

## States seek to copy Arizona immigration law

Measures introduced in at least 15 states; some pose dilemma for high-profile Republicans

By Alex Johnson and Vanessa Hauc

msnbc.com and Telemundo msnbc.com and Telemundo

2011-02-03

Arizona's hot-button immigration law is on hold, pending court appeals, but its effects are rippling across the country as state legislatures reconfigured by the November elections begin their new sessions.

The disputed Arizona law would allow law enforcement officers to stop people and demand proof of legal immigration status. In July, a U.S. district judge granted the Obama administration's request for an injunction blocking parts of the trailblazing law, which raised many legal questions, including whether local officials can legally enforce federal immigration law and whether such local enforcement could lead to unconstitutional racial profiling.

That hasn't deterred elected officials elsewhere — legislation closely modeled on Arizona's law has been introduced in at least 15 other states since the beginning of the year. (See box below.) And legislators in other states say they're awaiting clarification from the courts before introducing their own measures.

The issue is simple, they say: Illegal immigrants are breaking the law, taking jobs and services from U.S. citizens and legal residents.

"It's a huge problem," said Republican Lt. Gov. Phil Bryant of Mississippi, where the state Senate last month became the first state legislative chamber to pass a bill modeled on the Arizona measure.

Opponents contend that such measures would unconstitutionally institutionalize racial profiling, leaving anyone who looks or sounds "different" vulnerable to being targeted by police — "just like the way African-Americans were discriminated years before," said Sole Arrellano, an organizer for the Mississippi Immigrants Rights Alliance.

Democratic state Sen. David Jordan, who is black, also said opposition to the bill crossed racial and ethnic lines.

"Those of us who have been in the struggle to see how things were done have to be skeptical of anything targeting African-Americans and Latinos," Jordan said.

### **Dividing line for Republicans**

While the measures haven't gotten the national attention the Arizona law commanded, they are dividing legislators and immigration activists just as sharply.

Massachusetts police arrested a man last month and accused him of sending a threatening e-mail to Will Snyder, a Republican who introduced an Arizona-style law in the Florida House.

"You better just stop that ridiculous law if you value your and your family's lives, a-----," the e-mail said, [according to The Miami Herald](#).

They're also putting high-profile governors on the spot in states with large immigrant populations.

### **Raising Arizona**

At least 15 state legislatures are considering measures modeled after provisions of SB1070 that made Arizona the first state to allow police to question the immigration status of anyone they suspect is in the country illegally. The list does not include Wyoming, where a House committee this week killed a bill that would have allowed police to check the immigration status of anyone who is stopped for another violation. (*Includes measures that had formally been introduced as of Feb. 2.*)

#### **• California**

The Assembly is considering a measure that would require police to question the immigration status of anyone they suspect is in the country illegally.

#### **• Colorado**

The House is considering a measure that would allow police to question the immigration status of anyone they suspect is in the country illegally. The Senate is considering a measure that would require them to.

#### **• Florida**

The Senate is considering a measure that would allow police to question the immigration status of anyone they suspect is in the country illegally. It would go further than the Arizona law by increasing criminal penalties if a crime is committed by an illegal immigrant.

#### **• Georgia**

The House is considering a measure that would allow police to question the immigration status of anyone they suspect is in the country illegally.

#### **• Indiana**

The House is considering a measure that would allow police to question the immigration status of anyone they suspect is in the country illegally. A hearing on the bill was this week postponed because of wintry weather.

#### **• Kentucky**

The Senate has passed a measure that would allow police to question the immigration status of anyone they suspect is in the country illegally. Action in the House is pending.

- **Maine**

The House is considering a measure that would allow police to question the immigration status of anyone they suspect is in the country illegally.

- **Maryland**

The House is considering a measure that would allow police to question the immigration status of anyone they suspect is in the country illegally.

