

# NOT IN OUR STATE:

## What Community-Based Organizations Can Do To Combat SB1070 Copycat Legislation

### TOOL KIT FOR ADVOCATES



## **ACKNOWLEDGMENTS**

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## INTRODUCTION AND OVERVIEW

### WHAT IS SB 1070?

In late April, Governor Jan Brewer of Arizona signed into law Senate Bill 1070 (SB 1070), the Support Our Law Enforcement and Safe Neighborhoods Act. There was an unprecedented national and international response to this legislation, which essentially sanctions racial profiling, and Arizona has experienced considerable backlash. Despite the law's flaws, talk of copycat legislation is spreading to other states, where state legislators are poised to introduce similar measures that would divide our communities and infringe upon the rights of U.S. citizens. An update on the developments surrounding SB 1070 is as follows:

- **April 23, 2010**—SB 1070 was [signed into law](#). The law's most controversial provision authorizes law enforcement to question the immigration status of anyone stopped if the officer has a "reasonable suspicion" that an individual is an undocumented immigrant (see Appendix A for a detailed summary of the law). Law enforcement agencies in Arizona and throughout the country are already challenged by substantial evidence of wrongful arrests, racial profiling, and discrimination\*; SB 1070, and other laws like it, would dramatically exacerbate the problem.
- **July 6, 2010**—With several other lawsuits already filed against the state by [civil rights organizations](#) and [police officers](#), the U.S. Department of Justice also [filed a lawsuit](#), challenging the constitutionality of SB 1070 on the grounds that the law interferes with the federal government's authority to set and enforce immigration policy.
- **July 28, 2010**—U.S. District Court Judge Susan Bolton issued a [temporary injunction](#), preventing the most egregious portions of SB 1070 from being implemented.
- **November 1, 2010**—Governor Brewer immediately appealed this ruling to the Ninth Circuit Court of Appeals, where arguments were heard on November 1. A decision is pending, and Brewer has vowed to fight all the way to the Supreme Court.
- **December 2010-January 2011**—Russell Pearce, the author of SB 1070, was elected as Arizona Senate President and is preparing to bring even more egregious proposals, such as [eliminating birthright citizenship](#), to the Arizona legislature for debate. In addition, states throughout the country are beginning to file SB 1070 copycat legislation. Although the rapidly changing climate makes it difficult to predict the states in which copycat legislation will be considered in 2011, a look at the national copycat landscape in Appendix B shows that it is likely to be addressed in a number of state legislatures.

### WHO IS BEHIND SB 1070 AND SIMILAR LAWS?

While SB 1070 is certainly the most extreme state-level racial profiling and anti-immigrant law that has been passed to date, it did not happen in a vacuum. Some support for these types of laws stems from a sense of growing frustration about Congress' inability to enact reforms to our immigration laws, which have left some with a sense that states must take matters into their own hands. There are several individuals, organizations, and corporations that have been shown to be part of a coordinated effort to pass similar legislation:

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\* Casey Newton and JJ Hensley, "Phoenix Mayor Gordon calls for FBI investigation of Arpaio," *The Arizona Republic*, April 13, 2008, <http://www.azcentral.com/news/articles/2008/04/13/20080413gordonarpaio0413.html> (accessed January 6, 2011).

- According to the Southern Poverty Law Center (SPLC), the **Federation for American Immigration Reform (FAIR)**, the nation’s leading anti-immigrant organization, was founded by White nationalist John Tanton and has accepted more than \$1 million from the Pioneer Fund, a White supremacist foundation devoted to proving a connection between race and intelligence. In its legislative pursuits, FAIR has been aided by its legal arm, the **Immigration Reform Law Institute (IRLI)**, which writes much of the anti-immigrant legislative language for state and local ordinances and bills.
- While Arizona State Senator Russell Pearce is credited with introducing SB 1070, the main author of the bill was IRLI counsel **Kris Kobach**, a law professor from Kansas who was recently elected as the Kansas Secretary of State. Kobach has also been lead counsel in defending a number of other constitutionally dubious anti-immigrant laws, such as those in Hazleton, Pennsylvania, Valley Park, Missouri, and Farmers Branch, Texas.
- National Public Radio (NPR) recently released a [report](#) outlining the connections between the private prison industry, anti-immigrant lobbyists, and SB 1070, showing how economic interests increase the pressure for the criminalization and incarceration of undocumented immigrants.

### **WHAT CAN YOU DO TO COMBAT COPYCAT LEGISLATION IN YOUR STATE?**

This tool kit is meant to help you develop a strategy for fighting Arizona-like racial profiling legislation in your city or state. If you are not facing such a bill, you can refer to Appendix C for a list of proactive legislative alternatives for your allies in the state legislature or city government to champion. As part of a community-based institution, your unique perspective represents an essential voice that may otherwise go unheard in the public sphere. In many places, state-level immigration enforcement legislation has passed as a result of the public only hearing one side of the debate, but you can fill that information gap by providing facts and figures on the real impact that an Arizona copycat bill would have on U.S. citizens. Nationwide, there are many voices that have come out in opposition to SB 1070 and copycats, from celebrities to law enforcement to elected officials (see Appendix D).

1. **Work with the media.** Working with the media is a very important way to respond to racial profiling copycat legislation and combat anti-immigrant sentiment. This packet includes a variety of tools, including talking points, statistics on the impact of SB 1070 and copycat legislation, tips for working with the media, and a sample media plan, that can help you present information to the broader public and lawmakers about why SB 1070 isn’t the right approach for your state.
2. **Build diverse coalitions and organize.** Arizona-style legislation compromises the rights of all Americans, and as such, it is an issue that touches many different communities. Building a coalition with other minority community groups, concerned business leaders, and religious leaders offers the best approach for combating SB 1070 copycats (see a sample grassroots plan in Appendix E). One recent example of a powerful coalition of business, religious, community, and elected leaders coming together to support fair and just immigration reform is *The Utah Compact*, which can be found in Appendix F.
3. **Lobby your state legislators.** It is essential that community-based organizations reach out to legislators to inform them of the concerns about copycat legislation, debunk myths,

clarify the facts, and elevate the contributions of immigrants to the community. The two organizations that developed this packet, The Leadership Conference on Civil and Human Rights (The Leadership Conference) and the National Council of La Raza (NCLR), have also created a separate packet that you can distribute to state legislators, *Not in Our State: Lessons From Arizona*. In addition, short fact sheets are often useful materials to leave behind with legislators; see appendices G and H for examples from Nebraska Appleseed and the Iowa Immigration Education Coalition.

**4. Contact national partner organizations for additional assistance.** Below are several national organizations that are working to push back against SB 1070 and prevent the spread of copycat legislation. For more information on the items presented in this packet, you can contact:

- Advancement Project: Anita Sinha, Senior Attorney, [asinha@advancementproject.org](mailto:asinha@advancementproject.org)
- AFL-CIO: Ana Avendaño, Assistant to the President and Director of Immigration and Community Action, [aavendan@aflcio.org](mailto:aavendan@aflcio.org)
- African American Ministers In Action: Leslie Watson Malachi, Director, [lmalachi@pfaw.org](mailto:lmalachi@pfaw.org)
- American Civil Liberties Union: Go to <http://www.aclu.org/affiliates> to find your state's ACLU affiliate office
- American Immigration Council: Wendy Sefsaf, Communications Director, [wsefsaf@immcouncil.org](mailto:wsefsaf@immcouncil.org)
- Asian American Justice Center, a member of the Asian American Center for Advancing Justice: Erin Oshiro, Staff Attorney, [eoshiro@advancingequality.org](mailto:eoshiro@advancingequality.org) or Jessica Chia, NAPABA Law Foundation Partners and In-House Counsel Community Law Fellow, [jchia@advancingequality.org](mailto:jchia@advancingequality.org)
- Center for American Progress: Angela Kelley, Vice President for Immigration Policy and Advocacy, [akelley@americanprogress.org](mailto:akelley@americanprogress.org)
- Lawyers' Committee For Civil Rights Under Law: Tanya Clay House, Director of Public Policy, [tclayhouse@lawyerscommittee.org](mailto:tclayhouse@lawyerscommittee.org)
- Law Enforcement Engagement Initiative: Chief Arturo Venegas, Jr. (Retired), Program Director, [artvenegas@leei.us](mailto:artvenegas@leei.us)
- The Leadership Conference: Catherine Montoya, Senior Field Program Manager, [montoya@civilrights.org](mailto:montoya@civilrights.org)
- MALDEF: James A. Ferg-Cadima, Regional Counsel, [jferg-cadima@maldef.org](mailto:jferg-cadima@maldef.org)
- National Immigration Law Center: Nora Preciado, [preciado@nilc.org](mailto:preciado@nilc.org) (SB 1070 copycats) and Jon Blazer, [blazer@nilc.org](mailto:blazer@nilc.org) (other state and local measures)
- National Immigration Forum: Dawn Mabery, Manager, State and Local Elected Official Outreach, [dmabery@immigrationforum.org](mailto:dmabery@immigrationforum.org)
- NCLR: Elena Lacayo, Immigration Field Coordinator, [elacayo@nclr.org](mailto:elacayo@nclr.org)
- People For the American Way: Sergio Lopez, Field Organizer, [slopez@pfaw.org](mailto:slopez@pfaw.org)
- Progressive States Network: Suman Raghunathan, Immigration Policy Specialist, [sraghunathan@progressivestates.org](mailto:sraghunathan@progressivestates.org)
- ProgressNow: Aniello Alioto, National Political Director, [aniello@progressnow.org](mailto:aniello@progressnow.org)
- Young Elected Officials: Andrew Gillum, Director, [agillum@pfaw.org](mailto:agillum@pfaw.org)

## MESSAGING AROUND SB 1070 AND COPYCATS

Any messaging document should be viewed as a menu of options to draw from when you are speaking to various audiences. You will not have time to use all the talking points in every conversation (e.g. speaking to a reporter, testifying at the state house, or visiting legislators), so use the points that are most relevant. These talking points are a **resource to revisit** as you prepare to address your audience.

### WHAT MESSAGES WORK AND WHY?

The talking points found on pages 6-13 were developed by taking into account various public opinion research polls and our collective experience on what messages work and why:

- An overwhelming majority of Americans support comprehensive immigration reform that secures the border, punishes unscrupulous employers, and provides those in the country without documentation with a way to earn their citizenship if they meet certain requirements.\*
- There is an overwhelming amount of ambivalence toward immigrants. On the one hand, the public believes that we are a nation of immigrants. They feel that immigrants are hard workers who came to this country in search of a better life and to work to achieve the American Dream. On the other hand, the public views undocumented immigrants as lawbreakers who don't pay taxes, receive government benefits, don't speak English, and are a net cost to our country.†
- Many leaders in the civil rights community, law enforcement, and the legal community recognize that SB 1070 and copycat legislation promote racial profiling. While most people see racial profiling as wrong and even as a human rights violation, some still believe that it can be a necessary or effective policing tool. Talking about why racial profiling is a violation of values and why it hurts us all is crucial to raising doubts about this legislation.
- In messaging about policies, it's never enough to be simply against something. For many legislators and the broader public, copycat bills receive support because they are equated with action.‡ The public is frustrated with the immigration system; thus, we need to outline why harsh enforcement policies like this law are not the answer.
- One of the most effective ways to build opposition is to present copycat legislation for what it really is—an issue that affects not just the immigrant community but, more importantly, the *broader* community.

