

# [***As governor, Haley took on Obama on immigration. Now she's fighting Trump***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B9K-M341-DY7V-G006-00000-00&context=1516831)

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**Body**

(CNN) &#8212; A few months into her first term as governor, [*Nikki Haley*](https://www.cnn.com/2024/02/07/politics/nikki-haley-end-game-south-carolina/index.html) signed one of the strictest immigration bills in the country.

Like Arizona's infamous "show me your papers" law, the most controversial part of South Carolina's legislation required law enforcement to check people's legal status during stops if they suspected they were in the country illegally. Critics said it would lead to racial profiling.

Haley drew on her own background as the daughter of immigrants who came to the country legally to stress that the bill wasn't about intolerance, but upholding the law.

"This enforces the fact that illegal immigration is not welcome in South Carolina," Haley said at a press conference after signing the bill. "Legal immigration is more than welcome."

More than a decade later, Haley's record on immigration is under fire as former President [*Donald Trump*](https://www.cnn.com/politics/president-donald-trump-45) seeks to make border policy a key part of his campaign to secure the GOP presidential nomination and defeat President Joe Biden in the general election. As Trump and his allies attempt to paint Haley as weak on border security, the former South Carolina governor is pushing back by leaning into both her immigration record in the state and her vision for future federal policy.

This month, Haley criticized Trump for killing a bipartisan border agreement and delaying reforms until after the election. She has pointed to the time she's spent on the US border with Mexico and laid out a border plan that would add more border patrol and Immigration and Customs Enforcement (ICE) agents, defund sanctuary cities and increase deportations. And she has stressed that when she was governor, her state pushed back on a former Democratic president.

"We passed the toughest illegal immigration law in the country," Haley said last week at a rally in Aiken, South Carolina. "President Obama sued us over it, and we won."

Parts of the 2011 law - one provision made it a crime to transport an undocumented person and another made it a crime to fail to carry an alien registration card - were blocked by the courts. Strict guardrails were also placed on when a law enforcement officer could question someone about their legal status and prevented officers from detaining people to investigate.

But key parts remained intact. It tightened rules around employers using the federal E-Verify database to check if employees are able to work in the country legally and [*created an Immigration Enforcement Unit*](https://www.postandcourier.com/archives/new-s-c-law-unit-arresting-illegals/article_39331aae-5ca5-5126-8bd0-32aec5240346.html) to target undocumented immigrants suspected of crimes.

"We need to take what we did in South Carolina and we need to go national with it," Haley said in a digital ad released Monday.

Attacks on immigration

The efforts come in the wake of attacks from Trump and his allies eager to give the former president a decisive win in the Palmetto State's February 24 primary. The Trump campaign and a super PAC backing the president both released ads ahead of the New Hampshire primary hitting Haley on border policy. And earlier this month, Trump allies held a news conference outside the state capitol on Haley's "weakness on immigration."

"Donald Trump knows what the American people want. He's driving the Trump Train of sensible immigration policy," South Carolina state Treasurer Curtis Loftis said at the news conference. "Nikki Haley and others have recently jumped on that train, but they're just passengers."

Loftis, one of dozens of South Carolina elected officials who have backed Trump over Haley, said the former governor and her allies "benefit from open borders because they love, they thrive, they just enjoy cheap labor at every level of their lives."

An ad from the Trump campaign said Haley opposed the former president's border wall and his campaign pledge to ban Muslims from entering the country. Haley has said that she supports a border wall, [*but thinks a wall alone isn't enough*](https://www.youtube.com/watch?v=ccoNixkEUqQ) to stop illegal immigration. When Trump called for a Muslim ban as a candidate, Haley [*said the proposal was "absolutely un-American*](https://www.cnn.com/2015/12/09/politics/nikki-haley-donald-trump-south-carolina/index.html)." (As president, Trump limited travel from a list of majority-Muslim countries.)

"The same year Nikki Haley passed one of the toughest immigration laws in the country as governor, Donald Trump was still a New York City liberal donating to Kamala Harris," Haley spokesperson Olivia Perez-Cubas said in a statement. "Nikki knows that we are a country of laws, and the minute that we lose that, we give up everything this country was founded on. South Carolinians know she'll be tough on illegal immigration as president because she did it already as governor."

As Haley continues her longshot challenge to Trump, she has struggled to emphasize her Tea Party roots to voters, many of whom see her as a more traditional Republican. While that has helped her with moderates and independents, it has hurt her with conservatives and the bulk of GOP primary voters, who favor Trump overwhelmingly.

