermajority consists of a two-thirds majority in both legislative chambers. Although Nebraska rejected an Arizona copycat bill in 2011, it is not listed here because it has the nation's only nonpartisan, unicameral legislature. Also not listed are the five states that were still considering SB 1070-style legislation at the end of 2011: Pennsylvania, Ohio, Michigan, Wisconsin, and Illinois.

IV. Five States Follow a Misguided Approach

While the vast majority of states that considered an Arizona-style law rejected it, five states—Utah, Indiana, Georgia, Alabama, and South Carolina—opted instead to approve punitive immigration bills modeled after Arizona SB 1070.* While Utah and Indiana unsuccessfully tried to distance themselves from Arizona’s approach, other states, primarily in the South, sought to emulate Arizona in a misguided race to the bottom.

States unsuccessfully attempt “Arizona-lite.” Of the five states that approved Arizona-style bills, two attempted to distinguish themselves from Arizona by seeking a more moderate approach to immigration. Utah’s experience embodies that intent. Even before the Utah legislature began its session in January, the debate on an Arizona copycat bill was well under way. In the summer of 2010, after Representative Stephen Sandstrom stated his intentions to introduce an Arizona-style bill in 2011, Governor Gary R. Herbert brought together a group of stakeholders for a conversation on the issue in which he indicated that he wanted to address immigration more broadly than Arizona had. In November 2010, a prominent group of business, faith, and law enforcement leaders signed the *Utah Compact*, a set of principles intended to counter the Arizona-style approach by recognizing immigration as a federal responsibility and highlighting the contribution of immigrants to the state. At the time of the *Compact*’s signing, Utah Attorney General Mark Shurtleff claimed that it distinguished Utah from its neighboring state: “We are different from Arizona...We want to show people we can do something about this issue in a compassionate and lawful way.”²⁵

Unfortunately, the *Utah Compact* and its supporters were unable to stave off an Arizona-style bill, and on March 15 Governor Herbert signed into law a package of bills that attempt to deal with immigration at the state level. Among these bills are HB 497, a less severe version of Arizona’s immigration-enforcement bill, and HB 116, an attempt to create a guest worker program for undocumented workers in Utah.²⁶ Not only are many of the provisions from the package likely to be unconstitutional, such guest worker laws would also create a precedent that would result in a 50-state patchwork of immigration laws. Although Utah’s law attempted to take a more comprehensive approach to immigration, the package demonstrated the ways in which states are inherently limited in their ability to legislate on immigration. Thus, despite Utah’s laudable effort to produce a more sensible and humane approach to immigration, the resulting flawed legislation only highlights the need for a federal solution to immigration reform that includes enforcement as well as a path to legalization for immigrants who are contributing to the U.S. economy.

Indiana also attempted to take a moderate approach toward immigration compared to Arizona. Originally, Indiana SB 590 was closely modeled on Arizona SB 1070, but after significant resistance from the state police, national organizations threatening conference cancellations, and the signers of the *Indiana Compact* (which aimed to provide an

* See Appendix B for more information about these five states that approved SB 1070 copycat legislation.

alternative to SB 1070),²⁷ the legislature opted to mimic the less punitive language in Utah HB 497. Nonetheless, SB 590, signed by Republican Governor Mitch Daniels on May 10, dangerously expands police authority to enforce federal immigration laws.

The South rises in a race to the bottom. While Utah and Indiana’s leaders sought to moderate their legislatures’ anti-immigrant bills, southern states instead aggressively pursued even more extreme versions of Arizona SB 1070. The first state to approve a bill worse than Arizona’s was Georgia, where Republican Governor Nathan Deal signed HB 87 on May 13.²⁸ Passed in the final hours of the legislative session, the bill includes many of Arizona’s provisions while also setting new hiring requirements for employers, increasing penalties on workers convicted of using fake identification to get jobs, and criminalizing people who transport or harbor immigrants without legal status.²⁹

South Carolina also followed Georgia’s lead of passing legislation that went beyond SB 1070. Advocates initially predicted that South Carolina would be the first to follow Arizona’s path, but its legislative debate delayed the bill and forced lawmakers to address the legislation in a special session. Despite the fact that South Carolina’s budget shortfall was so great that it required furloughs, targeted cuts, agency reorganization, and tapping into the state’s rainy-day fund,³⁰ Republican Governor Nikki Haley signed S 20 into law on June 27 at a cost of \$1.3 million to the state. Set to go into effect on January 1, 2012, S 20 exceeds Arizona SB 1070 by creating a new state immigration enforcement unit.³¹

While Georgia and South Carolina passed bills more draconian than SB 1070, both are surpassed in harshness by Alabama HB 56, signed by Republican Governor Robert Bentley on June 9.³² This sweeping anti-immigrant bill makes it a crime to be in the state without documentation, requires schools to collect information on the citizenship or immigration status of students, requires all businesses in the state to enroll in the federal E-Verify program, and criminalizes business transactions with the state of Alabama. According to the bill’s sponsor, Mickey Hammon, HB 56 was intended to regulate “every aspect of a person’s life.”³³

However, as the examples of these states show, passage of Arizona-style legislation does not always proceed neatly to implementation. On the contrary, states stand on precarious legal ground when they attempt to develop immigration law apart from the federal government.

V. States Suffer the Consequences of Misguided Policy

While most states have opted not to follow Arizona's imprudent steps, the few that approved Arizona-inspired bills have already begun to face hurdles and opposition to their harmful laws. Although most legislation has not been in place for long and parts of all the bills have been enjoined, the immediate legal challenges, economic backlash resulting from lost immigrant labor, and public confusion have engendered a significant burden for these states.

States face immediate legal challenges. Arizona's experience shows the extent to which anti-immigrant bills can lead to drawn out and costly litigation. The legal fees to defend SB 1070 have cost Arizona taxpayers more than \$2 million, and the expenses will continue to increase.³⁴ All states that approved similar anti-immigrant bills have already begun to face similar legal challenges to these bills, most of which were brought forward by a coalition of state and local organizations and national legal partners such as the American Civil Liberties Union, the National Immigration Law Center, and the Mexican American Legal Defense and Educational Fund. Like Arizona, all five states where lawsuits have been filed have had sections of the bills blocked by courts with both Republican- and Democrat-appointed judges:

- In Utah, HB 497 was in effect for 14 hours on May 11, 2011 before U.S. District Court Judge Clark Waddoups, who was appointed by George W. Bush, put sections on hold.³⁵
- In Indiana, U.S. District Court Judge Sarah Evans Barker, a Reagan appointee, blocked the section of SB 590 that would have increased police arrest authority for anyone ordered to be deported by an immigration court.³⁶
- In Georgia, just days before its July 1, 2011 implementation date, U.S. District Court Judge Thomas Thrash, a Clinton appointee, halted two sections of Georgia HB 87 that would have increased law enforcement's authority to request documentation of citizenship from individuals and punished people who knowingly transported or harbored undocumented individuals.³⁷
- In Alabama, U.S. District Court Judge Sharon Blackburn, appointed by George H. W. Bush, temporarily issued a ruling on September 28, 2011 blocking certain provisions of HB 56, including the provision that would criminalize the transportation or housing of an undocumented immigrant.³⁸ On October 14, the 11th Circuit Court of Appeals issued a ruling that further blocked the provision requiring schools to collect information on the immigration status of their students while leaving in place the "papers please" provision, which would allow local law enforcement to pull over and detain people who they suspect could be undocumented.³⁹
- In South Carolina, U.S. District Court Judge Richard M. Gergel, appointed by Barack Obama, issued a ruling on December 22 blocking the "papers please"

provision of S. 20. The ruling also blocked the provisions of the bill that make it a crime to harbor or transport an undocumented immigrant.⁴⁰

The Department of Justice has filed lawsuits in Alabama, South Carolina, Utah, and Arizona, and news reports indicate that President Barack Obama's administration may take further action in other states that approve similar legislation.⁴¹

Fear grows in the immigrant community. The passage of Arizona-style legislation in these states has led to great confusion and, in some cases, chaos among the immigrant, Latino, and general populations. Misperceptions of what the laws do or don't do (fueled by the constant changes due to court rulings) has led to fear among residents, compelling many in the Latino and immigrant communities, regardless of their immigration status, to keep their children from attending schools, refrain from working, go into hiding, or flee the state altogether.