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\* Memorandum, “Voter Support for Comprehensive Immigration Reform,” November 9, 2010, Lake Research Partners, Washington, DC, [http://americasvoiceonline.org/index.php/polling/entry/voter\\_support\\_for\\_comprehensive\\_immigration\\_reform](http://americasvoiceonline.org/index.php/polling/entry/voter_support_for_comprehensive_immigration_reform) (accessed September 1, 2010).

† America's Voice, “Public Opinion and the Arizona Immigration Law: What Do Voters Support and Why?” (presentation, July 7, 2010), [http://americasvoiceonline.org/index.php/polling/entry/public\\_opinion\\_and\\_the\\_arizona\\_immigration\\_law](http://americasvoiceonline.org/index.php/polling/entry/public_opinion_and_the_arizona_immigration_law) (accessed September 1, 2010).

‡ Ibid.

## SB 1070 COPYCAT TALKING POINTS

The following talking points are based on the overarching theme: **Why our state isn't Arizona—and doesn't want to be.** Please note the following:

- These talking points fall into four general categories: 1) Cost, 2) Ineffectiveness, 3) Values, and 4) Solutions. Where you see the “[ ]” symbol, insert your state and examples from your state.
- These talking points are most effective when they are leveraged by many different messengers in order to create an echo chamber where voices opposing the legislation outweigh the proponents. If possible, you should encourage allies and coalition partners to collectively use the same talking points.
- When possible, use statistics and quotes from credible sources on these issues. Additional information can be found in the footnotes. You should look to add quotes from local business leaders, law enforcement officials, and other credible community or state spokespeople.
- If you have time, we advise that you create a short fact sheet that you can distribute to legislators—one that give legislators the quick facts and figures regarding how copycat legislation will affect your state (see Appendices G and H for examples). For state-by-state numbers on the economic effects of removing unauthorized immigrants, visit [The Perryman Group's report](#) online.

### **1) The costs of this law are astronomical at a time when our state can't afford it.**

**This law would invite costly legal challenges, reduce state income, and tarnish our state image and brand.**

- Our state is facing a budget gap of [\$1.4 billion] over the next [two] years, and we can't afford another unfunded mandate. The state has already cut [insert state programs here: e.g., state foster care, funding for small business development, and mental health services, and the state is looking at future cuts in education funding, particularly in rural areas.]
  - Based on an analysis by the Kentucky Legislative Research Commission, Kentucky's version of the Arizona law, SB 6, would cost taxpayers \$89 million a year.\*
- We cannot alienate visitors and tourists who come to our state and provide much-needed revenue.
  - Just four months after SB 1070 was signed into law, the Arizona Hotel and Lodging Association reported a loss of \$15 million in lodging revenue due to conference and meeting cancellations.
  - According to research by an Arizona-based firm, Elliott D. Pollack and Company, this figure is even greater, with Arizona likely to lose \$253 million from conference cancellations and a decline in bookings. And added to this is the estimated \$17

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\* Amanda Van Benschoten, “House Debates Immigration Bill,” *Cincinnati.com*, February 2, 2011, <http://news.cincinnati.com/article/20110202/NEWS0103/302020078/0/NEWS010701/Immigrant-bill-could-cost-89M> (accessed February 4, 2011).



- million of lost tax revenue that accompanies the losses in tourism spending and employment.\*
- Arizona is also facing a boycott by performing artists, of which more than 400 are refusing to play concerts in the state.† In addition, sports institutions, such as the World Boxing Council, will not schedule bouts in Arizona, and two Mexican universities cancelled their academic exchange programs with Arizona colleges.‡
  - We cannot threaten the livelihood of our businesses by passing a law that would badly tarnish their ability to attract contracts with other states.
    - After SB 1070 passed, many cities throughout the country passed divestment resolutions reducing the number of contracts they have with Arizona businesses and travel bans prohibiting city employees from traveling to Arizona (see Appendix G).
    - Arizona Governor Jan Brewer had to transfer \$250,000 to the Arizona Office of Tourism for a marketing campaign to improve the state’s negative image as a result of SB 1070.
  - Critics note that undocumented workers use education, health care, and law enforcement services that are paid for by state and local governments. At the same time, immigrants in our state are already contributing members to our economy by paying sales, property, and income taxes.
    - In fact, The Perryman Group found that if all unauthorized immigrants were removed from Arizona, the state would lose \$26.4 billion in economic activity, \$11.7 billion in gross state product, and 140,324 jobs—all while the state’s 2011—2012 budget has a projected deficit of \$1.4 billion.§
  - State and local jurisdictions that have attempted to take over immigration enforcement from the federal government have typically paid large legal bills in a losing effort to defend their laws. The U.S. Department of Justice has sued Arizona, resulting in a court ruling that blocked major parts of the law and a cost of **\$1 million** in legal fees to defend the law—and that’s only through July 2010. [Nebraska] can scarcely afford to invite costly litigation over a law that is of questionable constitutionality and could take years to settle.
  - Other similar state laws and local ordinances have repeatedly lost expensive legal battles in federal courts. While Arizona has been able to pay for a portion of its legal fees through donations, most states and municipalities have paid the bills with taxpayer dollars.
    - Taxpayers have been left holding the bag in several cities: \$2.4 million in Hazleton, Pennsylvania; \$4 million in Farmer’s Branch, Texas; and \$270,000 in Valley Park,

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\* 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](http://www.americanprogress.org/issues/2010/11/pdf/az_tourism.pdf) (accessed December 17, 2010).

† Zach de la Rocha, “Artists Call to Boycott Arizona,”

<http://www.thesoundstrike.net/sites/default/files/Sound%20Strike%20Artist%20Letter%20from%20Zack%20De%2001a%20Rocha.pdf> (accessed January 5, 2011).

‡ Boycott Intolerance, “Arizona Losing Business,” <http://www.boycottintolerance.org/updates/p/business> (accessed January 5, 2011).

§ The Perryman Group, *An Essential Resource: An Analysis of the Economic Impact of Undocumented Works on Business Activity in the US with Estimated Effects by State and Industry*, (Waco, Texas: The Perryman Group, 2008), [http://www.americansforimmigrationreform.com/files/Impact\\_of\\_the\\_Undocumented\\_Workforce.pdf](http://www.americansforimmigrationreform.com/files/Impact_of_the_Undocumented_Workforce.pdf) (accessed January 4, 2011).

Missouri. Fremont, Nebraska recently had to raise property taxes 18% to cover the first year of defending its local anti-immigration ordinance.\*

- In addition to the costs of defending the law’s constitutionality, we would be institutionalizing racial profiling, opening up the state to additional costly litigation for violating U.S. citizens’ civil rights.

**This law wastes limited law enforcement resources and diverts police attention away from addressing serious crimes.**

- Adding a new, expensive mandate to arrest and detain immigrants—which would require extra training of law enforcement officers and supervision—will only make the situation worse for everyone.
  - According to Doris Meissner, former commissioner of the U.S. Immigration and Naturalization Service, there is a trade-off to the local enforcement of immigration law: “If the local police are doing federal law enforcement, other law enforcement responsibilities get a lower priority by default.”†
- In addition, there is no plan for where immigrants would be detained. Federal laws require jails to meet certain standards before they are approved as holding facilities for immigrants, which many municipalities don’t meet and would have to pay to modify.
- Laws like this essentially shield police from charges of racial profiling while at the same time exposing them to private right of action for failing to enforce the law with sufficient vigor.

**2a) This law is unworkable and doesn’t address our real needs.**

**This proposal offers false promises when what we need are real solutions to fix our nation’s broken immigration system.**

- [Nebraskans] have every right to be frustrated with the federal government’s failure to fix our immigration system, but the passage of an Arizona copycat law would do far more harm than good at a time when the state can least afford it.
- Such a law will not address any of the serious challenges that our state faces right now. It won’t balance our budget, create more jobs, provide quality health care, retain or recruit professionals and workers to our state, educate our children, or protect our environment. It will make our problems worse by diverting resources and sowing fear and division into communities that need to work together.
- Laws like this require that *all* state officials ask *everyone* who is “reasonably suspected” of being undocumented for proof of legal residency, yet fails to provide objective criteria for determining what might constitute “reasonable suspicion.”
- Instead of passing laws that divide us, we need sensible immigration policies that reflect our values as Americans while recognizing the reality that immigrants are already contributing members of our communities and a crucial part of our economic engine and social fabric. Together, we are all part of the future of our state and our country.

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\* Melinda Warner, “Meet Kris Kobach: Lawyer For The Anti-Immigrant Movement,” *Political Correction*, July 15, 2010, <http://politicalcorrection.org/blog/201007150011> (accessed January 4, 2011).

† Ryan Gabrielson and Paul Giblin, “REASONABLE DOUBT: At What Cost?,” *East Valley Tribune*, July 9, 2008, <http://www.pulitzer.org/archives/8370> (accessed July 22, 2010).

**This bill is founded on inaccurate information claiming that immigrants bring crime to the country.**

- Numerous studies by independent researchers and government entities consistently show that immigrants are less likely to commit crimes or be incarcerated than the native-born population. In fact, although the number of undocumented immigrants in the U.S. doubled to about 12 million between 1994 and 2005, the U.S. violent crime rate declined by 34.2% and the property crime rate fell by 26.4%.<sup>\*</sup>
  - For example, in Arizona, proponents of SB 1070 made factually inaccurate claims about crime in Arizona,<sup>†</sup> falsely citing an increase in crime when, in fact, crime in Arizona has declined over the past ten years.<sup>‡</sup>

**2b) This legislation will not make our communities safer because it undermines law enforcement.**

**This law makes it harder for police officers to do their jobs by driving a wedge between them and the communities they seek to protect.**

- Rather than focusing on the criminal element responsible for murder, rape, and theft, police officers will be forced to focus on the immigration status of cooks and farmworkers.
- This unconstitutional legislation will jeopardize the public safety of *everyone* in our community. It will make local police responsible for enforcing immigration laws, which diverts them from the important job of protecting our neighborhoods.
  - In a survey of 54 police chiefs, deputies, and sheriffs conducted by the Police Foundation, only nine officers said that the 287(g) program, an immigration enforcement program similar to SB 1070, helped fight crime, while the majority of law enforcement officials agreed that 287(g) agreements detract from more pressing and urgent police work, such as pursuing hardened criminals with arrest warrants.<sup>§</sup>
  - A report by Arizona's *East Valley Tribune* found that deputies from the Maricopa County Sheriff's Office, an agency that has been actively participating in immigration enforcement, were failing to meet the county's standard for life-threatening emergency response time. In fact, over a period of two years, two-thirds of patrol cars arrived late to the most serious calls for police assistance.<sup>\*\*</sup>

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<sup>\*</sup> Immigration Policy Center, "Immigrants and Crime: Are They Connected?,"

<http://www.immigrationpolicy.org/just-facts/immigrants-and-crime-are-they-connected-century-research-finds-crime-rates-immigrants-are> (accessed December 9, 2010).

<sup>†</sup> Dana Milbank, "Headless Bodies and Other Immigration Tall Tales In Arizona," *Washington Post*, July 11, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/09/AR2010070902342.html> (accessed December 9, 2010).

<sup>‡</sup> Randal Archibold, "On Border Violence," *New York Times*, June 19, 2010,

[http://www.nytimes.com/2010/06/20/us/20crime.html?\\_r=1&partner=rss&emc=rss&pagewanted=all](http://www.nytimes.com/2010/06/20/us/20crime.html?_r=1&partner=rss&emc=rss&pagewanted=all) (accessed December 14, 2010).

