

# **POLITICAL BATTLE ON IMMIGRATION SHIFTS TO STATES**

The New York Times

January 1, 2011 Saturday, Late Edition - Final

Copyright 2011 The New York Times Company

**Section:** Section A; Column 0; National Desk; Pg. 1

**Length:** 1118 words

**Byline:** By JULIA PRESTON

## **Body**

---

Legislative leaders in at least half a dozen **states** say they will propose bills similar to a controversial law to fight illegal **immigration** that was adopted by Arizona last spring, even though a federal court has suspended central provisions of that statute.

The efforts, led by Republicans, are part of a wave of **state** measures coming this year aimed at cracking down on illegal **immigration**.

Legislators have also announced measures to limit access to public colleges and other benefits for illegal immigrants and to punish employers who hire them.

Next week, at least five **states** plan to begin an unusual coordinated effort to cancel automatic United **States** citizenship for children born in this country to illegal immigrant parents.

Opponents say that effort would be unconstitutional, arguing that the power to grant citizenship resides with the federal government, not with the **states**. Still, the chances of passing many of these measures appear better than at any time since 2006, when many **states**, frustrated with inaction in Washington, began proposing initiatives to curb illegal **immigration**.

Republicans gained more than 690 seats in **state** legislatures nationwide in the November midterms, winning their strongest representation at the **state** level in more than 80 years.

Few people expect movement on **immigration** issues when Congress reconvenes next week in a divided Washington. Republicans, who will control the House of Representatives, do not support an overhaul of **immigration** laws that President Obama has promised to continue to push. **State** lawmakers say it has fallen to them to act.

"The federal government's failure to enforce our border has functionally turned every **state** into a border **state**," said Randy Terrill, a Republican representative in Oklahoma who has led the drive for anti-illegal **immigration** laws there. "This is federalism in action," he said. "The **states** are stepping in and filling the void left by the federal government."

But the proposals have already drawn opposition from some business groups. And they are forcing strategic soul-searching within the Republican Party nationwide, with a rising populist base on one side demanding tough **immigration** measures, and, on the other side, traditional Republican supporters in business and a fast-growing Latino electorate strongly opposing those measures.

## POLITICAL BATTLE ON IMMIGRATION SHIFTS TO STATES

In Utah, a state dominated by Republicans, leaders from business, law enforcement, several churches and the Latino community sought to bridge the divide by joining together in November in a compact urging moderation on immigration issues.

Some of the more contentious measures may not go into effect immediately, including Arizona-style bills and those intended to eliminate birthright citizenship for American-born children of illegal immigrants. Latino and immigrant advocate legal organizations are gearing up for a host of court challenges.

Among the states expected to introduce bills similar to Arizona's are Georgia, Mississippi, Nebraska, Oklahoma, Pennsylvania and South Carolina.

The Arizona law authorized the state and local police to ask about the immigration status of anyone they detained for other reasons, if they had a "reasonable suspicion" that the person was an illegal immigrant.

Acting on a lawsuit filed by the Obama administration, a federal judge stayed central provisions of the law. In November, the United States Court of Appeals for the Ninth Circuit heard arguments on an appeal of that stay by Arizona.

"States will push ahead regardless of the Ninth Circuit," said Kris Kobach, a law professor and politician from Kansas who helped many states devise immigration laws -- including Arizona's. "A lot of people recognize that the district judge's decision is very much open to dispute."

In Oklahoma, where Republicans won big majorities in both houses of the Legislature and the governor's office, Mr. Terrill said he would introduce a bill he called "Arizona plus." In addition to the terms of Arizona's law, it would allow for the seizure of vehicles and property used to transport or harbor illegal immigrants.

In Georgia, an all-Republican commission of legislators plans to propose measures to enhance enforcement of tough laws already on the books. Georgia will also consider a bill to bar illegal immigrant students from all public universities.

The newly elected governor, Nathan Deal, a Republican, is expected to sign those bills. But the Georgia Farm Bureau, which represents the state's powerful growers, voted to oppose any measures that would affect immigrant farm workers, most of whom do not have legal status.

In Kansas, Republicans won big majorities in both legislative houses and Sam Brownback, who just retired as a United States senator, was elected governor. Mr. Kobach, the law professor, was elected secretary of state after a campaign in which he vowed to pass a law requiring proof of citizenship for voters.

But the Kansas Chamber of Commerce has voiced its opposition, and Mr. Brownback has said he will focus on reducing unemployment.

The newest initiative is a joint effort among lawmakers from states including Arizona, Oklahoma, Missouri and Pennsylvania to pass laws based on a single model that would deny American citizenship to children born in those states to illegal immigrants. The legislators were to announce the campaign in Washington on Wednesday.

A leader of that effort is Daryl Metcalfe, a Republican state representative from Pennsylvania. At a recent news conference, Mr. Metcalfe said his goal was to eliminate "an anchor baby status, in which an illegal alien invader comes into our country and has a child on our soil that is granted citizenship automatically."

The campaign is certain to run into legal obstacles. Courts have interpreted the 14th Amendment as guaranteeing birthright citizenship. Even among those who seek its repeal, debate has hinged on whether that would require a constitutional amendment, an act of Congress or a decision by the Supreme Court.

Some Republicans argue that the party is risking losing its appeal to Latino voters, the fastest-growing minority voter bloc.

## POLITICAL BATTLE ON IMMIGRATION SHIFTS TO STATES

"The Republican Party is divided between those who see that Hispanics are an essential constituency going forward, and those who don't see that," said Tamar Jacoby, a Republican who is the president of ImmigrationWorks USA, a business coalition that supports legalization for illegal immigrants.

Latino and immigrant advocate groups are resigned to being on the defensive for the next two years. "These laws are creating resentment within the Latino community that is going to last for decades," said Tony Yapias, director of Proyecto Latino de Utah in Salt Lake City, an immigrant advocacy group.

<http://www.nytimes.com>

## Classification

---

**Language:** ENGLISH

**Publication-Type:** Newspaper

**Subject:** IMMIGRATION (93%); US REPUBLICAN PARTY (92%); ILLEGAL IMMIGRANTS (92%); LEGISLATIVE BODIES (91%); CITIZENSHIP (90%); US STATE GOVERNMENT (90%); POLITICAL PARTIES (89%); US FEDERAL GOVERNMENT (89%); CITIZENSHIP LAW (89%); IMMIGRATION LAW (89%); IMMIGRATION OF MINORS (78%); HISPANIC AMERICANS (78%); IMMIGRATION REGULATION & POLICY (78%); LAW ENFORCEMENT (78%); TYPES OF GOVERNMENT (78%); LAW COURTS & TRIBUNALS (77%); US PRESIDENTS (69%); ASSOCIATIONS & ORGANIZATIONS (66%); POLICE FORCES (60%); PUBLIC SCHOOLS (56%)

**Industry:** PUBLIC SCHOOLS (56%)

**Person:** BARACK OBAMA (56%)

**Geographic:** ARIZONA, USA (94%); OKLAHOMA, USA (92%); SOUTH CAROLINA, USA (79%); MISSISSIPPI, USA (79%); NEBRASKA, USA (79%); UTAH, USA (79%); UNITED STATES (94%)

**Load-Date:** January 1, 2011