No state is a better example of the chaos caused by Arizona copycat legislation than Alabama, where HB 56 went into effect on September 29, 2011 after a month's delay by the courts for deliberation.⁴² After Judge Blackburn failed to block the two most egregious provisions of the bill, including the provision that required schools to ask for the immigration status of enrolling children and the "papers please" provision, news reports and eyewitness accounts documented a drop in school attendance. On the day HB 56 was implemented, 1,988 Hispanic students were reported absent by state schools.⁴³ Confusion about the law also led to discriminatory practices in schools. At a briefing in Washington DC, Mary Bauer of the Southern Poverty Law Center reported that Latino children have been "bullied in school by teachers, by administrators, and by other students who say that they don't belong there and should go home."⁴⁴ In one public school in Montgomery, children were reportedly asked about their immigration status and that of their parents, even though the legislation only required such inquiries of newly enrolling students.⁴⁵

Fear and confusion among the Latino and immigrant communities led some families to flee the state. Furthermore, in the weeks after the bill's implementation, thousands of calls were received by the emergency hotline set up in response to the law by the Southern Poverty Law Center and allied legal organizations. The calls document a troubling spectrum of problems now faced by these communities:

- A judge told a female victim of domestic violence seeking a protective order that she would be deported if she pursued the order.
- Another judge said that requesting an interpreter is reason to inquire about that person's immigration status.
- A clerk told a Latino man that he could not make a purchase with a bank card because he did not have an Alabama ID. He was in fact legally present but from Ohio.
- A man sought to get his pregnant wife to a hospital in another state to give birth, fearing the repercussions of going to an Alabama hospital.⁴⁶

The extreme fear and confusion in the Hispanic community has, as predicted by agencies in the state, made it more difficult for law enforcement agencies to work with immigrant and Hispanic communities in the state, even as witnesses or victims of crime.

States lose an essential part of their workforce. While proponents of Arizona-style bills view immigrants leaving their states as an intended effect of their legislation, the loss of the immigrant population has been catastrophic to major industries that rely on their labor and benefit from the economic activity that generates jobs in related industries. In Georgia, for example, HB 87 led to huge losses to the state agricultural industry. Georgia's agriculture contributes more than \$67 billion, or about 12% annually, to Georgia's \$787 billion economic output.⁴⁷ Among the states, Georgia ranks between first and tenth nationally in 22 products, including broiler chickens, peanuts, pecans, cotton, onions, peppers, cantaloupes, and peaches.⁴⁸ But confusion and fear about the ramifications and potential for harassment made many migrant farmworkers—legal and undocumented alike—decide to avoid working in the state. As a result, Georgia's agricultural sector started experiencing labor shortages, leading to unpicked crops that were ultimately left to rot in the fields.

Even before HB 87 went into effect, the Georgia Agribusiness Council reported that farms had already lost \$300 million in fruits and vegetables alone due to a lack of workers and anticipated up to \$1 billion in total losses stemming from spoiled and unpicked produce.⁴⁹ A survey conducted by the Georgia Restaurant Association revealed worker shortages in the state's \$14.1 billion restaurant industry; 91% of restaurant business owners who responded to the survey opposed the new law.⁵⁰

In the case of Alabama, where the bill has been implemented for a shorter amount of time, the law's effect on the agricultural and construction sectors was felt immediately. Leading up to the implementation of HB 56, farmers and construction businesses quickly witnessed a decline in their workforce. The state agriculture commission reported that squash, tomatoes, and other produce began rotting in the fields, expecting the problem to worsen. For one farmer in Clayton, Alabama, the worker shortage prompted him to close his farm and "draw unemployment because the state put me out of business."⁵¹

The negative impact of these bills is not exclusive to agriculture; it also affects urban industries such as construction, leisure and hospitality, and manufacturing. In Alabama, the departure of workers has meant a slowdown on construction projects in places like Tuscaloosa, where reconstruction efforts have been under way since it was hit by a devastating tornado. James Latham of WAR Construction Inc. said that since the bill's passage, his company was "seeing smaller crews, and work taking longer to get accomplished, due to less available workers."⁵² In Indiana, during the lead-up to the passage of SB 590, two of Indiana's biggest manufacturers—Eli Lilly and Co. and Cummins Inc.—released a statement outlining their concerns over the ability of businesses to compete in global markets: "From the perspective of large Indiana employers with global and diverse workforces, Lilly and Cummins believe that there are compelling business reasons to oppose Senate Bill 590. [Such] laws impede the ability of Indiana businesses to be competitive in global markets, and will make it more difficult for Lilly and Cummins to grow in Indiana."⁵³

States have proven unsuccessful at finding a new workforce. Many of the jobs that immigrants hold are unquestionably punishing jobs. In the case of agricultural work, they are also seasonal. Even with a high unemployment rate, such jobs have been difficult to fill. In Georgia, where the unemployment rate is nearly 10%, concerns over the labor shortage were so great that Governor Deal appointed Commissioner Gary Black of the Georgia Department of Agriculture to investigate how the agriculture industry will be affected by HB 87.⁵⁴ The results showed that about 40% of Georgia farmers did not have enough field workers, as both legal and undocumented immigrants reportedly left the state before the law went into effect on July 1, 2011.⁵⁵ Just one month after the bill passed, the governor opened agricultural jobs to probationers, but most of these workers were unable or unwilling to complete the work.⁵⁶ As Professor Alexander Tabarrok of George Mason University put it, this experiment “turned good workers into criminals and turned criminals into bad workers, losing on both ends of the deal.”⁵⁷

VI. Conclusion

In 2011, the majority of states that considered Arizona copycat bills rejected them. Meanwhile, the states that chose to follow the misguided path of SB 1070 have, in just a short time, begun to suffer the harmful consequences of their laws. Surprisingly, a handful of states may still reintroduce bills in 2012. However, as the lessons from Arizona and other states spread and opposition grows—including from voices in the business community, local law enforcement, and civil rights, social justice, and immigrant advocacy groups—there could be a greater realization of how a patchwork of state laws adds chaos to an already dysfunctional immigration system.

Legislators in states considering Arizona-style legislation for 2012 should take heed of the experience of states that are now reeling from the aftermath of their misguided bills. These states demonstrate that such bills not only incur great implementation and litigation costs and lead to a tarnished public image but also have the potential to deeply harm key industries that rely on immigrant labor. At a time of deep economic uncertainty, legislators should be mindful of the catastrophic effects that these bills would have on their economy. The negative consequences of Arizona-style legislation is real and being felt by businesses and major employers, further affirming the need to legalize, not criminalize, an essential workforce.

While the legal, safety, and economic costs of anti-immigrant bills are readily apparent, political fallout as a consequence of these bills will grow over time, for perceived short-term political gains are won at the expense of long-term support from voters who seek pragmatic solutions at the federal level, as well as the growing Latino electorate. Changing demographics, including the growing number of Hispanics in “newcomer states,” means that a greater number of politicians in rapidly diversifying communities throughout the country may risk alienating a major voting bloc. Losing the Hispanic vote may seem of little consequence for some politicians in smaller communities, but the stakes are great for their national parties, which have recognized the difficulty in maintaining congressional majorities and winning the presidency without a significant segment of the Hispanic electorate.

State leaders should recognize that enforcing immigration is a task that they are neither sanctioned nor equipped to do and is one that comes at a tremendous cost to their state. Rather than taking up Arizona-style laws, state legislators should push the federal government to address this issue comprehensively, which would not only be the practical and responsible move but also uphold our nation’s fundamental values and protect state interests.

Appendix A: SB 1070 Rejected

The following 25 state legislatures defeated, declined, or refused to consider bills similar to SB 1070 in the 2011 legislative session.* These states vary greatly not only in geography and demographics but also in the political makeup of their legislatures. From states that are split between parties, such as Colorado and Kentucky, to states with large Republican majorities, such as Kansas and Florida, 20 legislatures rejected SB 1070-like proposals. Half of those states are Republican-controlled and seven have a Republican supermajority. Similar legislation was still under consideration in five states at the end of 2011: Pennsylvania, Ohio, Michigan, Wisconsin, and Illinois.

California

2011 Session: December 6, 2010–September 9, 2011

House: Democrat controlled; Senate: Democrat controlled

Governor: Democrat, Jerry Brown

After the Republican Party successfully pushed forward Proposition 187, a voter initiative that would have barred undocumented immigrants from receiving public benefits, in the 1994 general election, Californian politicians have viewed such punitive measures as politically unpopular. Even though the courts blocked Proposition 187, political backlash from the growing Latino electorate against those who supported such legislation has led to little success of such bills since.⁵⁸

Despite this history, Assemblyman Tim Donnelly filed AB 26, California's Arizona copycat, on the first day of the 2011 legislative session. On April 5, 2011, the bill was rejected in committee by a 7-3 vote.⁵⁹

Colorado

2011 Session: January 12–May 11, 2011

House: Republican controlled; Senate: Democrat controlled

Governor: Democrat, John Hickenlooper

As Colorado headed into the 2011 session, a debate on immigration was expected in the state legislature. In 2006, Colorado passed SB 90, which requires state law enforcement to cooperate with federal officials and prohibits policies to the contrary. Immigration also played a prominent role in the state's 2010 primaries and general election, with the large-margin defeat of the prominent anti-immigrant candidate Republican Tom Tancredo by Democrat John Hickenlooper, who expressed concern about SB 1070-like legislation and instead advocated for federal immigration reform during his campaign.⁶⁰ In the state legislature, Democrats were able to keep a slight majority in the Senate while Republicans picked up a slight majority in the House.⁶¹

* The list of states that rejected Arizona-style legislation in 2010 can be found at www.nclr.org.