A Monmouth University/Washington Post [*poll released February 1*](https://www.monmouth.edu/polling-institute/reports/monmouthpoll_sc_020124/) found that 62% of potential South Carolina Republican primary voters trust Trump most on immigration, 22% said they trust Haley more and 15% said they trust them equally. Overall, Trump led by 26 points, with 58% of voters backing the former president and 32% supporting Haley.

Fighting the Obama administration

Haley's approach to immigration policy over the last 13 years has closely mirrored changes in the way the Republican Party has juggled the issue. During Obama's first term in office, South Carolina joined a handful of states that sought to take immigration enforcement into their own hands.

"What we saw happening was a number of states sort of looking to jump on what they saw as a bandwagon of anti-immigrant legislation that I think a lot of people saw as an easy political win," said Omar Jadwat, the director of the ACLU's Immigrants' Rights Project, one of the groups that challenged the law.

The 2011 immigration law Haley signed was part of a small wave of legislation with "show me your papers" style provisions, which required law enforcement to ask for people's immigration documents during traffic or other stops if they suspected them of being in the country illegally.

The law, known as Act 69, was soon challenged by the Obama Justice Department and immigrant rights groups. They successfully argued that parts of the laws were preempted by federal law.

"It's not the job of state law enforcement to enforce immigration law," said Michelle Lapointe, the deputy director for legal at the National Immigration Law Center. "And that's been made clear, over and over again, in these court cases."

Haley's administration said the federal government wasn't doing enough.

"If the feds were doing their job, we wouldn't have had to address illegal immigration reform at the state level," Rob Godfrey, a spokesman for Haley at the time, [*said in a statement*](https://www.cnn.com/2011/12/22/justice/south-carolina-immigration-law/index.html) after a federal judge blocked part of the Act 69. "But, until they do, we're going to keep fighting in South Carolina to be able to enforce our laws."

A softer touch

Haley has advocated a hardline immigration policy with less of the inflammatory language used by her peers. She has supported building a wall on the US border with Mexico, adding 25,000 more border patrol and ICE agents, and increasing deportations. But she's also, over the years, scolded Republicans for the language they use to characterize migrants, particularly after Trump called some migrants "rapists" and said they were bringing crime and drugs into the country.

Haley tried to strike that balance during a 2015 appearance at the Aspen Institute. Asked about how, as the daughter of Indian immigrants, she viewed the tone of immigration discussions, Haley led by saying America is a country of laws.

But she also stressed that America is a country of immigrants.

"We don't need to talk about them as criminals, they're not," she said. "They're families that want a better life, and they're desperate to get here. What we need to do is make sure that we have a set of laws that we follow."

The first part of that quote was used in a pro-Trump super PAC ad that referred to migrants as "drug traffickers, rapists, poisoning our country" and accused Haley of being soft on criminals. The group, MAGA Inc., aired the ad in New Hampshire ahead of the state's primary last month. "Nikki Haley: too weak, too liberal to fix the border," the narrator says.

Haley's 2015 comments came in the wake of the 2012 presidential election, when Republicans sought to regain support among Latino voters. Mitt Romney's loss to former President Barack Obama, a contest Republicans thought they could win, set off a round of soul searching in the Republican National Committee that culminated in the 2013 Growth & Opportunity Project report, also known as the RNC autopsy.

"As we studied what happened in the 2012 election, it became really pretty clear that a lot of voters just didn't think Republicans particularly cared about them," said Henry Barbour, a longtime RNC committeeman from Mississippi and co-author of the report.

The autopsy advised Republicans to push for comprehensive immigration reform, craft a message that acknowledges the unique perspective of the Latino community and take better care in how messaging was relayed.

"The Republican Party is one of tolerance and respect, and we need to ensure that the tone of our message is always reflective of these core principles," it read.

Then came Trump.

While the former president was able to appeal to working class voters, a group the report didn't address, his 2016 campaign rejected many of the recommendations about where the party should go.

Barbour, who donated to Haley after Trump vowed that anyone who contributed to her would be "permanently barred from the MAGA camp," described Haley as "clear eyed" about threats at the border without being exclusionary or divisive. There is still a place in the Republican Party for an approach like hers, he said.

"I think there's a lot of room for somebody who's going to be more inclusive," he said. "Practice the ***politics*** of addition - as opposed to the ***politics*** of division - but yet be conservative."

By Arit John, CNN

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