<sup>§</sup> Anita Khashu, *The Role of Local Police: Striking a Balance between Immigration Enforcement and Civil Liberties* (Washington, DC: Police Foundation, 2009), <http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.pdf> (accessed July 10, 2010).

<sup>\*\*</sup> Ryan Gabrielson and Paul Giblin, "REASONABLE DOUBT"

- It puts law enforcement between a rock and a hard place: If they enforce the law, they risk lawsuits for violation of civil rights; if they don't, they risk lawsuits from everyday citizens who feel they are failing to enforce the law with sufficient vigor.

**This law will erode public trust in law enforcement and make the job of law enforcement officers harder.**

- This law will send a chilling effect through the community, serving as a deterrent for both victims and witnesses to report crimes to the police. Evidence shows that laws that entangle police in immigration enforcement are likely to make communities less safe by decreasing the ability of local police to rely on the community to report dangerous criminal activity.
  - A 2008 survey of law enforcement executives indicated that aggressive enforcement of immigration law by local law enforcement would have a negative impact on community relationships by decreasing reporting of both crime victimization (85%) and criminal activity (83%).\*
  - In its recommendations to local law enforcement agencies for enforcement of immigration law, made in June 2006, the Major Cities Chiefs Association states: *“Immigration enforcement by local police would likely negatively effect and undermine the level of trust and cooperation between local police and immigrant communities...Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.”*†
  - Sergeant Brian Soller, President of the Mesa Fraternal Order of Police, said that one of the consequences of SB 1070 is that immigrants are “going to shy away from us instead of coming forward with information” about serious crimes such as homicide or rape.‡
  - According to Kendra Leiby of the Arizona Coalition Against Domestic Violence, “The enactment of SB 1070 is absolutely going to prevent immigrant women from seeking domestic-violence services.”§

**3a) This law violates our values.**

**[Nebraskans] value fairness, equality, and basic human rights.**

- This law is a challenge to who we are as a state, who we are as human beings, and whether we are going to stand up for American ideals.
- [Nebraskans] expect their policymakers to pass laws that uphold basic American values of fairness and equality and expand opportunity for every [Nebraskan].

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\* Anita Khashu, *The Role of Local Police*

† Major Cities Chiefs Association, *MCC Immigration Committee Recommendations: For Enforcement of Immigration Laws by Local Police Agencies* (Sun Valley, ID: Major Cities Chiefs Association, 2006), [http://www.houstontx.gov/police/pdfs/mcc\\_position.pdf](http://www.houstontx.gov/police/pdfs/mcc_position.pdf) (accessed January 6, 2011).

‡ KPNX-TV, “Unfunded mandate?,” video, 4:20, televised April 18, 2010, <http://www.azcentral.com/video/#/Unfunded+mandate%3F78968786001> (accessed December 14, 2010).

§ E. J. Montini, “Will SB 1070 Hinder Help for Abuse Victims?” *The Arizona Republic*, June 27, 2010, <http://www.azcentral.com/arizonarepublic/local/articles/2010/06/27/20100627montini-arizona-immigration-law.html#ixzz174MU64Ym> (accessed December 14, 2010).

- [Nebraskans] understand that it’s better for everyone to live in a state that provides equal opportunities for every [Nebraskan], supports healthy, strong communities, and upholds the rights and values that have made America great.
- Our state’s future depends on maximizing all of our assets, including the labor, knowledge, and energy of every [Nebraskan] who contributes to our common goals of building strong families, strong communities, and a strong economy.

**This law hurts us all.**

- This legislation is terribly flawed. It violates the civil rights of *all* [Nebraskans] and anyone visiting our state. It allows local law enforcement officials, who are not trained in federal immigration law, to make intrusive and unnecessary inquiries into the immigration status of residents and travelers. It presumes everyone is guilty, contradicting the fundamental American belief of innocence until proven otherwise.
- This legislation subjects anyone who looks different or is perceived as “foreign” to discrimination and racial profiling, which is a violation of our values. We need to ask ourselves what kind of state we want to live in—one that respects human rights, or one that ignores them.

**Our state values its Latino community, which is directly threatened by this law.**

- This bill will put a target on the back of all Latinos in our state, regardless of their immigration status.
- The vitriol and misinformation in the immigration debate is producing alarming consequences.
  - Half of all Latinos say the situation for Latinos in this country is worse now than it was one year ago.\*
  - According to the FBI, hate crimes against Latinos have risen over the past five years.†
  - According to the Southern Poverty Law Center, the number of hate groups targeting Latinos has jumped over the past five years.

**3b) This law is an affront to our nation’s commitment to equal treatment under the law.**

**Racial profiling of communities of color is already widespread and puts people at risk.**

- In an April—May 2010 *New York Times/ABC* poll, 82% of Americans said that they thought the new Arizona law would lead to police officers detaining people of certain racial or ethnic groups more frequently than other racial or ethnic groups.‡
  - In fact, a 2008 report by the Arizona ACLU analyzed data of highway stops in Arizona and found that Native Americans, Blacks, and Latinos were much more likely to be searched and stopped for longer periods of time.\*

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\* Mark Hugo Lopez and Gretchen Livingston, *Hispanics and the New Administration: Immigration Slips as a Priority* (Washington, DC: Pew Hispanic Center, 2009), <http://pewhispanic.org/files/reports/101.pdf> (accessed September 1, 2010).

† U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crimes Statistics 2009*, “Table 1: Incidents, Offenses, Victims, and Known Offenders,” [http://www2.fbi.gov/ucr/hc2009/data/table\\_01.html](http://www2.fbi.gov/ucr/hc2009/data/table_01.html) (accessed September 1, 2010).

‡ Randal C. Archibold and Megan Thee-Brenan, “Poll Shows Most in U.S. Want Overhaul of Immigration Laws,” *New York Times*, May 3, 2010, <http://www.nytimes.com/2010/05/04/us/04poll.html> (accessed January 4, 2011).

- Even before SB 1070 passed, immigration enforcement had led to the widespread racial profiling of U.S.-citizens and Hispanic and Asian legal residents, a deplorable situation that needs to be eradicated, not propagated.
  - According to the Pew Hispanic Center, 10% of Latinos were stopped and asked for immigration papers in the last year. This means that five million of the 50 million U.S. Hispanics—80% of whom are U.S. citizens or legal immigrants—are ensnared in immigration enforcement annually.<sup>†</sup>
- A 2002 U.S. Department of Justice national survey found that African Americans and Hispanics were two to three times more likely to be stopped and searched than Whites but were less likely to be found in possession of contraband.<sup>‡</sup>

**This law will only exacerbate the problem of racial profiling and discrimination by:**

- Codifying racial profiling as standard practice for law enforcement statewide.
- Increasing the ranks of those enforcing immigration laws to every single law enforcement officer in the entire state, regardless of access to proper training.
- Requiring that all state officials ask *everyone* who is “reasonably suspected” of being undocumented for proof of legal residency, yet failing to provide objective criteria for determining what might constitute “reasonable suspicion.”
- Providing powerful incentives for wrongful arrests, racial profiling, and other abuse by creating a private right of action against any agency that fails to uphold the law’s provisions, while at the same time indemnifying police officers from litigation brought by those who are wrongfully detained or racially profiled.

**Racial profiling does not work.**

- In 1998, the U.S. Customs Service eliminated the use of race, ethnicity, and gender in deciding which individuals to search and began focusing solely on suspect behavior. As a result of this policy shift, there was a 300% increase in searches that resulted in the discovery of illegal contraband or activity.<sup>§</sup>

**Racial profiling is bad policing.**

- Singling people out based only on their race, ethnicity, or religion isn’t just wrong, it’s also bad policing. It distracts law enforcement time and resources away from the efficient, targeted pursuit of individuals who actually pose a threat to public safety.
- When law enforcement relies on racial profiling, it takes them away from proven, effective policing techniques such as probable cause or reasonable suspicion based on credible evidence.

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\* American Civil Liberties Union of Arizona, *Driving While Black or Brown: An Analysis of Racial Profiling in Arizona*, (Phoenix, AZ: ACLU Arizona, 2008), <http://www.acluaz.org/sites/default/files/documents/DrivingWhileBlackorBrown.pdf> (accessed February 12, 2011).

† Pew Hispanic Center, *Hispanics and Arizona’s New Immigration Law* (Washington, DC: Pew Hispanic Center, 2010), <http://pewhispanic.org/files/factsheets/68.pdf> (accessed January 6, 2011).

‡ Matthew R. Durose, Erica L. Schmitt, Patrick A. Langan, *Contacts between Police and the Public: Findings from the 2002 National Survey*. U.S. Department of Justice, Bureau of Justice Statistics. Washington, DC 2005, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cpp02.pdf> (accessed September 1, 2010).

§ Lamberth Consulting, “Racial Profiling Doesn’t Work,” <http://www.lamberthconsulting.com/about-racial-profiling/racial-profiling-doesnt-work.asp> (accessed January 4, 2011).

### **Racial profiling has damaging effects on the community and makes us all less safe.**

- By focusing on race, ethnicity, religion, or national origin, law enforcement agents send a message to certain communities that they are under increased suspicion.
- Communities that have been targeted by racial profiling lose trust in law enforcement agencies. As a result, members of these communities become less likely to assist in criminal investigations and prosecutions, seek protection from police when they are victimized, or report witnessing crimes. This makes everyone less safe.
  - A 2006 Vera Institute of Justice study found that Arab Americans were fearful and suspicious of federal law enforcement due to post-9/11 government policies that targeted their communities,<sup>\*</sup> and a May 2003 Gallup poll found that 69% of African Americans felt that they are treated less fairly by law enforcement than Whites.<sup>†</sup>

### **Racial profiling violates constitutional protections and human rights, which are fundamental American principles.**

- The Constitution guarantees that every person in the United States has the fundamental right to due process, equal protection under the law, and the right to be free from unreasonable searches and seizures.

### **4) Instead of creating more problems for our state, we should focus on solutions.**

#### **Creating a patchwork of 50 different immigration laws is unworkable and dangerous. The solution to our broken immigration system lies in Washington, not in the state capitol.**

- Only the federal government has the tools to secure our borders and create a national approach to immigration. We need to hold our federal officials [insert names here] accountable for solving this problem instead of passing the buck onto our state.
- We hope people will join us in demanding that Congress acts now. It's time that our representatives step up and become part of the solution that our state and the nation need.
- The solution is to pass comprehensive immigration reform by:
  - Creating a legal and orderly system that serves the needs of American families and the American economy
  - Requiring those who are here illegally to get right with the law, go through criminal background checks, learn English, pay taxes and fines, and earn their citizenship
  - Securing our borders by quashing arms, cash, and human smuggling networks
  - Cracking down on employers who manipulate the system, game honest employers, and cheat American workers
- The Arizona law and its copycats do none of these things. Rather, this law is impractical, violates our values, and divides our communities. We need real solutions that embrace fairness, equal treatment, and due process. Our immigration system is broken, but disregarding our values is not the answer to fixing it. Congress needs to act now.

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<sup>\*</sup>Nicole J. Henderson et al., *Law Enforcement and Arab-American Community Relations After September 11, 2001: Engagement in a Time of Uncertainty* (Washington, DC: Vera Institute of Justice, 2006), <http://www.vera.org/download?file=147/Arab%2BAmerican%2Bcommunity%2Brelations.pdf> (accessed December 1, 2010).