Coming out of the 2010 elections, a number of state legislators, including Representative Randy Baumgardner and Senator-Elect Kent Lambert, announced plans to introduce legislation similar to Arizona's. Although Lambert filed SB 54 in the Senate, Representative Baumgardner pulled his bill, HB 1107, before it was heard due to concerns surrounding its constitutionality.⁶²

Florida

2011 Session: March 8–May 6, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Rick Scott*

With a newly elected governor who campaigned on an immigration-restriction platform and a newly attained Republican supermajority, Florida posed a high risk for passing anti-immigrant legislation in 2011. Florida had been one of the first states to introduce an Arizona copycat bill in a 2010 special session but the bill died amid controversy over its exclusion of European and Canadian immigrants.⁶³ Having the third-largest Latino population in the country, Florida witnessed 70% of its Hispanic residents strongly oppose an Arizona-style law,⁶⁴ as many said it would lead to racial profiling.

Despite its short legislative session, the Florida legislature nonetheless had a drawn-out debate on these proposals. At the start of the session, Senator Mike Bennett introduced SB 136, an Arizona copycat, and Representative William Snyder filed HB 7089 in the House. Although the House Economic Affairs Committee approved HB 7089 on April 14, Senator Bennett withdrew his proposal and Senator Anita Flores introduced a less punitive immigration bill, SB 2040. Both SB 2040 and HB 7089 were vigorously opposed by religious, business, and immigrant rights communities, and both bills died when the legislature failed to move them out of their chambers by May 6,⁶⁵ making Florida the second state to reject SB 1070 copycat legislation twice (Kansas was the first).

Iowa

2011 Session: January 10–April 29, 2011

*House: Republican controlled; Senate: Democrat controlled
Governor: Republican, Terry Branstad*

Iowa was not one of the most likely states to take up Arizona-like legislation. Although the 2010 elections allowed for some shift in power as the Republicans gained control of the House of Representatives, state politicians did not make immigration a legislative priority for their campaign. However, Arizona replica bills were introduced in the Senate and the House. Both bills, SF 102 and HF 27, failed to move before the March 11 “funnel date” for bills to be approved by their originating chamber. Among the local groups that weighed in on the issues were the Iowa Immigration Education Coalition, Iowa Citizens for Community Improvement, and the Iowa Catholic Conference.⁶⁶

Kansas

2011 Session: January 10–May 4, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Sam Brownback*

As the home of Kris Kobach, author of SB 1070 and various other anti-immigrant ordinances, Kansas’s traditionally conservative legislature seemed positioned to advance a law similar to Arizona’s. In the 2010 elections, Republicans increased their majorities in both the House and the Senate, and Kris Kobach was elected Kansas Secretary of State.

On February 16, Representative Lance Kinzer introduced HB 2372, an Arizona-like immigration bill. After multiple failed attempts to pass it through the House Judiciary Committee,⁶⁷ the full House refused a special procedure that would have brought the bill directly to the floor by a vote of 84-40.⁶⁸ The bill also drew criticism from prominent business groups, including the Kansas Business Coalition.⁶⁹ The bipartisan nature of this vote along with the large vote margin delivered a blow to Kobach, who has been an author and proponent of anti-immigrant measures in state legislatures across the country.

Kentucky

2011 Session: January 4–March 25, 2011

*House: Democrat controlled; Senate: Republican controlled
Governor: Democrat, Steve Beshear*

Kentucky’s legislature remained relatively unchanged by the 2010 election. Though Republicans made some gains in both the House and the Senate, Democrats retained their majority in the House and Republicans slightly increased their majority in the Senate.

Senator John Schickel’s SB 6 was passed out of the Senate in early January.⁷⁰ However, according to a fiscal-impact statement, the law was estimated to cost the state \$89 million per year, and members of the House stated their intentions to block SB 1070 copycat legislation from becoming law. The bill did not pass out of the House Local Government Committee before the Kentucky legislative session ended on March 25.

Louisiana

2011 Session: April 25–June 23, 2011

*House: Republican controlled; Senate: Democrat controlled
Governor: Republican, Bobby Jindal*

In 2010, with the help of the Louisiana Association of Business and the National Federation of Independent Business, the Louisiana legislature defeated HB 1205, which would have required state agencies and local governments to verify the citizenship status of all who apply for public benefits and further criminalized the employment or

transportation of undocumented immigrants.⁷¹ In 2011, Representative Ernest Wooton’s HB 411 passed the House Committee on Labor and Industrial Relations, but the bill was withdrawn after the House Appropriations Committee study found that it would cost \$11 million.⁷²

Maine

2011 Session: December 1, 2010–June 15, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Paul LePage*

Maine underwent a drastic political shift following the 2010 election. Despite its introduction, LD 1496 was pulled by its sponsor, State Representative Kathy Chase, before it was heard at the committee level due to concerns over the specific language in the bill, particularly that it was “not drafted as she intended and there was not enough time to correct it.”⁷³

Mississippi

2011 Session: January 4–April 3, 2011

*House: Democrat controlled; Senate: Republican controlled
Governor: Republican, Haley Barbour*

Before SB 1070, Mississippi had one of the nation’s most punitive anti-immigrant laws in the country: the Mississippi Employment Protection Act, which went into effect in July 2008. The law requires all employers to begin using the controversial federal E-Verify program and elevates working without authorization to a felony. Mississippi did not have elections in 2010, so the House went into its session with a Democrat majority while the Senate began with a Republican majority.

During the 2011 session, separate bills were passed through both chambers: in the Senate, Senator Joey Fillingane’s SB 2179 was passed on January 18 and an altered version of the bill, HB 54, passed out of the House on January 28. However, both bills were proclaimed dead on March 29, as legislators failed to agree on a single version of the bill to send to Republican Governor Haley Barbour before the session ended on April 3.⁷⁴

Nebraska

2011 Session: January 5–May 26, 2011

*Nonpartisan Unicameral Legislature
Governor: Republican, Dave Heineman*

At the beginning of the 2011 session, Nebraska seemed positioned to pass an Arizona copycat bill through its legislature. The state has the only one-house, nonpartisan legislature in the country, meaning that simple agreement from 24 senators is all that’s

needed to pass a bill. Nebraska passed LB 403 in 2009, which requires the use of E-Verify for public contractors, and the state also filed a legal brief in support of the Arizona law.

Despite multiple attempts by Senator Charlie Janssen to pass LB 48, the proposal died at the committee level, as it only carried two votes out of five votes needed to advance it from the Judiciary Committee to the full legislature.⁷⁵ This result came after a great deal of organizing on the part of social justice organizations in the state, including Nebraska Appleseed.

Nevada

2011 Session: February 7–May 27, 2011

*House: Democrat controlled; Senate: Democrat controlled
Governor: Republican, Brian Sandoval*

AB 430, introduced by Assemblyman Ira Hansen, died quietly as it failed to meet the state's legislative deadline. Nevada also never voted on a similar bill in 2010 as Assemblyman Chad Christensen failed to call a special session to vote on the bill.⁷⁶ In 2010, he was unable to obtain the signatures needed for the initiative to reach the 2010 ballot.⁷⁷

New Hampshire

2011 Session: January 5–June 30, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Democrat, John Lynch*

While New Hampshire has not taken on immigration issues much in the past, the state's legislature was deeply changed during the 2010 elections. The Republican Party swept both chambers with large majorities. Despite this political shift, New Hampshire's House Committee on Criminal Justice and Public Safety voted unanimously to kill HB 644 before it reached the full House due to opposition from a variety of sectors, including the state police, criminal defense lawyers, legal aid services providers, municipal governments, and the state's biggest business lobby.⁷⁸

North Carolina

2011 Session: January 19–August 5, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Democrat, Beverly Perdue*

North Carolina was among the states that first showed interest in passing an Arizona-like bill. In 2010, Senator Don East introduced SJ 1349, which would have altered the rules to allow for the consideration of such a bill. East's resolution stalled in the Senate rules committee when North Carolina's 2010 legislative session ended. In 2011, Representative George Cleveland introduced HB 343 on March 14, but the bill failed to pass out of the originating chamber before the designated "crossover" date.