- **Mississippi**

Senate- and House-passed measures would allow police to check the immigration status of anyone who is stopped for a traffic violation. The House and the Senate are negotiating their differences over the legislation, which Gov. Haley Barbour has signaled he would sign. That would make Mississippi the first state to join Arizona in enacting such a bill.

- **Nebraska**

The Senate is considering a measure that would require non-U.S. citizens to carry proof of their legal status and would require police to question the immigration status of anyone they suspect is in the country illegally. A countermeasure would declare immigration a federal policy issue and direct Nebraska's congressional delegation to seek "a workable immigration system."

- **Oregon**

A bill in the House would require all public officials to "enforce immigration law" or be held legally liable. The bill's sponsor said she doesn't expect it to pass but hopes it stimulates debate on illegal immigration.

- **South Carolina**

A measure that would allow police to check the immigration status of anyone who is stopped for another violation is before the Senate Judiciary Committee.

- **Texas**

Several bills that would require police to check the immigration status of anyone who is stopped for another violation have been introduced after Gov. Rick Perry asked legislators to make illegal immigration a priority this session.

- **Utah**

The House is considering a measure that would allow police to question the immigration status of anyone they suspect is in the country illegally. An alternative proposal would allow illegal immigrants to register so they could live and work in Utah without fear of deportation.

- **Virginia**

A measure that would require police to check the immigration status of anyone who is stopped for another violation was introduced in the House this week.

*Source: msnbc.com research/Alex Johnson*

One of them is Mississippi Gov. Haley Barbour, former chairman of the Republican National Committee and a potential candidate for the White House in 2012.

The House passed its own version of the bill last week, and the two versions must be reconciled before it can go to Barbour's desk. He has signaled that he would likely sign it if it does, but the equation is a delicate one.

Strict enforcement of immigration law is an important Republican talking point, especially among conservative voters and those aligned with the Tea Party movement. But Barbour

acknowledged that immigrant voters also are an important constituency, especially in Mississippi, where immigrants flocked to the state for rebuilding jobs after Hurricane Katrina devastated the coast in 2005.

"I don't know where we would have been in Mississippi after Katrina if it hadn't been for the Spanish speakers that came in to help rebuild, and there's no doubt in my mind that some of them weren't here legally," Barbour said. "If they hadn't come and stayed for a few months or a couple of years, we would be way, way, way behind where we are now."

Republican governors in two other big states, Texas and Florida, face similar calculations.

Texas Gov. Rick Perry has taken a hard line on some angles of the immigration issue. He called on the state Legislature to make illegal immigration a priority this session. At the same time, [Perry has opposed](#) enacting an Arizona-style law, saying little can be done until border security is "dealt with first."

"Until you secure the border — before the border is no longer a revolving door — you can't have a conversation, you can't debate this, you can't pass legislation that is going to have much impact at all," he said.

In Florida, Rick Scott, the new Republican governor, campaigned on a promise to enact an Arizona-style law. In doing so, he bucked the trend among high-profile Republicans in Florida, home to a large and politically powerful Cuban population. Opponents of a law modeled on the Arizona legislation include such prominent state Republicans as former Gov. Jeb Bush and former U.S. Rep. Lincoln Diaz-Balart.

Scott has been less vocal since taking office this month, declining, for example, to mention the issue in his keynote address Jan. 13 to a conference of the Hispanic Leadership Network.

"This, I think, is a really potentially important issue for Republicans," said Matthew Burbank, a political science professor at the University of Utah. (The Utah House is considering an Arizona-style police measure that its Republican sponsor, Rep. Steve Sandstrom of Orem, characterizes as "a hard-hitting, tough bill.")

Burbank said the measures "could split the Republican Party, because it's the kind of issue where there are just very different views."

### **Racial profiling vs. 'probable cause'**

In virtually every state where an Arizona-style immigration bill is in play, activists have mobilized to protest that it's impossible to define "reasonable suspicion" or "probable cause" — the benchmarks left to the discretion of officers in virtually all of the measures — independent of race and color.