<sup>†</sup> Jack Ludwig, "Blacks and Whites Still Perceive Local Treatment of Blacks Differently," *Gallup*, May 27, 2003, <http://www.gallup.com/poll/8476/Blacks-Whites-Still-Perceive-Local-Treatment-Blacks-Differently.aspx> (accessed December 3, 2010).

## TIPS FOR WORKING WITH THE MEDIA

Many people view talking to the media as a chore, like the pile of papers on your desk. Instead, try to think of it as an **opportunity to set expectations** for actions that you see coming, provide **greater context** to an issue that is already being covered, and deliver your **point of view and message**. If you have not participated in a spokesperson training before and are looking for resources, visit [www.nclr.org/MessageModule](http://www.nclr.org/MessageModule) for a presentation that may help as you prepare. For a sample media plan, see Appendix H.

### PREPARING YOURSELF

Prepare yourself for interviews with the media with the following in mind:

1. **Confidence**—Be confident in what you are saying. Your message will be much more effective if it is delivered with authority.
2. **Clarity**—Speak clearly and with simple language that is easily understood by your audience.
3. **Commitment**—Project a commitment to finding solutions.
4. **Goal**—Go into an interview knowing what your goal is. Decide what you are trying to achieve and what you want your audience to do or know. For example, are you raising awareness about a certain issue or are you asking people to take action, such as by calling a state legislator or participating in an event?

### PREPARING YOUR MESSAGE (THE FIVE A'S)

1. **Audience**—Who will you be speaking to? Many people make the mistake of thinking that their audience is solely the reporter or news outlet. In fact, your audience is the people who are reading the articles, watching the television, or listening to the radio. Knowing your audience is critical for tailoring your message.
2. **Assemble**—Gather relevant data points, facts, and other information to support your message.
3. **Align**—Ensure that your facts and data support your message.
4. **Apply**—Use your facts and message to tell a compelling story that your audience can relate to.
5. **Add Value**—Provide information, a message, and perspective that no one else can provide. Draw from your organization's work to illustrate your personal connection to the issue.

### WHILE SPEAKING TO THE PRESS

1. **Use quotable, universal, strong, and lively language.**
2. **Be positive and honest.**
3. **Consider scripting**—Write down what you plan to say in order to organize and deliver an effective message.
4. **Keep it simple**—Don't use too many statistics or numbers.
5. **Keep it short**—Deliver your message and then stop. It's okay if you finish early.



## **BUILD DIVERSE COALITIONS AND ORGANIZE**

*“If you want a friend, you have to be a friend.”*

*–Wade Henderson, President and CEO, The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund*

### **WHY DO YOU NEED A DIVERSE COALITION OF ALLIES?**

Building a diverse coalition to combat Arizona copycat laws is imperative. In general, a broad and diverse coalition of credible messengers—including law enforcement, civil rights organizations, African American, Asian-American, and Native American leaders, the business community, and religious leaders—can effectively present the issue for what it really is, a violation of civil rights and an overly costly and ineffective public safety policy.

- In the early stages of your efforts to organize opposition to this type of law, conduct a thorough assessment of the political landscape to determine what the pressure points are in your community or state. For example, in Utah, conservative legislators and business leaders are considered highly credible voices in the state, which is why *The Utah Compact* (see Appendix F), announced in early November 2010, had a huge impact on the state’s immigration enforcement debate. In addition, another one of Utah’s most influential institutions, The Church of Jesus Christ of Latter-Day Saints, released a statement of support the same day that *The Utah Compact* was announced.

### **HOW TO BUILD A DIVERSE COALITION**

Groups and individuals will come to the table for a variety of reasons—your allies might be aligned with you on all issues, they may be unsure about immigration overall but see this issue as going too far, or they may come from a sector that you wouldn’t normally collaborate with, such as business. It is necessary to have a basic understanding of why folks are working together and an agreement that, although everyone may not see eye to eye on *all* issues, you are in agreement about opposing copycat legislation.

- For other coalition members that you view as long-term partners, prepare to be there for issues that matter to them. For example, copycat legislation may be the most important issue for one partner, while postsecondary education funding may be at the top of another’s list. It is important to build an ongoing partnership among the coalition members that encompasses a range of civil and human rights, one that is inclusive of the immigrant community’s issues as well as issues that are important to all communities.
- Keep the goal in mind as you move forward. You may not agree with some strategies, see some tactics as not valuable to your community, or feel your voice might not be the best for the newspapers, but as long as the coalition keeps the overall goal of defeating the legislation at the forefront, the chance for success increases.

### **GETTING STARTED WITH YOUR ORGANIZING PLAN**

Once you have a strong group of allies that is committed to working together, you can develop your campaign plan. The plan should outline both public and inside strategies, a calendar of activities, and a media and communications plan. Again, the activities and spokespeople you

select should represent the values and interests of your audience. See the Additional Resources section for ideas on how to incorporate the talking points and messages into potential op-eds or blog posts.

- An “inside strategy” refers to the behind-the-scenes work that will complement your public events, rallies, testimony, etc. One example is organizing state leaders to write and announce a statement of principles on comprehensive immigration reform, similar to *The Utah Compact*. Many community organizations were part of the negotiations that led to the *The Utah Compact*, but the individuals who are listed on the compact, spoke at the press conference announcement, and are prominently listed on the website ([www.utahcompact.com](http://www.utahcompact.com)) are the most influential and well-recognized stakeholders in the state.
- Most state legislatures are set to begin between January and March 2011 (the [National Conference of State Legislatures](#) has a full calendar of each state’s legislative session). This means that your activities can and should start immediately, using key dates already on the calendar as potential hooks. One example is the Martin Luther King, Jr., holiday, which the South Carolina Immigrant Rights Coalition selected as the date for its first event following the introduction of its state’s bill (see Appendix E for a full description of the South Carolina organizing plan).

## MEETING WITH YOUR STATE LEGISLATORS

All of the points outlined above will help you as you plan to meet with your state legislators and discuss the harmful effects of copycat legislation. Meeting with your state legislator is a very important step in showing your support for or opposition to a particular issue. It provides an opportunity for legislators to hear from their constituents and for community members to ask questions, make a case, and ask for commitments. The following are suggestions that may help as you prepare for your state legislative visits.

### 1. BEFORE THE MEETING

Find out who your state representative is by going to [www.votesmart.org](http://www.votesmart.org) and entering your ZIP code. Scroll down to “State Legislative” and click on your state legislator to find contact information.

- **Learn about a legislator’s background.** Refer to online biographical sketches and read campaign statements, news articles, or additional sources of information to learn the legislator’s occupation, religion, political and social memberships, areas of interest, and positions on the issues. This research can inform your approach to the meeting.
- **Schedule a meeting.** Call and ask to speak to the legislator’s scheduler, saying:
  - You are a constituent from X (city or town in their district/state).
  - You would like to set up an appointment to meet with your state legislator and are interested in discussing immigration.
  - You will be attending the meeting with X number of leaders from the district.
- **Determine who should be in the meeting.** Who best represents your organization and will be responsible for building an ongoing relationship with the particular legislator? Are there close allies who should be invited because they can build trust or respect with this person? Be sure to assign roles to participants, including the lead facilitator, the storyteller, the “pinner” who makes the ask, and the note taker. Practice by role playing before the day of your meeting so that everyone feels comfortable with their role and knows what to do.
- **Review your talking points.** A full set of talking points can be found on pages 6-13. However, it will be up to you to determine which arguments are going to be most persuasive given what you learned about the legislator’s background and your local or state landscape.
- **Prepare your materials.** Take a copy of The Leadership Conference and NCLR’s packet for legislators, *Not in Our State: Lessons From Arizona*. You may also want to include other materials, such as news clippings of relevant local events.

## 2. DURING THE MEETING

- **Introduce yourselves and exchange credentials.** In five minutes or less, explain what groups are represented, their membership, and any other information that the legislator or staffer should know about those who are attending the meeting.
- **Provide the legislator or staff member with the materials you prepared.** This should include *Not in Our State: We Are Not Arizona* and other relevant local information.
- **Share your stories.** In five minutes or less, share one or two stories that capture the problem you have come to address. What connects you to this issue? Why is it important for your family or community?
- **Make your ask.** Directly ask the member to address your issue. Be specific (e.g., “Will you oppose Arizona-like legislation?” “Will you co-sponsor or vote for whatever proactive legislation is on the table?”)
  - If they oppose the copycat legislation, ask them to be a champion by making floor statements against the bill and by introducing alternative, solutions-driven legislation (see Appendix C). You may also consider asking them to help champion solutions-driven legislation by appearing at a press event you organize, having them write an op-ed for your local paper, or convening a meeting of stakeholders such as students, educators, and religious leaders to discuss the issue.
  - If they support Arizona-like legislation, remind them of the risks such legislation brings to the community, including racial profiling, high costs, and compromised public safety. Express that you, as representatives of a larger group within the community, feel strongly that this legislation isn’t right for your state.
- **Listen well.** Much of lobbying involves listening, looking for indications of the legislator’s views, and finding opportunities to provide prudent information. Give your legislator opportunities to ask questions or state his/her opinion. Members and staff will appreciate the chance to be heard instead of only being talked at. Remember to ask questions.
- **Take notes.** Answer questions honestly. If you don’t know the answer, say that you don’t know but you will find out. Assign one person in the group to follow up.
- **Remember to get the contact information and cards for any staffers you meet.**

## 3. AFTER THE MEETING

- **Send a thank you email or note.** Include additional materials or provide answers to questions that came up during the meeting. Follow up on anything you promised.
- **Document your meeting with your state coalition.** If you are a member of a state coalition, provide documentation of your meeting and its outcomes with your partners.

## ADDITIONAL RESOURCES

### **Background**

- [Text of SB 1070](#) from the Arizona legislature
- Governor Brewer's executive order establishing [law enforcement training](#) for immigration laws
- Arizona Peace Officers Standards and Training Board [SB 1070 training information](#)
- An analysis of [Judge Bolton's ruling on SB 1070](#) by Phoenix lawyers Timothy Berg and Mark Bolton of Fennemore Craig for the *Arizona Republic*
- [National Conference of State Legislatures](#) summary of SB 1070

### **Economic Impact**

- Center for American Progress, [Unconstitutional and Costly: The High Price of Local Immigration Enforcement](#), January 2011, and [Stop the Conference](#), November 2010
- National Employment Law Project: [Costly in Every Way](#), July 2010
- Immigration Policy Center [website](#), "Responding to State Immigration Legislation: A Resource Page"

### **Impact on Community Safety**

- The Police Foundation, [The Role of Local Police: Striking a Balance between Immigration Enforcement and Civil Liberties](#) (executive summary), April 2009
- National Immigration Law Center, [Why Police Chiefs Oppose Arizona's SB 1070](#), June 2010

### **Resources for Building Coalitions**

- The Opportunity Agenda, [Media and Public Opinion Analysis: African Americans on Immigration](#), October 2007

### **Sample Op-eds and Blog Posts**

- Clarissa Martínez De Castro, "[What's Good for Jan Brewer and Russell Pearce Is Bad for Arizona](#)," *The Huffington Post*, November 18, 2010
- Clarissa Martínez De Castro, "[Lesson from Arizona: Proceed with Caution](#)," *The Huffington Post*, November 1, 2010
- Janet Murguía, "[Florida Immigration Bill Amounts to Political Suicide](#)," *Orlando Sentinel*, August 20, 2010
- Janet Murguía and Wade Henderson, "[MLB Should Move the 2011 All-Star Game Out of Arizona](#)," *Washington Post*, July 12, 2010

### **Tools for Advocates**

- NCLR's [website on SB 1070](#) and copycat legislation, "Boycott Intolerance"
- Asian American Justice Center's [website](#), "AAPIs Say No to Arizona"
- National Immigration Forum, [Deficits, Lawsuits, Diminished Public Safety: Your State Can't Afford SB 1070](#), December 2010, and [website](#), "State and Local Elected Officials for Immigration Reform"

## **APPENDIX A: SUMMARY OF SB 1070**

*The following is adapted from the ACLU's website on SB 1070. The full explanation can be found [here](#).*

### ***What is wrong with Arizona's SB 1070?***

- This bill requires police officers in Arizona to demand papers proving citizenship or immigration status from people whom they stop, based on some undefined “reasonable suspicion” that they are in the country unlawfully. But in America, everyone is supposed to be presumed innocent. This turns the presumption of innocence on its head.
- Because in most cases it is hard to conceive of any legitimate way law enforcement could develop a suspicion that someone is here unlawfully, the law clearly invites racial profiling by officers who are likely to rely on the way people look in forming any “suspicion” that they are not in this country legally. The law invites discrimination.
- Under this law, people who look “foreign” are more likely to be stopped for minor infractions—having a broken taillight, jaywalking, or having an overgrown lawn—and then asked for their papers if police believe, by looking at them, that they could be in the country unlawfully. That means that U.S. citizens and non-citizens alike will be required to carry papers on them at all times. These tactics are the hallmarks of a “police state.”