Oklahoma

2011 Session: February 7–May 27, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Mary Fallin*

In 2007, Oklahoma passed HB 1804, which was at the time one of the nation’s most punitive immigration laws, enacting a series of restrictions including measures to limit access to jobs and public services for undocumented immigrants and expanding the powers of state and local law enforcement to verify the legal status of people they encounter.⁷⁹ In 2011, despite advancing a bill that legislators called “Arizona-plus,” as it would have allowed police to confiscate the property of those found to be in the country illegally, the House rejected the bill by a vote of 62-31 on May 17, in part due to tensions between members of the Republican Party who wanted to pursue Arizona’s punitive approach and others who were concerned about the financial impact that the bill would have on their state economy.⁸⁰

South Dakota

2011 Session: January 5–March 28, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Dennis Daugaard*

Similar to New Hampshire, in South Dakota immigration has not been a predominant issue. In the 2011 session, South Dakota’s heavily Republican legislature failed to advance its Arizona-style bill when the House State Affairs Committee rejected the bill by a vote of 11-2. This vote came after legislators heard of the negative impact of this bill from law enforcement groups and others who work with immigrants.⁸¹ South Dakota’s legislative session ended on March 28.

Tennessee

2011 Session: January 11–May 31, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Bill Haslam*

In 2010, the Tennessee legislature passed HJR 1253, which saluted the Arizona State Legislature and Governor Jan Brewer for passing SB 1070. This, along with large Republican gains in the legislature, seemed to indicate the likelihood of an SB 1070 copycat passing in the state. In 2011, however, the Arizona-like legislation introduced by Senator Bill Ketrone (SB 0780) and Representative Joe Carr (HB 1380) was delayed until next year due to a fiscal note released by the Tennessee General Assembly Fiscal Review Committee showing that the bills would increase state expenditures by nearly \$3 million for the first year and over \$1.8 million in each subsequent year.⁸²

Texas

2011 Session: January 11–May 30, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Rick Perry*

Despite the fact that Republican Governor Rick Perry publicly announced that SB 1070 “was not the right approach for Texas,” he nonetheless pushed for a similar measure, though it was presented as a bill to prevent “sanctuary cities” and was one of his “emergency items” at the start of the 2011 legislative session.⁸³ After Senate Democrats rejected the measure in the regular session,⁸⁴ Governor Perry called a special session in which altered rules would allow for easier passage.⁸⁵ Intense organizing of the Texas Latino community by the Reform Immigration for Texas Alliance and opposition on the part of prominent business leaders led to the unlikely defeat of this bill: the legislature adjourned its special session without approving the legislation (HB 9 and SB 9), rejecting it twice in 2011 alone.⁸⁶

Virginia

2011 Session: January 12–February 26, 2011

*House: Republican controlled; Senate: Democrat controlled
Governor: Republican, Bob McDonnell*

Immigration has played a prominent role in Virginia politics for a number of years. Most notably, a number of law enforcement agencies, including the Prince William County Sheriff’s Office, have been engaged in the failed 287(g) program,* leading to controversy and debate at the local level. In August 2010, Attorney General Ken Cuccinelli issued a legal opinion that authorized Virginia police officers to check the immigration status of anyone stopped for any reason.

Coming into Virginia’s short 2011 legislative session, Democrats held a majority in the Senate and Republicans held a majority in the House. Although it appeared that various immigration-related bills would not be moving, on February 8 the House of Delegates revived and passed HB 2332. After a great deal of pushback from local advocates, including the Virginia Coalition of Latino Organizations, on February 17 the Senate subcommittee refused to move forward the Arizona replica bill as well as numerous other anti-immigrant provisions for full Senate consideration.⁸⁷ Virginia’s legislative session ended on February 26 and legislators head into state elections at the end of 2011.

* Enacted in 1996, section 287(g) of the Immigration and Nationality Act allows the federal government to enter into agreements with state and local law enforcement agencies, allowing them to deputize local officials to enforce federal immigration law. Numerous studies have shown that the 287(g) program has had a negative impact on community safety and the willingness of its members to report crimes, even as victims or witnesses. For more information, please see A. Elena Lacayo, *The Impact of Section 287(g) of the Immigration and Nationality Act on the Latino Community* (Washington, DC: National Council of La Raza, 2010).

Washington

2011 Session: January 10–April 24, 2011

House: Democrat controlled; Senate: Democrat controlled

Governor: Democrat, Christine Gregoire

Coming into 2011, Washington’s budget was its highest legislative priority. Despite this, a number of immigration-related bills were introduced, including Senator Val Stevens’s SB 5338 on January 20.⁸⁸ The bill however, failed to move by end of the session on May 25.⁸⁹

Wyoming

2011 Session: January 11–March 2, 2011

House: Republican controlled; Senate: Republican controlled

Governor: Republican, Matt Mead

In the Republican-controlled Wyoming legislature, Representative Charles Childer’s HB 94 was defeated at the committee level. In fact, no member of the House Minerals, Business and Economic Development Committee moved to vote on the bill after hearing from representatives from business and industry groups regarding their opposition to the bill.⁹⁰ Wyoming’s legislative session ended on March 2.

Appendix B: SB 1070 Approved

The following are states where SB 1070 copycat bills were signed into law in 2011.

Alabama

2011 Session: March 1–June 4, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Robert Bentley*

Alabama’s road to passing the nation’s most punitive immigration law, HB 56, began in August 2010 when Republicans included a proposal for a punitive immigration bill in their “Handshake with Alabama.”⁹¹ After Alabama Republicans gained control of both the House and the Senate for the first time since Reconstruction, the bill swiftly moved through both chambers and Republican Governor Robert Bentley signed Alabama HB 56 into law on June 9, 2011.⁹² According to the bill’s sponsor, Mickey Hammon, HB 56 was created with the intention of regulating “every aspect of a person’s life.”⁹³ This sweeping anti-immigrant bill makes it a state crime to be in the state without documentation, requires schools to collect information on the citizenship or immigration status of students, and requires all businesses in the state to enroll in the federal E-Verify program.⁹⁴

A number of civil rights organizations⁹⁵ and the U.S. Department of Justice⁹⁶ filed separate lawsuits against the bill. On September 28, U.S. District Court Judge Sharon Blackburn issued a ruling blocking certain provisions of HB 56, including the provision that would criminalize the transportation or housing of an undocumented immigrant.⁹⁷ On October 14, the 11th Circuit Court of Appeals issued a ruling that blocked the provision requiring schools to collect information on the immigration status of their students while upholding the “papers please” provision, which will allow local law enforcement to pull over and detain people who they suspect could be undocumented.⁹⁸ As a consequence of Alabama’s law, families are fleeing the state, kids are afraid to go to school, people are being denied basic services such as access to water, employers are up in arms, crops are rotting in the fields, and citizens are facing six-hour lines as state bureaucracies struggle to implement sweeping new citizenship verification mandates.

Georgia

2011 Session: January 10–April 1, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Nathan Deal*

In 2010, Georgia elected Nathan Deal, a prominent anti-immigrant congressman, as governor. Despite a lengthy debate and firm opposition from the Atlanta Convention and Visitors Bureau⁹⁹ and the Georgia Farm Bureau,¹⁰⁰ the Republican-controlled legislature passed HB 87 during the last hours of its legislative session.¹⁰¹ On May 13, Republican Governor

Nathan Deal signed HB 87 into law, making Georgia the third state to pass an Arizona copycat bill. HB 87 includes many of Arizona's provisions while also setting new hiring requirements for employers, increasing penalties on workers convicted of using fake identification to get jobs, and criminalizing people who transport or harbor immigrants without legal status.¹⁰²

On June 27, just days before its July 1 implementation date, U.S. District Court Judge Thomas Thrash halted two sections of Georgia HB 87 that would have increased law enforcement's authority to request documentation of citizenship from individuals with whom they interacted and punished people who knowingly transported or harbored undocumented individuals.¹⁰³ Since its passage, numerous news reports have highlighted the labor shortage in Georgia's agricultural industry, and one month after the bill passed Governor Deal opened agricultural jobs to probationers, but most of these workers were unable or unwilling to complete the work.¹⁰⁴

Indiana

2011 Session: November 16, 2010–April 29, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Mitch Daniels*

Although past attempts to pass anti-immigrant legislation were unsuccessful in Indiana, Senator Mike Delph introduced SB 590, an Arizona-style bill, at the start of the legislative session. Despite long opposition to the bill from the state police, who expect to spend up to \$5 million in training for and enforcing the immigration law,¹⁰⁵ business and faith leaders who signed the *Indiana Compact*,¹⁰⁶ and national organizations that have threatened conference cancellations if the law was passed, SB 590 was approved by both the House and Senate on the last day of the session, April 29. On May 10, Republican Governor Mitch Daniels signed SB 590 into law, making Indiana the second state to follow Arizona's misguided example.¹⁰⁷

Although the final version of SB 590 attempted to soften some harmful provisions, the bill nonetheless expands police authority to enforce federal immigration laws and is being challenged in court by the American Civil Liberties Union and the National Immigration Law Center.¹⁰⁸ On June 24, U.S. District Court Judge Sarah Evans Barker blocked the section of SB 590 that would have increased police authority to arrest a person for being undocumented.¹⁰⁹

South Carolina

2011 Session: January 11–June 2, 2011

*House: Republican controlled; Senate: Republican controlled
Governor: Republican, Nikki Haley*

Even though South Carolina was initially predicted to be the first to follow Arizona's path, the legislative debate over costs of the bill forced lawmakers to address the bill in a

special session. Despite the fact that South Carolina’s budget shortfall was so great that it required furloughs, targeted cuts, agency reorganization, and tapping into the state’s rainy-day fund,¹¹⁰ on June 27 Republican Governor Nikki Haley signed S 20 into law, at a cost of \$1.3 million to the state. Set to go into effect on January 1, 2012, S 20 went beyond Arizona SB 1070 by creating a new immigration enforcement unit in the state.¹¹¹ A lawsuit was filed by civil rights organizations on October 12, followed by the Department of Justice, which filed a suit on November 1.¹¹²

Utah

2011 Session: January 11–June 2, 2011

House: Republican controlled; Senate: Republican controlled
Governor: Republican, Gary Herbert

Utah’s consideration of copycat legislation began shortly after Arizona passed its bill in 2010, when Stephen Sandstrom, a Utah state representative and member of State Legislators for Legal Immigration, stated his intention to introduce an Arizona clone in the 2011 session. Before Sandstrom was able to introduce his bill, however, he began facing opposition from fellow elected officials and community leaders. In July, Utah Governor Gary Herbert brought together a group of stakeholders for a conversation on the issue, indicating that he wanted legislation that would address multiple facets of the immigration issue, not just enforcement as the Arizona law did.¹¹³ Despite this, in September 2010, Representative Sandstrom released a draft of his enforcement-only copycat bill, known as the Utah Illegal Immigration Enforcement Act.¹¹⁴

In November, a coalition of conservative Utah leaders, including members of the business and religious communities, signed the *Utah Compact*, a document that recognizes immigration as a federal issue, supports family unity, and acknowledges the contributions of immigrants to Utah’s economy. Among the signers of the bill were Utah Attorney General Mark Shurtleff, Salt Lake Chamber of Commerce President Lane Beattie, former Utah Governor Olene Walker, Catholic Bishop Mark Wester, Deseret Management Corporation CEO Mark Willes, former U.S. Representative Jim Hansen, and former U.S. Senator Jake Garn.¹¹⁵ Moreover, while it did not officially sign the *Compact*, the influential Church of Jesus Christ of Latter-Day Saints endorsed it as a “responsible approach to the urgent challenge of immigration reform.”¹¹⁶

The *Utah Compact* was not a prescription for state legislation, but it did have influence on slowing down Utah’s copycat proposal. In the week before the end of the session, a series of negotiations took place in the legislature, and on March 15 Governor Herbert signed into law a package of bills that attempt to deal with immigration at the state level. Among these bills are HB 497, a less severe version of Arizona’s immigration-enforcement bill, and HB 116, an attempt to create a guest worker program for undocumented workers in Utah.¹¹⁷

Although Utah’s final law attempted to take a more comprehensive approach to immigration, this package further demonstrates the ways in which states are inherently limited in their ability to legislate immigration enforcement. Not only are many of the

provisions from the package likely to be unconstitutional, the guest worker provision also requires a waiver from the federal government. Even if the unlikely waiver were granted, it would be deeply problematic for giving precedent to what could become a 50-state patchwork of immigration laws. Thus, despite Utah's laudable effort to produce a more sensible and humane approach to immigration, the resulting flawed legislation only highlights the need for a federal solution to immigration reform that includes enforcement as well as a path to legalization for immigrants who are contributing to the U.S. economy.

On May 11, just 14 hours after HB 497 went into effect, sections of the legislation were put on hold on by U.S. District Court Judge Clark Waddoups.¹¹⁸

Endnotes

- 1 Fred Lucas, “Nearly Half of United States Considering Arizona-Style Immigration Legislation,” CNSNews.com, August 18, 2010, <http://www.cnsnews.com/node/71294> (accessed April 4, 2011); John Miller, “Twenty Other States Considering Copying Arizona Immigration Law,” *The Huffington Post*, June 25, 2010, http://www.huffingtonpost.com/2010/06/25/twenty-other-states-consi_n_626095.html (accessed April 4, 2011); and John Miller, “Utah among 18 States Aiming to Copy Arizona Immigration Law,” *Deseret News*, June 26, 2010, <http://www.deseretnews.com/article/700043391/Utah-among-18-states-aiming-to-copy-Arizona-immigration-law.html> (accessed April 4, 2011).
- 2 Mark Hugo Lopez and Susan Minushkin, *2008 National Survey of Latinos: Hispanics See Their Situation in U.S. Deteriorating; Oppose Key Immigration Enforcement Measures* (Washington, DC: Pew Hispanic Center, 2008), <http://pewhispanic.org/reports/report.php?ReportID=93> (accessed November 17, 2011).
- 3 Matt Barreto and Gary Segura, “Political Implications of Immigration in 2010: Latino Voters in Arizona” (presentation, Latino Decisions for the National Council of La Raza and the Service Employees International Union, Washington, DC, May 11, 2010), <http://www.docstoc.com/docs/38665576/Survey-of-Arizona-Latino-Voters-Post-SB-1070> (accessed November 17, 2011).
- 4 Alicia E. Barrón, “Truck driver forced to show birth certificate claims racial-profiling,” AZFamily.com, April 21, 2010, <http://www.azfamily.com/news/91769419.html> (accessed November 17, 2011).
- 5 Ginger Rough and Dawn Gilbertson, “Governor Out to Rebrand Arizona Over Immigration Law Criticism,” AZCentral.com, May 14, 2010, <http://www.azcentral.com/news/election/azelections/articles/2010/05/13/20100513governor-rebrand-arizona-over-immigration-law-criticism13-ON.html#ixzz1IaVelz8w> (accessed April 4, 2011).
- 6 Marshall Fitz and Angela Kelley, *Stop the Conference: The Economic and Fiscal Consequences of Conference Cancellations Due to Arizona’s S.B. 1070* (Washington, DC: Center for American Progress, 2010), http://www.americanprogress.org/issues/2010/11/pdf/az_tourism.pdf (accessed December 17, 2010).
- 7 Garin Groff, “Costly SB 1070 brought businesses to the table,” *East Valley Tribune*, April 21, 2011, http://www.eastvalleytribune.com/arizona/immigration/article_b506db80-6c53-11e0-8d84-001cc4c03286.html (accessed September 21, 2011).
- 8 Letter from Arizona CEOs to Arizona State Senator Russell Pearce, “CEOs on Immigration Letter,” March 15, 2011, <http://www.phoenixchamber.com/news/ceos-immigration-letter> (accessed September 21, 2011).
- 9 Elizabeth Llorente, “Arizona Upset Winner Calls for a Kinder, Gentler Tone on Immigration,” Fox News Latino, November 10, 2011, <http://latino.foxnews.com/latino/politics/2011/11/10/arizona-senator-elect-jerry-lewis-and-other-republicans-call-for-kinder-gentler/#ixzz1do3jaPik> (accessed November 17, 2011).
- 10 “Total Recall: Author of Arizona Immigration Law is Voted Out,” Fox News Latino, November 9, 2011, <http://latino.foxnews.com/latino/politics/2011/11/09/total-recall-author-arizona-immigration-law-voted-out-office/#ixzz1dnzN2dhE> (accessed November 15, 2011).