### ***How does the law cause racial profiling?***

- By requiring that all law enforcement officials question people they stop about their citizenship or immigration status if they have an undefined “reasonable suspicion” the person is in this country illegally, SB 1070 is inviting police to rely on appearance and characteristics such as race, ethnicity, and language. Relying on a person's appearance is neither “reasonable” nor constitutional.
- This law actually invites racial profiling at two junctures. First, law enforcement might find a reason to stop people on a very minor infraction based on the way they look, and then demand their papers. Second, they can stop people for an unbiased reason and, based on appearance and nothing else, demand their papers.
- Finally, using local police officers who are untrained in the complexities and proper enforcement of federal immigration law is a recipe for racial profiling, particularly in Arizona. For three years, Maricopa County Sheriff Joe Arpaio has deployed hundreds of deputies and volunteer posses to target Latino neighborhoods, rounding up people on the streets, questioning and detaining people driving through traffic stops and the like, based on presumptions that they may be unlawfully present in the U.S. Despite civil rights lawsuits and a U.S. Justice Department (DOJ) investigation into these practices, two-thirds of Arizonans live in Maricopa County, and this law would require all police officers in the state to act like Arpaio's deputies.

### ***What's wrong with having Arizona police enforce immigration?***

- Many of Arizona's top law enforcement officials have already acknowledged that this law will significantly harm the public trust that law enforcement officials need in order to protect the people of Arizona and will alienate police officers from the communities they serve. The law will force police officers to devote scarce resources to investigating false threats rather than solving serious crimes. The criminal justice system is compromised

because crime victims are more vulnerable and less willing to report crimes, and witnesses will be afraid to cooperate out of fear of being targeted. Local police will be put in the difficult position of relying on biased presumptions and racial profiling when asking anyone who looks or sounds foreign to confirm their citizenship.

- Additionally, the few instances where the federal government has deputized local law enforcement in Arizona to enforce immigration laws under the federal 287(g) program has resulted in racial profiling and other civil rights abuses. For example, the Maricopa County Sheriff's Office is already under investigation by the U.S. Department of Justice.

***What is “reasonable suspicion” that someone is in the country unlawfully?***

- No Arizona government official has explained what “reasonable suspicion” means in the context of this law. Generally, “reasonable suspicion” is a legal term describing the circumstances under which an officer can prevent someone from walking or driving away. This requires an officer to rely on objective facts that lead him or her to believe a crime has been or is being committed and not a “hunch.” The racial profiling that existed in Maricopa County even before SB 1070 was passed, and the fact that no legitimate grounds have been presented for forming such suspicion in this context, provides no confidence that this is a workable standard in Arizona.

***What is the difference between SB 1070 and federal law?***

- SB 1070 goes beyond federal law because it mandates that all local police demand papers from people they stop and believe are in the country without authorization. Nowhere is such requirement in federal law. This law reverses the presumption of innocence, forcing police officers on the street to demand that people prove they are U.S. citizens or otherwise in the country legally. These undefined standards for what constitutes “reasonable suspicion” would invite racial profiling and violate the Constitution's guarantee of equal protection under the law and federal civil rights protections.
- There are a number of ways in which the Arizona law directly conflicts with federal law regarding the regulation and enforcement of immigration. As a threshold matter, SB 1070 presumes that the citizenship or immigration status of individuals can be determined simply and outside the complex administrative procedures set up under our nation's immigration laws. It cannot. Moreover, SB 1070 would also impose different state penalties against people for conduct that is directly regulated under federal law, such as authorization to work in the U.S. Not only is this unconstitutional under the supremacy clause, but it is also bad policy as the U.S. cannot have a patchwork of conflicting immigration laws depending on what state a person is in.

***Some claim that SB 1070 isn't preempted by federal law because it is “concurrent enforcement,” which is legal. In other words, SB 1070 is just enforcing federal law.***

- SB 1070 actually creates new state laws and a new state system that require local police to ask people they stop for their papers in a way that promotes racial profiling and criminalizes conduct that is not criminal under federal law, like working without employment authorization.
- This doctrine of “concurrent enforcement” has been used to defend anti-immigrant housing laws in New Jersey, Pennsylvania, California, Missouri, and Texas, and in every one of those cases, the housing restrictions have been struck down.

## APPENDIX B: NATIONAL COPYCAT LANDSCAPE

While 2010 proved fruitless for other states seeking to imitate SB 1070, the 2011 legislative sessions will be more challenging for defeating or delaying these misguided measures. The November 2010 elections changed the composition of many statewide chambers, with a number of states electing candidates that campaigned on the promise of introducing similar legislation in the 2011 session. While it is difficult to predict the events that will unfold in each state, below is a summary of the current threats. **Since the legislative environment is constantly evolving, refer to [www.boycottintolerance.org](http://www.boycottintolerance.org) for updated information throughout the 2011 session.**

### **The following are states where bills have been filed for the 2011 legislative session.**

- In **California**, AB 26 was introduced by Tim Donnelly. A community group has also begun collecting signatures to push the issue as a 2012 ballot measure.
- In **Florida**, Senator Paula Dokerly and Representative Kevin Ambler [pushed for the consideration of Arizona-like legislation](#) in a 2010 special session, but they were unable to gain the two-thirds approval needed. Even though the 2011 session has yet to begin, Senate President Mike Bennett has already prefiled [SB 136](#) and Representative William Snyder has prefiled [HB 237](#) in the House. The proposals already face [significant opposition](#) from business groups, including the Florida Chamber of Commerce.
- In **Georgia**, [HB 87](#) has been introduced by Representative Matt Ramsey. However, the head of the Georgia Farm Bureau [warned](#) against passing legislation that would scare immigrant workers away from Georgia, and Republican Governor Nathan Deal has suggested that Georgia has limits on what it can do on the issue.
- In **Indiana**, Senator Mike Delph introduced [SB 590](#) and a February [hearing](#) is planned.
- In **Kentucky**, Senator John Schickel's SB 6 was passed [out of the Senate](#) in early January. However, according to a fiscal impact statement, the law would cost the state [\\$89 million](#) per year, and members of the House intend to [block the legislation](#).
- In the **Mississippi** Senate, [SB 2179](#) was [passed](#) on January 18, and a changed version of the bill, [HB 54](#), passed out of the House on January 28. The two chambers [must agree](#) on a single version before a bill could go to Republican Governor Haley Barbour.
- In **Nebraska's** Unicameral Legislature, [Senator Charlie Janssen](#) introduced [LB 48](#). A hearing on the bill is expected in early March.
- In **South Carolina**, Representative Eric Bedingfield and Senator Larry Grooms failed to pass the Arizona copycat bill that they introduced in 2010. In 2011, however, [S 20](#) passed out of the Judiciary Committee on February 8 and heads to the Senate for debate. The House version of the bill, [H 3129](#), has also been introduced.
- In **Texas**, Representative Debbie Riddle filed [HB 17](#) for the 2011 legislative session, though Republican Governor Rick Perry has publicly opposed an SB 1070 bill for Texas.
- In **Utah**, Representative Steven Sandstrom's [HB 70](#) is scheduled for a hearing on February 11. A Legislative Fiscal Analyst's Office [estimate](#) found that the bill would cost local governments from \$5.3 million to \$11.3 million a year to enforce.

### **The following are states where no bill has been filed but debate is likely to take place.**

- A coalition of **Alabama** Republicans had pledged to introduce Arizona-like legislation if they gained the majority in the state chambers, which they did in November.



- In **Tennessee**, Senator Bill Ketron is working on an Arizona-like bill for his state.

**In the following states, the legislature refused to consider or move forward.**

- In **Colorado**, Representative Randy Baumgardner pulled HB 1107 [before it had even been heard](#). Although Senator Kent Lambert has filed [SB 54](#) in the Senate, several leaders in the state, including Democratic Governor John Hickenlooper and [notable law enforcement officers](#), have stated opposition to such a measure.
- In **Wyoming**, HB 94 [died](#) when no member of the House Minerals, Business and Economic Development Committee moved to vote on the bill.

**In the following states, proactive measures have offered alternative solutions.**

- In **Nebraska**, Senator Brenda Council introduced [LR 39](#), modeled after *The Utah Compact*, as an [alternative](#) to Nebraska's Arizona copycat bill.
- In **Utah**, business, faith, and community leaders released [The Utah Compact](#) (see Appendix F), a statement of principles that support comprehensive immigration reform.

**The following is a list of states where legislation failed in 2010.**

- In **Arkansas**, the group Secure Arkansas [failed to attain](#) the 77,468 signatures needed to put the measure on the November 2010 ballot. However, it is expected that similar legislation will be introduced by the legislature in the 2011 session.
- In **Illinois**, HB 6937 was filed on November 3 and did not move after being introduced.
- In the 2010 session, **Louisiana** defeated [HB 1205](#), which would have required state agencies and local governments to verify the citizenship status of all people who apply for public benefits and further criminalized the employment or transportation of illegal immigrants. This measure was [defeated](#) with the help of associations such as the Louisiana Association of Business and Industry, the National Federation of Independent Business, and Associated Builders and Contractors.
- In fall 2010, **Maryland's** Frederick County Commissioners wanted to introduce SB 1070 copycat legislation to the state house, but it was [defeated](#) at the commissioner level and failed to reach the state house.
- In **Michigan**, [H 6256](#) and [S 1388](#), both introduced in June, did not move before the 2010 legislative session ended on September 30.
- In **Minnesota**, [HB 3830](#) was introduced on May 6 and referred to the Public Safety and Oversight Committee when the legislative session ended without further discussion. It is expected that similar legislation will be introduced in the 2011 session.
- In **Nevada**, Assemblyman Chad Christensen was [unable to attain the signatures](#) needed for the 2010 ballot. He also attempted to get a special session to vote on the bill, but that was also [rejected](#). Assemblyman Don Gustavson has said he'll introduce similar legislation in the 2011 session, though his colleagues say that it won't pass.
- In **North Carolina**, [SJ 1349](#) was introduced by Senator Don East but as stalled in the Senate rules committee when North Carolina's 2010 legislative session ended. It is expected that similar legislation will be introduced in the 2011 session.
- In **Pennsylvania**, Assemblymen Daryl Metcalfe and Harry Readshaw introduced [HB 2479](#) on May 5, but the bill did not move after its initial introduction.
- In **Rhode Island**, House Speaker Gordon Fox [decided](#) that [HB 8142](#), Representative Peter Palumbo's copycat bill, would not be heard in the 2010 legislative session.