- 11 Fred Lucas, “Arizona-Style Immigration Legislation”; John Miller, “Twenty Other States”; and John Miller, “Utah among 18 States.”
- 12 Elizabeth McNichol, Phil Oliff, and Nicholas Johnson, *States Continue to Feel Recession’s Impact* (Washington, DC: Center on Budget and Policy Priorities, 2011), <http://www.cbpp.org/cms/?fa=view&id=711> (accessed April 1, 2011).
- 13 Carrie Blanchard and Dale Brill, *Immigration and Florida’s Economy* (Tallahassee: Florida Chamber Foundation, 2011), http://www.floridaimmigrant.org/PDFs/FloridaChamberFoundation_ImmigrationandFloridasEconomy_012411.pdf (accessed November 2, 2011).
- 14 Nadia Vanderhoof, “Florida Chamber of Commerce: Immigration Restrictions Negative for State Economy,” TCPalm, January 25, 2011, http://blogs.tcpalm.com/treasure_coast_business_blog/2011/01/florida-chamber-immigration-restrictions-could-have-a-negative-economic-impact.html (accessed September 21, 2011).
- 15 John Hanna, “Kan. Business Group Opposing Immigration Changes,” *Bloomberg Businessweek*, March 3, 2011, <http://www.businessweek.com/ap/financialnews/D9LNUAMO0.htm> (accessed September 21, 2011).
- 16 “Immigration Bill Remains Stalled in Kansas House,” Associated Press, March 23, 2011, <http://www.ksat.com/Global/story.asp?S=14305978> (accessed April 6, 2011).
- 17 Patricia Kilday Hart, “Business opposition puts ‘sanctuary cities’ bill at risk: Putting the measure in jeopardy, two of Texas’ top business leaders step in to stop Perry-backed legislation,” *chron.com*, June 25, 2011, <http://www.chron.com/news/article/Business-opposition-puts-sanctuary-cities-bill-> (accessed2080186.php?plckFindCommentKey=CommentKey:da088f1e-f2ac-4b08-999b-7df8be1e0a79 (accessed September 21, 2011).
- 18 Ed Anderson, “Rep. Ernest Wooton Withdraws Bill Requiring Police to check Status of Immigrants,” *nola.com*, June 14, 2011, http://www.nola.com/politics/index.ssf/2011/06/rep_ernest_wooton_withdraws_bi.html (accessed September 22, 2011).
- 19 The Leadership Conference on Civil and Human Rights, “Anti-Immigrant Bills Will Cost Us Jobs,” <http://www.civilrights.org/archives/2011/05/the-costly-non-solution.pdf> (accessed November 2, 2011).
- 20 James W. White, *Fiscal Note SB 780 - HB 1380*. Tennessee General Assembly Fiscal Review Committee. Nashville, TN, March 14, 2011, <http://www.capitol.tn.gov/Bills/107/Fiscal/SB0780.pdf> (accessed April 4, 2011).
- 21 “Cost of Ky. Immigration Bill Could Reach \$89M,” *NECN.com*, February 2, 2011, http://www.necn.com/02/02/11/Cost-of-proposed-immigration-bill-could-/landing_politics.html?&blockID=3&apID=afa35211c610423885efe43ff85b0dad (accessed April 4, 2011).
- 22 A. Elena Lacayo, *The Impact of Section 287(g) of the Immigration and Nationality Act on the Latino Community* (Washington, DC: National Council of La Raza, 2010).
- 23 Border Network for Human Rights, *Texas Can Do Better: Lessons Learned During the 2011 Texas Can Do Better Campaign by the Border Network for Human Rights* (El Paso: Border Network for Human Rights, 2011).
- 24 “Tensions Emerge Among Oklahoma Republicans Over Immigration Bill,” *Fox News Latino*, March 13, 2011, <http://latino.foxnews.com/latino/politics/2011/03/13/tensions-emerge-oklahoma-republicans-immigration/> (accessed October 28, 2011).

- 25 Elizabeth Stuart, “Community Leaders Urge Moderate Approach to Immigration Reform,” *Deseret News*, November 12, 2010, <http://www.deseretnews.com/article/700080754/Community-leaders-urge-moderate-approach-to-immigration-reform.html?pg=2> (accessed November 11, 2011).
- 26 Marjorie Cortez, “Utah Gov. Gary Herbert Signs Immigration Bills into Law,” *Deseret News*, March 15, 2011, <http://www.deseretnews.com/article/705368733/Utah-Gov-Gary-Herbert-signs-immigration-bills-into-law.html> (accessed April 4, 2011).
- 27 The Indiana Compact, “A Declaration of Five Principles to Guide Indiana’s Immigration Discussion,” <http://www.indianacompact.com/> (accessed October 27, 2011).
- 28 David Beasley, “Georgia’s Lawmakers Pass State’s Immigration Bill,” Reuters, April 15, 2011, <http://www.reuters.com/article/2011/04/15/us-usa-immigration-georgia-idUSTRE73E6EH20110415> (accessed October 27, 2011).
- 29 Jeremy Redmon, “Governor signs Arizona-style immigration bill into law,” *The Atlanta Journal-Constitution*, May 13, 2011, <http://www.ajc.com/news/georgia-politics-elections/governor-signs-arizona-style-944703.html> (accessed October 27, 2011).
- 30 Sunshine Review, “South Carolina State Budget,” http://sunshinereview.org/index.php/South_Carolina_state_budget#FY2012_State_Budget (accessed November 17, 2011).
- 31 Reid Epstein, “Haley OKs S.C. immigration cops,” *Politico*, June 27, 2011, <http://www.politico.com/news/stories/0611/57874.html> (accessed October 27, 2011).
- 32 Peggy Gargis, “Alabama sets nation’s toughest immigration law,” Reuters, June 9, 2011, <http://www.reuters.com/article/2011/06/09/us-immigration-alabama-idUSTRE7584C920110609> (accessed October 27, 2011).
- 33 *Hispanic Interest Coalition of Alabama v. Bentley*, <http://www.nilc.org/immlawpolicy/LocalLaw/HICA-v-Bentley-complaint-2011-07-08.pdf> (accessed November 17, 2011).
- 34 Ginger Rough, “SB 1070 legal fees have passed \$2 mil,” AZCentral.com, November 11, 2011, <http://www.azcentral.com/news/election/azelections/articles/2011/11/10/20111110sb-1070-legal-fees-passed-2-mil.html> (accessed November 15, 2011).
- 35 Josh Loftin, “Utah Immigration Law Blocked By Federal Judge,” *The Huffington Post*, May 10, 2011, http://www.huffingtonpost.com/2011/05/10/utah-immigration-law-_n_860222.html (accessed October 27, 2011).
- 36 Susan Guyett, “Judge blocks parts of Indiana immigration law,” Reuters, June 24, 2011, <http://www.reuters.com/article/2011/06/25/us-indiana-immigration-idUSTRE75O09R20110625> (accessed October 27, 2011).
- 37 Dave Williams, “Judge grants injunction on parts of immigration law,” *The Business Journals*, June 27, 2011, <http://www.bizjournals.com/atlanta/news/2011/06/27/judge-grants-injunction-on-parts-of.html> (accessed October 27, 2011).
- 38 Campbell Robertson, “Alabama Wins in Ruling on Its Immigration Law,” *New York Times*, September 28, 2011, http://www.nytimes.com/2011/09/29/us/alabama-immigration-law-upheld.html?_r=2 (accessed October 28, 2011).
- 39 Bill Mears, “Parts of Alabama immigration law blocked by federal appeals court,” CNN.com, October 14, 2011, http://articles.cnn.com/2011-10-14/us/us_alabama-immigration-law_1_immigration-status-immigration-law-illegal-immigration?_s=PM:US (accessed October 28, 2011).

- 40 Robbie Brown, “Parts of Immigration Law Blocked in South Carolina,” *The New York Times*, December 22, 2011, <http://www.nytimes.com/2011/12/23/us/judge-blocks-parts-of-south-carolinas-immigration-law.html> (accessed January 4, 2012).
- 41 “U.S. Considers More Legal Challenges Against State Crackdowns on Illegal Immigration,” FOXNews.com, September 30, 2011, <http://www.foxnews.com/politics/2011/09/30/us-considers-more-legal-challenges-against-state-crackdown-on-illegal/> (accessed October 28, 2011).
- 42 Ibid.
- 43 Campbell Robertson, “After Ruling, Hispanics Flee an Alabama Town,” *New York Times*, October 3, 2011, http://www.nytimes.com/2011/10/04/us/after-ruling-hispanics-flee-an-alabama-town.html?pagewanted=1&_r=1&sq=alabama&st=cse&scp=3 (accessed October 28, 2011).
- 44 Mary Bauer, Legal Director, Southern Poverty Law Center, “Capitol Hill Press Conference on Alabama Immigration Law,” October 20, 2011, YouTube.com, <http://www.youtube.com/watch?v=VIqmt1PfiY4&NR=1> (accessed November 17, 2011).
- 45 Ibid.
- 46 Ibid.
- 47 David Rodock, “Farmers, businessmen worry about Georgia’s new immigration law,” *Valdosta Daily Times*, June 12, 2011, <http://valdostadailytimes.com/top-local-news/x552316964/Farmers-businessmen-worry-about-Georgia-s-new-immigration-law> (accessed October 27, 2011).
- 48 Mike Klein, “Georgia Probationers Could be Picking and Packing Down on the Farm,” Watchdog.org, June 15, 2011, <http://watchdog.org/9910/georgia-probationers-could-be-picking-and-packing-down-on-the-farm/> (accessed October 28, 2011).
- 49 Jeanne Bonner, “Crop Losses Could Top \$1B,” GBP News, June 23, 2011, <http://www.gpb.org/news/2011/06/23/crop-losses-could-top-1b> (accessed October 28, 2011).
- 50 Jeremy Redmon, “Georgia restaurants report labor shortages after passage of anti-illegal immigration law,” *The Atlanta Journal-Constitution*, July 20, 2011, <http://www.ajc.com/news/georgia-politics-elections/georgia-restaurants-report-labor-1030243.html> (accessed October 28, 2011).
- 51 Miriam Jordan, “Alabama Immigrant Law Irks Business,” *Wall Street Journal*, August 24, 2011, <http://online.wsj.com/article/SB10001424053111903461304576526740948686416.html> (accessed October 28, 2011).
- 52 Ibid.
- 53 Indiana Compact, “Lilly, Cummins Express ‘Compelling Reasons to Oppose,’” news release, <http://www.indianacompact.com/news/alliance-for-immigration-reform-in-indiana-releases-new-information-on-oppo/> (accessed October 28, 2011).
- 54 Jeremy Redmon, “Governor asks state to probe farm labor shortages,” *The Atlanta Journal-Constitution*, May 29, 2011, <http://www.ajc.com/news/georgia-politics-elections/governor-asks-state-to-959920.html> (accessed October 28, 2011).
- 55 Ewa Kochanska, “GA House hopefuls weigh in on who should replace illegal immigrants in GA field,” Examiner.com, June 17, 2011, <http://www.examiner.com/political-buzz-in-atlanta/>

ga-house-hopefuls-weigh-on-who-should-replace-illegal-immigrants-ga-field (accessed October 28, 2011).

- 56 Mike Klein, “Georgia Probationers.”
- 57 “Not working,” *Miami Herald*, August 2, 2011, <http://www.miamiherald.com/2011/08/02/2342305/not-working.html#ixzz1VyE3V3RO> (accessed October 28, 2011).
- 58 Raoul Lowery Contreras, “The death of the California GOP,” *CalNews.com*, August 16, 2002, <http://www.calnews.com/archives/contreras109.htm> (accessed October 28, 2011).
- 59 “Committee Rejects California Immigration Bill,” *NBC San Diego*, April 5, 2011, <http://www.nbcsandiego.com/news/local/Lawmaker-Proposes-Bill-to-Go-After-Sanctuary-Cities-119250224.html> (accessed April 6, 2011).
- 60 John Hickenlooper, “Federal Immigration Reform Is a Must,” October 24, 2010, *The Denver Post*, http://www.denverpost.com/opinion/ci_16401217 (accessed April 6, 2011).
- 61 National Conference of State Legislatures, “Map of Post 2010 Election Partisan Composition of State Legislatures,” <http://www.ncsl.org/tabid/21253/default.aspx> (accessed April 4, 2011).
- 62 Joe Hanel, “‘Ariz.’ Bill to Get Ax in Colo,” *The Durango Herald*, February 8, 2011, <http://durangoherald.com/article/20110209/NEWS01/702089924/-1/News01/%E2%80%98Ariz%E2%80%99-bill-to-get-ax-in-Colo> (accessed April 6, 2011).
- 63 Elise Foley, “Florida Immigration Bill Allows Police to Skip Over Canadians, Europeans,” *WashingtonIndependent.com*, October 20, 2010, <http://washingtonindependent.com/101195/florida-immigration-bill-allows-police-to-skip-over-canadians-europeans> (accessed November 2, 2011).
- 64 Lou Gallio, “Florida to trump Arizona’s immigration law, raise ante for Obama, DOJ,” *Examiner.com*, August 11, 2010, <http://www.examiner.com/homeland-security-in-houston/florida-to-trump-arizona-s-immigration-law-raise-ante-for-obama-doj> (accessed November 2, 2011).
- 65 Patricia Mazzei, “Immigration bill dies in Florida Legislature,” *Miami Herald*, May 6, 2011, <http://www.miamiherald.com/2011/05/06/2205138/immigration-bill-dies-in-florida.html> (accessed November 2, 2011).
- 66 Tom Chapman, “Iowa Catholic Conference Supports Pro-Life Laws, Payday Loan Regulation, More,” *The Catholic Messenger*, February 1, 2011, http://www.catholicmessenger.org/articles/2011/02/04/diocesan_news/doc4d4865f9abf27229284652.txt (accessed April 6, 2011).
- 67 Brad Cooper, “Kansas House Committee Bottles Up Anti-Immigration Bill,” *The Kansas City Star*, March 14, 2011, <http://www.kansascity.com/2011/03/14/2726156/kansas-committee-bottles-up-immigration.html#ixzz1lkkvR6l3> (accessed April 4, 2011).
- 68 “Immigration Bill Remains Stalled in Kansas House,” *Associated Press*, March 23, 2011, <http://www.koamtv.com/Global/story.asp?S=14305978> (accessed April 6, 2011).
- 69 “Kansas Business Group Opposing Immigration Changes,” *Associated Press*, March 2, 2011, <http://www.businessweek.com/ap/financialnews/D9LNUAMO0.htm> (accessed April 6, 2011).
- 70 Beth Musgrave, “GOP Leaders Push Immigration Bill, Other Priorities through State Senate,” *Bluegrass Politics*, January 7, 2011.
- 71 Louisiana Conference of Catholic Bishops, *Legislative Update* (Baton Rouge: Louisiana

- Conference of Catholic Bishops, 2010), http://www.lacsb.org/bins/site/content/louisiana/docs/Legis%20Update%202010%202%20July%2013%20web.pdf?_resolutionfile=ftppathlouisiana/docs/Legis%20Update%202010%202%20July%2013%20web.pdf (accessed November 2, 2011).
- 72 Ed Anderson, “Rep. Ernest Wooton Withdraws Bill Requiring Police to Check Status of Immigrants,” *nola.com*, June 14, 2011, http://www.nola.com/politics/index.ssf/2011/06/rep_ernest_wooton_withdraws_bi.html (accessed November 2, 2011).
- 73 Rebekah Metzler, “Arizona-like Immigration Bill Pulled by Sponsor,” *Morning Sentinel*, May 11, 2011, http://www.onlinesentinel.com/news/arizona-like-immigrant-bill-pulled-by-sponsor_2011-05-10.html (accessed November 2, 2011).
- 74 Elizabeth Crisp, “Immigration Bill Dies, but Battle’s Not Over,” *Clarion-Ledger*, March 29, 2011, <http://www.gannettonline.com/external/scripts/momslikeme/?siteid=6475> (accessed April 6, 2011).
- 75 Paul Hammel, “Clash of Opinions on Immigration,” *Omaha World-Herald*, March 1, 2011, <http://www.omaha.com/article/20110301/NEWS01/703029887/0> (accessed April 6, 2011).
- 76 “Lawmaker Wants Special Session to Enact AZ Style Immigration Law,” *8newsnow.com*, May 3, 2010, http://www.8newsnow.com/story/12419197/lawmaker-wants-special-session-to-enact-az-style-immigration-law?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:%20lasvegasnow/homepage%20%28LasVegasNow%20-%20Homepage%29&redirected=true (accessed November 2, 2011).
- 77 Andrew Doughman, “Immigration Bills Fall Short As Deadline Passes,” *Nevada News Bureau*, April 18, 2011, <http://www.nevadanewsbulletin.com/2011/04/18/immigration-bills-fall-short-as-deadline-passes/> (accessed November 2, 2011).
- 78 American Friends Service Committee, “NH House Committee Gives Unanimous ‘NO’ to Anti-Immigrant Bill,” <http://afsc.org/story/nh-house-committee-gives-unanimous-%E2%80%9Cno%E2%80%9D-anti-immigrant-bill> (accessed April 6, 2011).
- 79 David Harper, “HB 1804 In Effect,” *Tulsa World*, November 1, 2007, http://www.tulsaworld.com/news/article.aspx?articleID=071101_1_A1_hJudg27278 (accessed November 2, 2011).
- 80 “Tensions Emerge Among Oklahoma Republicans Over Immigration Bill,” *Fox News Latino*, March 13, 2011, <http://latino.foxnews.com/latino/politics/2011/03/13/tensions-emerge-oklahoma-republicans-immigration/> (accessed November 2, 2011).
- 81 “Arizona-style Immigration Bill Fails in SD House,” *necn.com*, February 14, 2011, http://www.necn.com/02/14/11/Arizona-style-immigration-bill-fails-in-/landing_politics.html?&blockID=3&apID=5018936a9f4d4006b93895b2ce72e617 (accessed April 6, 2011).
- 82 James W. White, “Fiscal Note, SB 780 - HB 1380.” Tennessee General Assembly Fiscal Review Committee. Nashville, TN, March 14, 2011, <http://www.capitol.tn.gov/Bills/107/Fiscal/SB0780.pdf> (accessed April 4, 2011).
- 83 Office of the Governor Rick Perry, “Gov. Perry Designates Eminent Domain, Sanctuary Cities as Emergency Items,” news release, January 11, 2011, <http://www.governor.state.tx.us/news/press-release/15557/> (accessed November 2, 2011).
- 84 Julian Aguilar, “Texas Senate Blocks Sanctuary Cities Bill,” *Texas Tribune*, May 25, 2011,