## **APPENDIX C: ALTERNATIVE PROACTIVE LEGISLATIVE MEASURES**

### **PROACTIVE APPROACHES TO STATE LEGISLATION**

Laws like SB 1070 will not fix this country's broken immigration system, but neither will inaction. Bringing forward one or several of the affirmative measures listed below can show that you, as a leader in the state legislature are willing to:

- Stand for real solutions and meaningful action
- Present facts and figures that accurately reflect the reality and complexities of the issue
- Enact policy change that will positively impact the whole state, as well as immigrant and minority communities

### **MENU OF AFFIRMATIVE IDEAS**

The following is a menu of affirmative measures that represent solutions-driven approaches to consider as alternatives to SB 1070-like legislation.\*

#### **Signal support for immigrants and humane immigration reform through resolutions.**

- Urge Congress to pass comprehensive immigration reform by passing a state resolution. Hold your federal representatives accountable for taking action instead of allowing them to pass the buck to the state. Public opinion research shows support across most communities for a federal solution that includes securing our borders, punishing unscrupulous employers, requiring immigrants to learn English and pay fines before gaining citizenship, and fixing the immigration system for future immigrant flow.<sup>†</sup>
- See sample resolutions from [New Haven, Connecticut](#), the [New York state senate](#), and [Seattle, Washington](#).

#### **Commission a study on the economic contributions of immigrants.**

- Before moving forward on a law of questionable constitutionality and high cost, commission a study that presents research on all aspects of the economic contributions of immigrants (e.g., workforce participation, business or jobs generated, buying power, revitalization of neighborhoods, full range of income, payroll, sales, property taxes paid).

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\* Adapted from National Immigration Law Center, *Pro-Immigrant Measure Available to State or Local Governments: A Quick Menu of Affirmative Ideas* (Los Angeles: National Immigration Law Center, 2007), [http://www.nilc.org/immlawpolicy/misc/affirmstatelocalmenu\\_2005-09-13.pdf](http://www.nilc.org/immlawpolicy/misc/affirmstatelocalmenu_2005-09-13.pdf) (accessed December 13, 2010).

<sup>†</sup> Memorandum, "Voter Support for Comprehensive Immigration Reform," November 9, 2010, Lake Research Partners, Washington, DC, [http://americasvoiceonline.org/index.php/polling/entry/voter\\_support\\_for\\_comprehensive\\_immigration\\_reform](http://americasvoiceonline.org/index.php/polling/entry/voter_support_for_comprehensive_immigration_reform) (accessed September 1, 2010).

### **Enforce and enhance labor and employment law protection.**

- Pass legislation that enforces wage and hour laws and increase penalties for employers that game the system. This will demonstrate a commitment to strengthen and protect the entire state's workforce rather than just immigrant workers.

### **Promote English-language instruction.**

- Many people are concerned that immigrants are not interested in learning English, a fact that has been repeatedly disproven.\* Legislation that increases funding for affordable and accessible adult English-language instruction would accommodate the high demand for these programs and promote English as a gateway for integrating into the community.

### **Promote community involvement and civic participation.**

- Many immigrant citizens are ready to take the next step in fully participating in American democracy, but they do not have information on the process. Legislation that increases funding for community organizations that help with U.S. citizenship test and application preparation and voter registration is greatly needed.

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\* Shirin Hakimzadeh and D'Vera Cohn, *English Usage Among Hispanics in the United States* (Washington DC: Pew Hispanic Center, 2007), <http://pewhispanic.org/files/reports/82.pdf> (accessed January 10, 2011).

## APPENDIX D: QUOTES FROM STAKEHOLDERS WHO OPPOSE SB 1070

The following are quotes from a variety of stakeholders who oppose SB 1070; a full list can be found on a website dedicated to SB 1070 and copycats, [Boycott Intolerance](#). In addition, a diverse set of [national and local organizations](#) have also issued statements opposing SB 1070.

### Business Leaders

- **November 18, 2010**—[Competitive Enterprise Institute Policy Analyst Alex Nowrasteh](#): “Does Texas want to drive away entrepreneurs in a rough economy? If it copies Arizona, that is exactly what will happen...HB 17 [Texas’ Arizona copycat bill] will harm businesses and blot Texas’ otherwise wise policy choices. It would cast a wide net that will punish undocumented immigrants, legal immigrants and hardworking American entrepreneurs trying to survive in precarious economic times.”
- **September 30, 2010**—[News Corporation Chairman and CEO Rupert Murdoch](#): “And as an immigrant, I feel an obligation to speak up for immigration that will keep America the most economically robust, creative and freedom-loving nation in the world. America’s future prosperity and security depends on getting our immigration policy right and doing it quickly.”

### Elected and Appointed Officials

- **December 5, 2010**—[Former Florida Republican Governor Jeb Bush](#): “It’s the wrong approach. The net result is not much has been done.”
- **November 10, 2010**—[Texas Republican Governor Rick Perry](#): “I fully recognize and support a state’s right and obligation to protect its citizens, but I have concerns with portions of the law passed in Arizona.”
- **June 14, 2010**—[United States Conference of Mayors](#): “Now, therefore, be it resolved that The United States Conference of Mayors register its strong opposition to Arizona Law SB 1070; and be it further resolved that the Conference of Mayors oppose the enactment of laws similar to Arizona Law SB 1070 in others states...”
- **May 11, 2010**—[California Republican Governor Arnold Schwarzenegger](#): “I was also going to give a graduation speech in Arizona this weekend. But with my accent, I was afraid they would try to deport me.”
- **April 28, 2010**—[Political Strategist Karl Rove](#): “I think there is going to be some constitutional problems with the bill. I wished they hadn’t passed it, in a way.”

### Law Enforcement

- **June 25, 2010**—[Phoenix Police Chief Jack Harris](#): “I believe SB 1070 will have a negative effect on our community policing efforts...Deterring, investigating and solving serious and violent crimes are the department’s top priorities, and it would be impossible for us to do our job without the collaboration and support of community members, including those who may be in the country unlawfully...The new SB 1070 may also adversely impact the department’s ability to fulfill its investigative priorities because its implementation will require the department to reassign officers from critical areas.”

- **June 25, 2010**—[Tucson Police Chief Roberto Villasenor](#): “The impact of illegal immigration on Arizona’s well-being cannot be denied. But to require local police to act as immigration agents when a lack of local resources already makes enforcing criminal laws and ordinances a challenging proposition is not realistic.”
- **April 28, 2010**—[Pima County Sheriff Clarence Dupnik](#): “If I tell my people to go out and look for A, B, and C, they’re going to do it. They’ll find some flimsy excuse like a tail light that’s not working as a basis for a stop, which is a bunch of baloney.”

### **Civil Rights Leaders**

- **August 4, 2010**—[Progressive National Baptist Convention, Inc., resolution](#): “Be it therefore resolved that the Progressive National Baptist Convention, Inc., supports ‘Comprehensive Immigration Reform’ by joining with other faith institutions in urging our national leaders to move expeditiously on immigration reform, which will prevent state governments like Arizona from embracing misguided legislation to address a broken federal immigration system.”
- **July 29, 2010**—[Alpha Phi Alpha Fraternity President Herman “Skip” Mason, Jr.](#): “The provisions U.S. District Judge Susan Bolton specifically enjoined were those that required police officers to check a person’s immigration status...and the requirement (like in apartheid-era South Africa or WWII-era Germany) that people ‘carry papers’ that prove their residential status...The injunction is a step in the right direction, and for this we are pleased. However, so much more work needs to be done.”
- **May 28, 2010**—[Asian American Justice Center President and Executive Director Karen Narasaki](#): “Unfortunately, Arizona has a history of passing constitutionally questionable laws hostile to immigrants and minorities. The state adopted an English-only law in 2006 and another overreaching immigration enforcement law in 2008, and most recently, together with SB 1070, a law seeking to restrict the teaching of ethnic studies. These laws are divisive, unworkable and inconsistent with our nation’s most cherished ideals.”
- **April 30, 2010**—[NAACP President and CEO Benjamin Todd Jealous](#): “The NAACP is outraged that in 2010, a sitting Governor would sign a law that empowers local law enforcement to legally use racial profiling to target entire communities. It is a violation of the respect for human rights that is the moral standard of our nation...”
- **April 22, 2010**—[National Council of La Raza President and CEO Janet Murguía](#): “This bill throws the door wide open to the racial profiling of Arizona’s Latinos, the vast majority of whom are native-born U.S. citizens and legal residents, without doing a single thing to protect the people of Arizona.”
- **April 22, 2010**—[The Leadership Conference on Civil and Human Rights President and CEO Wade Henderson](#): “The passage of SB 1070 is a catastrophe in the making that would institutionalize racial profiling in a misguided attempt to fix our broken immigration system...While immigration policy has often proved a challenge to our country, it should never be used to tarnish the fundamental ideal of equal justice.”
- **April 22, 2010**—[Anti-Defamation League Civil Rights Director Deborah Lauter](#): “We in the Jewish community recall the ugly anti-immigrant backlash against our parents and grandparents. We do not want to see that history repeated for anyone and we cannot let the task of fighting it fall on the shoulders of its victims alone.”
- **May 5, 2010**—[African American Ministers In Action \(AAMIA\) and the African American Ministers Leadership Council \(AAMLC\) resolution](#): “We stand in agreement

therefore with many voices for respect and immigration dialogue and reform that will inspire hope, unites families, secures borders, ensures dignity and provides a legal avenue for all of God's children working and desiring to reside in this country to drink for the well of justice and equal protection under the law."

### **Celebrities and Artists**

- **August 7, 2010**—[Eva Longoria Parker, Jessica Alba, and Rosario Dawson](#) all spoke out against SB 1070. Longoria Parker: "I haven't made it a secret that I'm strongly opposed to the Arizona law and I've been pretty vocal about it."
- **May 29, 2010**—[Shakira](#): "I'm not an expert on the [U.S.] Constitution. But I know that the Constitution exists for a reason. It exists to protect human beings. To protect the rights of people living in a nation, with or without documents."
- **May 25, 2010**—[The Sound Strike](#) founder [Zach de la Rocha of Rage Against the Machine](#): "Some of us grew up dealing with racial profiling, but this law (SB 1070) takes it to a whole new low. If other states follow the direction of the Arizona government, we could be headed towards a pre-civil rights era reality."

### **From Inside Baseball**

- **August 12, 2010**—[Scott Miller, CBS Sports Columnist](#): "There very well may be some seriously uncomfortable moments to come regarding the 2011 All-Star Game."
- **July 12, 2010**—[St. Louis Cardinals First Baseman Albert Pujols](#): "I'm opposed to it [SB 1070]. How are you going to tell me that, me being Hispanic, if you stop me and I don't have my ID, you're going to arrest me? That can't be."
- **May 12, 2010**—[Texas Rangers Third Baseman Michael Young](#): "You can quote me. It's a ridiculous law. And it's an embarrassment for American citizens."
- **April 30, 2010**—[Major League Baseball Players Association](#): "The recent passage by Arizona of a new immigration law could have a negative impact on hundreds of Major League players...All of these players, as well as their families, could be adversely affected, even though their presence in the United States is legal. The Major League Baseball Players Association opposes this law as written."

## APPENDIX E: SAMPLE GRASSROOTS CAMPAIGN PLAN

*This grassroots campaign plan was developed by The Leadership Conference for one of its partners, South Carolina Immigrant Rights Coalition.*

### **Stopping Anti-Immigrant Initiatives in South Carolina**

The South Carolina legislature will likely take up Arizona SB 1070-like legislation in early 2011. Indeed, statewide hearings on the issue echoed the likelihood of such a bill coming forward. Below are some ideas for a grassroots campaign to build opposition and awareness of the negative impacts of this legislation. The Leadership Conference can provide technical assistance, campaign consultation, and on-the-ground support to the coalition to defeat this initiative and to support a stronger multiethnic coalition.

**Ground-softening:** Ground-softening activities are activities that would occur prior to January, when we expect the bill to be introduced. These activities would focus on increasing and diversifying the voices of opposition to the legislation and provide opportunities to garner press around opposition to the bill. Such activities could include:

- Collaboration and development of a proactive message framework and strategy to oppose this legislation
- Presentations to nontraditional allies such as churches, law enforcement, service provider organizations, and other minority groups on the negative impact of the legislation

**Grassroots activities:** Grassroots activities that build momentum before the introduction of the bill and effectively frame the issue to increase the diversity of opposition will be critical. The coalition can leverage a two-pronged approach to grassroots activities—one directed at convincing the legislature and mainstream community, and the second focused on building and diversifying our base.

- **Postcard campaign**—The postcard campaign encourages the legislature to focus on issues that matter most, like jobs creation, and not waste time on a racial profiling bill like SB 1070. Postcards can be distributed to and collected by local churches, during presentations to allied organizations, directly to the community, etc. The postcards can be used during a press event prior to the legislative session or sent directly to legislators.
- **Faith outreach**—Meet with faith leaders across the state regarding immigration.
- **Training and dialogue**—“Caring for the Stranger from the Faith Perspective” is a two-to three-day training and dialogue on immigration with various faith leaders.
- **Martin Luther King Jr., Day**—Coordinate activities in January that focus on the social justice impact of such legislation and build diverse support for the coalition’s efforts.

**Legislative strategy:** The legislative strategy of this campaign could begin as early as December by meeting with strategic partners and legislators.

- **Testifying**—Develop a diverse list of spokespeople who can testify.

## APPENDIX F: THE UTAH COMPACT

*On November 11, 2010, the following Utah state leaders released this declaration of five principles to guide Utah's immigration discussion: President of the Sutherland Institute Paul Mero, Salt Lake Chamber of Commerce President Lane Beattie, Attorney General Mark Shurtleff, Salt Lake County Mayor Peter Corroon, Salt Lake City Mayor Ralph Becker, Former Governor Norm Bangerter, and Bishop John C. Wester of the Salt Lake City Catholic Diocese.*

*Following the announcement of the Utah Compact, The Church of Jesus Christ of Latter-Day Saints issued a statement of support, which can be found at <http://beta-newsroom.lds.org/article/church-supports-principles-of-utah-compact-on-immigration>.*

### THE UTAH COMPACT

**FEDERAL SOLUTIONS** Immigration is a federal policy issue between the U.S. government and other countries—not Utah and other countries. We urge Utah's congressional delegation, and others, to lead efforts to strengthen federal laws and protect our national borders. We urge state leaders to adopt reasonable policies addressing immigrants in Utah.

**LAW ENFORCEMENT** We respect the rule of law and support law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code.

**FAMILIES** Strong families are the foundation of successful communities. We oppose policies that unnecessarily separate families. We champion policies that support families and improve the health, education and well-being of all Utah children.

**ECONOMY** Utah is best served by a free-market philosophy that maximizes individual freedom and opportunity. We acknowledge the economic role immigrants play as workers and taxpayers. Utah's immigration policies must reaffirm our global reputation as a welcoming and business-friendly state.

**A FREE SOCIETY** Immigrants are integrated into communities across Utah. We must adopt a humane approach to this reality, reflecting our unique culture, history and spirit of inclusion. The way we treat immigrants will say more about us as a free society and less about our immigrant neighbors. Utah should always be a place that welcomes people of goodwill.

For more information, visit [www.utahcompact.com](http://www.utahcompact.com).

For a case study on how *The Utah Compact* was written and announced, see the National Immigration Forum's [The Utah Compact: One State's Conservative Approach to Immigration Reform](#).



# APPENDIX G: NEBRASKA APPLESEED FACT SHEET

## The High Costs and Risks of an Arizona-Style Law in Nebraska

An Arizona-style law in Nebraska would rapidly create fiscal, economic, and social costs to our state, and will make us less safe. Since April, Arizona has lost tens of millions of dollars in business and tax revenues as sporting events, conferences, and meetings have moved to other states. This has happened even though the law is not yet in effect (a federal court has blocked key sections likely to be ruled unconstitutional). If the law were to go into effect, costs would skyrocket further.



### An Arizona-style law in Nebraska would...

#### Create high fiscal and economic costs during a budget deficit.

- Arizona has lost sporting events, conferences, and meetings to other states to the tune of **tens of millions of dollars**. A recent economic study estimates **\$141 million in lost spending** as of Nov. 2010. In the first week alone, the Arizona Hotel and Lodging Association reported that 19 meetings had been cancelled because of the law, representing **\$6 million in lost revenue** to the state. ("Arizona tourism loses more business in wake of immigration law vote," *Washington Post*, 5/12/10, "Early Economic Impact of SB 1070: Tourism Takes \$6 Million Hit in First Week," *The Tucson Weekly*, 5/3/10, *Stop the Conference: The Economic and Fiscal Consequences of Conference Cancellations Due to Arizona's S.B. 1070*, [www.americanprogress.org](http://www.americanprogress.org))
- The City of Phoenix has estimated that boycotts could cost the city **\$90 million in hotel and convention business over five years**, not including incidental spending in local restaurants and shops. ("Phoenix Counts Big Boycott Cost," *The New York Times*, 5/11/10)
- In July, Arizona's governor allocated **\$250,000 to help repair the state's image** because its "brand has been beaten up," and "there is a sense that [Arizona] has fallen to the bottom, maybe as far as the South in the 1960s," according to business leaders. ("Arizona Leaders Call on Brewer to Fix State's Image," *The Arizona Republic*, 9/9/10)

#### Generate expensive legal costs to defend an unconstitutional law.

- These laws have repeatedly lost in federal courts leaving states and localities with very high legal bills. Just at the city level, unconstitutional immigration laws have cost Hazleton, PA - **\$2.4 million**, Farmers Branch, TX - **\$3.2 million+**, and Riverside, NJ - **\$82,000**. All of these have been struck down in court. Fremont, Nebraska, recently budgeted **\$750,000** and an 18% tax increase for the first year of defending its immigration ordinance. ("Farmers Branch Legal Costs Rise in Immigration Fight," *The Dallas Morning News*, 4/10/10, "Attorneys want Hazleton to pay fees," *Pittsburgh Post-Gazette*, 9/5/07, "Towns Rethink Laws Against Illegal Immigrants," *The New York Times*, 9/26/07, "Council Adopts New Budget," *Fremont Tribune*, 9/15/10)
- The same attorney helped draft the AZ law and each of the above laws. They are all failing in court. ("Federal Judge Strikes Down Farmers Branch Ordinance..." *The Dallas Morning News*, 3/24/10, "Federal Appeals Court Strikes Down Hazleton's Immigration Ordinances," *Philadelphia Inquirer*, 9/10/10)

#### Impose an unfunded mandate on Nebraska cities, counties, and law enforcement.

- In Prince William County, Virginia, the only place to implement an Arizona-style law, county super-visors repealed the law after finding it would cost a minimum of **\$14 million for five years**.
- The U.S. Conference of Mayors approved a resolution condemning Arizona's new law and calling on Congress for swift federal reform. ([www.usmayors.org](http://www.usmayors.org))

#### Endanger community safety and take police off the street.

- Many top law enforcement officials have opposed the law, including the Arizona Association of Chiefs of Police, noting that fear of police will diminish the public's willingness to report crimes and assist with the investigations, which will harm their ability to protect the community (AACOP statement)
- Many police have raised concerns that Arizona-style laws take police off the streets: the cost of implementation would cut into police budgets and reduce officers, and remaining officers would have to spend more time in the office processing immigration status for individuals without criminal records, rather than time on the street fighting crime.

## **An Arizona-style law would...**

### **Expand a policy created to grow prison industry profits.**

- An October NPR investigative report revealed "a quiet, behind-the-scenes effort to help draft and pass Arizona Senate Bill 1070 by...the private prison industry." The law was born in a hotel room meeting of the American Legislative Exchange Council (ALEC), a membership organization that includes the Corrections Corporation of America (CCA) – the largest private prison company in the country. According to CCA reports obtained by NPR, its "executives believe immigrant detention is their next big market." 30 of 36 Arizona co-sponsors received donations from prison lobbyists or prison companies. ("Prison Economics Help Drive Arizona Immigration Law, NPR, 10/28/10)

### **Send a signal that Nebraska permits racial profiling.**

- The Arizona law creates a "show me your papers" state that could lead to a trip down to the police station and a potentially lengthy detention for any of us not carrying sufficient documentation at all times. This would give pause to any professional thinking of locating their family here and create harm and humiliation to Nebraskans of color.

**Change our community environment.** For example, Fremont's immigration law has already changed the town, even before the law goes into effect. Residents describe an environment that does not feel like Nebraska.

- "It is too sad. Somebody told us 'go back to Mexico' but we are from El Salvador. Anyway now with the ordinance we are planning to move to another state. We are legal permanent residents."
- "June 26 my neighbors shouted 'Go back to Mexico.' Three days ago, while looking out the window I discovered that we were being fired at with BB guns. I am not afraid for myself but I am afraid for my children."
- "I want you to know that they treat us very badly. People yell offensive things at us. I have a 10-year-old daughter and she told me that...she doesn't want to go outside and play anymore. She spends her time shut inside." (Statements collected 7/6/10. More statements at: [www.neappleseed.org/CIR](http://www.neappleseed.org/CIR))

### **Allow out-of-state groups to conduct their legal experiments and leave Nebraska with the cost.**

- These laws often rely on the work Kris Kobach, attorney for the legal arm of the Federation for American Immigration Reform (FAIR), a well-funded national organization listed as a hate group by the Southern Poverty Law Center (a leading civil rights organization) because of its founder's writings and its repeated participation with white nationalist groups. Kobach helped draft the Arizona law and other local immigration ordinances that are failing in the courts. Fremont, NE, had to raise property taxes 18% to cover the first year of defending its ordinance. (*The Nativist Lobby*, [www.splcenter.org](http://www.splcenter.org))
- Former city councilwoman Carol Dingman from Farmers Branch, TX, a town with a Kobach-sponsored ordinance, said: "Our mayor said [Kobach] was an expert...who would help the city on a pro-bono basis....We will have paid almost \$4 million in legal fees at the end of this fiscal year. Mr. Kobach was paid \$100,000 of that. So much for pro bono." (*Sand Mountain Reporter* 4/3/10, [mediamattersaction.org](http://mediamattersaction.org))

### **What does the Arizona law do?**

- It would require police to ask about immigration status during any lawful stop or arrest.
- Police may not release someone from custody until immigration status has been verified.
- It makes it a crime to transport anyone without legal status, even family or church members.
- It prevents government and police from focusing on violent crime.