- <http://www.texastribune.org/texas-legislature/82nd-legislative-session/texas-senate-blocks-sanctuary-cities-bill/> (accessed November 2, 2011).
- 85 John Hinkle, “Perry calls special session for Tuesday,” *onpolitix.com*, May 31, 2011, <http://texas.onpolitix.com/news/51318/perry-calls-special-session-for-tuesday> (accessed November 2, 2011).
- 86 “Texas Legislature Adjourns, 2 Perry Bills Fail,” *FOXNews.com*, June 29, 2011, <http://www.foxnews.com/us/2011/06/29/texas-legislature-adjourns-2-perry-bills-fail/> (accessed November 2, 2011).
- 87 Fredrick Kunkle, “Senate Panel Kills House-Approved Bills Targeting Illegal Immigration,” *Washington Post*, February 16, 2011, http://voices.washingtonpost.com/virginiapolitics/2011/02/senate_panel_kills_house-appro.html (accessed April 6, 2011).
- 88 “Washington State Immigration Bill Recap,” *Seattle Immigration Lawyer Blog*, April 23, 2011, <http://www.seattleimmigrationlawyerblog.com/seattle-or-washington-immigrat/> (accessed April 23, 2011).
- 89 Washington State Legislature, “SB 5338 - 2011-12,” <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5338&year=2011> (accessed November 2, 2011).
- 90 “Wyo. House Committee Shoots Down Immigration Bill,” *Associated Press*, January 24, 2011, http://billingsgazette.com/news/state-and-regional/wyoming/article_3816d652-2806-11e0-aa72-001cc4c002e0.html (accessed December 1, 2011).
- 91 Alabama Republican Party, “GOP Legislative Leaders Unveil 2010 ‘Republican Handshake With Alabama’,” news releases, August 16, 2010, http://www.algop.org/sites/default/files/2010%20Republican%20Handshake%20with%20Alabama%20Agenda_Monday.pdf (accessed November 17, 2011).
- 92 Peggy Gargis, “Alabama Sets Nation’s Toughest Immigration Law,” *Reuters*, June 9, 2011, <http://www.reuters.com/article/2011/06/09/us-immigration-alabama-idUSTRE7584C920110609> (accessed November 17, 2011).
- 93 *Hispanic Interest Coalition of Alabama v. Bentley*.
- 94 American Civil Liberties Union, *Preliminary Analysis of HB 56, “Alabama Taxpayer and Citizen Protection Act”* (New York: American Civil Liberties Union, 2011), <http://www.aclu.org/immigrants-rights/analysis-hb-56-alabama-taxpayer-and-citizen-protection-act> (accessed November 17, 2011).
- 95 Hispanic Interest of Alabama, “SPLC, ACLU, NILC File Lawsuit Challenging Alabama’s Extreme Anti-Immigrant Law,” news release, July 8, 2011, http://www.hispanicinterest.org/uploadedFiles/File/AIL_Release.pdf (accessed November 17, 2011).
- 96 The United States Department of Justice, “Department of Justice Challenges Alabama Immigration Law,” news release, August 1, 2011, <http://www.justice.gov/opa/pr/2011/August/11-ag-993.html> (accessed November 17, 2011).
- 97 Stephen Dinan, “Key Parts of Alabama Immigration Law Upheld,” *Washington Times*, September 28, 2011, <http://www.washingtontimes.com/news/2011/sep/28/judge-upholds-key-parts-alabama-immigration-law/?page=all> (accessed November 17, 2011).
- 98 Bill Mears, “Parts of Alabama Immigration Law Blocked by Federal Appeals Court,” *CNN*.

- com, October 14, 2011, http://articles.cnn.com/2011-10-14/us/us_alabama-immigration-law_1_immigration-status-immigration-law-illegal-immigration?_s=PM:US (accessed November 17, 2011).
- 99 Jeremy Redmon, “Atlanta Tourism Boosters Oppose Ga. Immigration Measure,” *The Atlanta Journal-Constitution*, April 30, 2011, <http://www.ajc.com/news/atlanta-tourism-boosters-oppose-929483.html> (accessed November 17, 2011).
- 100 Jeremy Redmon, “Governor, Georgia Farm Bureau Weigh in on Immigration Legislation,” *The Atlanta Journal-Constitution*, February 8, 2011, <http://www.ajc.com/news/georgia-politics-elections/governor-georgia-farm-bureau-831515.html> (accessed November 17, 2011).
- 101 Eyder Peralta, “Georgia Legislature Passes Arizona-Style Immigration Bill,” NPR, April 15, 2011, <http://www.npr.org/blogs/thetwo-way/2011/04/15/135439614/georgia-legislature-passes-arizona-style-immigration-bill> (accessed November 17, 2011).
- 102 Jeremy Redmon, “Governor signs Arizona-style immigration bill into law,” *The Atlanta Journal-Constitution*, May 13, 2011, <http://www.ajc.com/news/georgia-politics-elections/governor-signs-arizona-style-944703.html> (accessed October 27, 2011).
- 103 Dave Williams, “Judge grants injunction on parts of immigration law,” *The Business Journals*, June 27, 2011, <http://www.bizjournals.com/atlanta/news/2011/06/27/judge-grants-injunction-on-parts-of.html> (accessed October 27, 2011).
- 104 Mike Klein, “Georgia Probationers.”
- 105 Heather Gillers, “Kenley: Revamp Immigration Proposal,” *IndyStar.com*, March 15, 2011, <http://www.indystar.com/article/20110315/NEWS05/103150323/1001/ENTERTAINMENT/Kenley-urges-alternatives-state-s-immigration-proposal?odyssey=navhead> (accessed November 17, 2011).
- 106 The Indiana Compact, “A Declaration of Five Principles.”
- 107 Eric Berman, “Daniels Signs Immigration Bills,” *WIBC 93.1 FM*, May 10, 2011, http://www.yourversion.com/index.php?p=viewpage&curl_id=10768653 (accessed November 17, 2011).
- 108 “ACLU Files Suit Over Indiana Immigration Laws,” *TheINDYChannel.com*, May 25, 2011, <http://www.theindychannel.com/news/28019361/detail.html> (accessed November 17, 2011).
- 109 Susan Guyett, “Judge blocks parts of Indiana immigration law,” *Reuters*, June 24, 2011, <http://www.reuters.com/article/2011/06/25/us-indiana-immigration-idUSTRE75O09R20110625> (accessed October 27, 2011).
- 110 Sunshine Review, “South Carolina State Budget.”
- 111 Reid Epstein, “Haley OKs S.C. immigration cops.”
- 112 A United South Carolina, “SC Appleseed Joins Suit Against S.C.’s Anti-Immigrant Law,” news release, October 12, 2011, <http://unitedsc.org/2011/10/13/sc-appleseed-joins-suit-against-s-c-%E2%80%99s-anti-immigrant-law/> (accessed October 28, 2011).
- 113 Richard Piatt, Randall Jeppesen, and Shara Park, “Gov. Herbert Calls Immigration Roundtable Discussion a Success,” *KSL.com*, July 20, 2010, <http://www.ksl.com/?nid=833&sid=11644008> (accessed April 4, 2011).
- 114 Ben Winslow, “Utah Legislator Unveils Controversial Immigration Bill,” *Fox13Now*.

com, August 13, 2010, <http://www.fox13now.com/news/local/kstu-utah-immigration-bill-unveiled,0,7518733.story> (accessed April 4, 2011).

- 115 “Sign the Utah Compact,” *Deseret News*, November 14, 2010, <http://www.deseretnews.com/article/700081235/Sign-the-Utah-Compact.html> (accessed April 4, 2011).
- 116 Elizabeth Stuart, “Community Leaders Urge Moderate Approach to Immigration Reform,” *Mormon Times*, November 15, 2010, http://www.mormontimes.com/article/18365/Community-leaders-urge-moderate-approach-to-immigration-reform?s_cid=queue_title&utm_source=queue_title (accessed April 4, 2011).
- 117 Marjorie Cortez, “Utah Gov. Gary Herbert Signs Immigration Bills into Law,” *Deseret News*, March 15, 2011, <http://www.deseretnews.com/article/705368733/Utah-Gov-Gary-Herbert-signs-immigration-bills-into-law.html> (accessed April 4, 2011).
- 118 Josh Loftin, “Utah Immigration Law Blocked By Federal Judge,” *The Huffington Post*, May 10, 2011, http://www.huffingtonpost.com/2011/05/10/utah-immigration-law-_n_860222.html (accessed October 27, 2011).