(<http://www.immigrationpolicy.org/special-reports/qa-guide-arizonas-new-immigration-law>)

A patchwork of state and local laws to regulate immigration is not the answer. It would rapidly generate unmanageable costs for our state, cities, and police, and it would make us less safe. There are real solutions. Our communities need common-sense and humane reform at the federal level – reform that upholds our values and moves us forward. There are also things state legislators can do: support community policing, wage enforcement, enhanced worker safety protections, English-language instruction, and small-business entrepreneurs – many of whom are immigrant Nebraskans – to help build local economies and grow jobs.

# APPENDIX H: IOWA IMMIGRATION EDUCATION COALITION FACT SHEET

## ISSUE BRIEF:

### **IMPLICATIONS OF STATE & LOCAL IMMIGRATION LEGISLATION**

An attempt to regulate immigration law at the state level would have a number of negative consequences for Iowa. Because the federal government alone has the power to make and enforce immigration laws, state and local laws have resulted in litigation and significant costs of defense. The cost of implementation and the potential damage to Iowa's economy and welcoming reputation must also be considered in determining whether these laws are in Iowa's best interest.

### **FEDERAL PREEMPTION AND LEGAL CHALLENGES**

#### **The federal government controls immigration law.**

- ✓ State-by-state immigration legislation increases costs for localities and reduces federal ability to effectively enforce immigration laws. It also focuses federal resources on non-violent immigrants and overburdens local jails and police.
- ✓ Access to public education (K-12) and emergency medical services are mandated by federal law and cannot be restricted by the State.

#### **State & Local immigration laws will result in costly legal challenges.**

- ✓ Litigation costs for Arizona's SB 1070 have exceeded \$1 million thus far.
- ✓ Fremont, Nebraska, officials repealed an immigration ordinance when it was revealed to be too costly (est. \$750,000 per year).
- ✓ The city of Hazelton, Pennsylvania, was ordered to pay \$2.4 million toward the plaintiff's attorney fees after the city's immigration ordinance was ruled unconstitutional.

#### **Local immigration policies are costly to implement.**

- ✓ \$2 million annually to implement Colorado's state-level immigration law.
- ✓ \$14 million over five years to implement county-level immigration ordinance in Prince William County, Virginia.

### **ECONOMIC DYNAMISM AND POLITICAL POTENCY**

#### **State-based immigration legislation would be harmful to Iowa communities and businesses.**

- ✓ Economic consulting firm [Elliott D. Pollack & Company](#) found that fallout from Arizona's SB 1070 led to losses in the convention industry alone that totaled \$141 million in direct spending. Over two to three years, the study projects additional losses of \$253 million in economic output and over \$86 million in lost wages.
- ✓ It is estimated that if all undocumented immigrants were removed from Iowa, the state would lose \$1.4 billion in expenditures, \$613.4 million in economic output, and approximately 8,819 jobs (Perryman Group).
- ✓ The Iowa Policy Project estimates that undocumented immigrant families pay between \$40 and \$62 million in state taxes per year.

#### **Immigrants and immigrant labor are of vital importance to Iowa's economy.**

- ✓ Immigrants are 30% more likely to start businesses than native-born residents
- ✓ Immigrants comprise 4.5% of Iowa's workforce and a substantial portion of workers in the service and production industries.
- ✓ According to the American Farm Bureau, the current agricultural worker shortage could decrease national agriculture production by between \$5 billion to \$9 billion. Many agricultural sectors are heavily dependent on immigrant labor.

#### **Immigration has accounted for all population growth in Iowa in the last decade.**

- ✓ Iowa's population is growing slowly (among the slowest nationwide) and is aging. This has resulted in a loss of Congressional representation and will contribute to an impending labor shortage in the coming years.
- ✓ Latinos are the largest and fastest-growing minority group in Iowa and an increasingly important segment of the electorate both in Iowa and nationwide.



The Iowa Immigration Education Coalition is a multi-perspective group of business, labor, civil rights, religious, immigrant, education, social service, government, and other community leaders united for the purpose of providing Iowans with relevant and timely information about immigration issues and their impact on Iowans and their communities.

For more information on the Iowa Immigration Education Coalition, please visit our website:

[www.iowaimmigrationeducation.org](http://www.iowaimmigrationeducation.org)

Iowa Immigration Education Coalition  
P.O. Box 506  
Des Moines, IA 50302

## **APPENDIX I: LIST OF STATES AND LOCALITIES WITH RESOLUTIONS OPPOSING SB 1070**

*The following is a list of the more than 60 city and state government entities and national institutions that have passed boycott resolutions, divestment resolutions, travel bans, and/or resolutions opposing SB 1070 and calling for comprehensive immigration reform.*

### **National**

Cherokee Nation Tribal Council  
The Church of Jesus Christ of Latter-Day Saints  
General Assembly, Presbyterian Church  
National Congress of American Indians  
National Council of Churches and Church World Service  
National League of Cities  
Navajo Nation Council  
U. S. Conference of Mayors

### **Arizona**

Bisbee City Council  
Flagstaff City Council  
Inter Tribal Council of Arizona  
Tohono O’odham Nation  
Tucson City Council

### **California**

Berkeley City Council  
Calexico City Council  
California Latino Legislative Caucus  
Carson City Council  
Chula Vista City Council  
Coachella City Council  
Los Angeles City Council  
Los Angeles County Council  
Monterey County  
Oakland City Council  
Pasadena City Council  
Sacramento City Council  
San Diego City Council  
San Francisco Board of Supervisors  
Santa Ana City Council  
Selma City Council  
West Hollywood City Council

### **Colorado**

Boulder City Manager (travel ban)  
Denver City Council  
Denver County Public Schools (travel ban)

### **Connecticut**

New Haven Board of Aldermen

### **Florida**

Lake Worth Commission

### **Illinois**

Cook County Board of Commissioners  
Chicago City Council  
Illinois House of Representatives

### **Indiana**

Bloomington City Council

### **Maryland**

Baltimore City Council

### **Massachusetts**

Amherst City Council  
Boston City Council

### **Michigan**

Ann Arbor City Council

### **Minnesota**

Minneapolis Mayor (travel ban)  
St. Paul Mayor (travel ban)

### **Missouri**

Kansas City Council  
St. Louis Board of Aldermen

**New York**

New York City Council  
New York State Senate

**Ohio**

Cleveland City Council  
Columbus City Council (travel ban)

**Oregon**

Portland City Council

**Pennsylvania**

Philadelphia City Council

**Texas**

Austin City Council  
Brownsville City Commission  
El Paso City Council  
El Paso County Commission  
Laredo City Council  
San Antonio City Council

**Vermont**

Burlington City Council

**Washington**

Port of Seattle Commission  
Seattle City Council  
Tacoma City Council

## APPENDIX J: SAMPLE MEDIA PLAN

*This sample media plan was developed by The Leadership Conference for one of its local partners, South Carolina Immigrant Rights Coalition.*

### **Media Tools to Voice South Carolina's Opposition to Anti-Immigrant Legislation**

These draft materials are designed to inform your coalition's conversation on how to engage the media. These tools, sample messages, and documents are only ideas—*the personal connections, local knowledge, and community voice should come from you*. If you decide that your coalition would like to engage the media, these are some things to consider when creating a viable plan.

- Audience(s): Who are you trying to reach?
- What types of media outlets do your audiences pay attention to? What ways can you reach them?
- Messages: What messages will move people to take the action you want? How can you package and deliver those messages effectively through the media?
- Spokespeople: Who will be credible and effective at getting your message heard by your target audience?
- Information and Events: What information do you have or events can you create that will interest the media, enable you to place stories, and get your spokespeople in print or on the air? What are the campaign milestones that will make good stories?

### **Audience(s): Who are you trying to reach?**

The coalition is seeking to:

- Influence the state's African-American communities
- Inform the rest of the state of a Black/Brown alliance against this bill

### **What kinds of media do your audiences pay attention to?**

That is a question best answered locally. There are undoubtedly trusted voices covering politics and community issues throughout the state. Who are those journalists, reporters, and radio personalities and how can you reach them? In South Carolina, you have several advantages:

- The relative accessibility of South Carolina journalists to your coalition. The state's most prestigious and high-circulation journalists and media voices are likely to return your calls, so ask them to ensure that a diverse group of voices are represented during this debate. They may or may not be interested in what you have to say, but they are within your reach.
- A thriving network of Black press and gospel/adult R&B radio stations. There are nine newspapers and almost 40 radio stations in the state. With a limited timeframe and resources, these may be an efficient way to reach Black audiences in particular.
- A potentially big story. This bill will get a decent amount of coverage statewide, and your coalition has a unique voice to add to the discussion. The question for you isn't how to get coverage (which is the struggle in other places), but how to make sure you are included in the conversation.

- SB 1070 opponents have already done a lot of writing. Your coalition can take advantage of the statements, messaging, and tactics that came out of the SB 1070 debate.

**Messages: What messages will move people to take the action you want? How can you package and deliver those messages effectively through the media?**

A recent news story about one of the bill hearings identified powerful messages that the coalition could use, including:

- “This law is advocating for the persecution of people because of the color of their skin,” said Julie Smithwick-Leone, a West Columbia resident. “That’s not a community I would be proud to live in.”
- The state won’t be able to pay for new jails, law enforcement training, and other expenses that the law would create. “Our budget is busted,” said Barbara Coleman of Columbia. “We cannot fund some of the mandates we already have in our immigration law.”

An organization called The Opportunity Agenda recommended the following messages:

- This law is impractical, violates our values, and divides our communities. We need real solutions that embrace fairness, equal treatment, and due process. Our immigration system is broken, but disregarding our values is not the answer to fixing it. Congress needs to act now.
- This law is racial profiling, pure and simple. Singling people out based only on stereotyping isn’t just wrong, it’s bad policing. Our communities need Congress to focus on workable solutions that uphold our values and move us all forward together. Fixing our immigration system the right way is about what kind of country we want to be.
- This law certainly illustrates what we don’t want to become. The problems facing our communities are the result of a failed immigration system that only Congress can fix. Its inability to move forward on this issue will continue to result in wrongheaded, unworkable policies like this law, which is a dangerous distraction from the real work we need to do to pass comprehensive immigration reform that works for everyone.

**Spokespeople: Who will be credible and effective at getting your message heard?**

Your coalition needs to determine the key community, faith, and political leaders who can carry your message. Are there everyday people who have a compelling story to share?

**Information and Events: What information do you have or events can you create that will interest the media, enable you to place stories, and get your spokespeople in print or on the air? What are the campaign milestones that will make good stories?**

With such a tight timeframe, a plan to engage the media should occur in the next two months.

The following are key upcoming events that present media opportunities to voice concern:

- November 10—Final immigration hearing in Myrtle Beach
- November 25—Thanksgiving (immigrants and Native Americans coming together)
- January—State legislature reconvenes; anti-immigration bill is introduced
- January 17—MLK Day (invoking MLK’s vision of judgment by content of character)
- January—Bill will be voted on