

Democrats plan fallback in case Ariz. law is upheld

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Body

Senate **Democrats** are making **plans** to force a floor vote on legislation that would invalidate **Arizona's** controversial immigration statute if the Supreme Court upholds the **law** this summer.

Sen. Charles E. Schumer (D-N.Y.) will announce the **fallback** legislation at a hearing on the **Arizona law** Tuesday, a day before the Supreme Court hears oral arguments in a suit to determine whether **Arizona** had the authority to enact the 2010 state crackdown. The legislation would have little chance of passing in a stalemated Senate or being approved by a GOP-held House, but it would allow **Democrats** to push their electoral advantage with Latino voters just as the presidential campaign heats up in July.

The **plan** is to allow **Democrats** a route to express displeasure with the **Arizona law** if the court allows it to stand, and it would force Republicans to take a clear position on the **law** during the height of the presidential campaign. The immigration **law** is deeply unpopular with Latino voters, who could be key to the outcome of the presidential and Senate races in several Western states. "If the court upholds the **Arizona law**, Congress can make it clear that what **Arizona** is doing goes beyond what the federal government and what Congress ever intended," Schumer said in an interview.

He called the **Arizona law** an "assault on the domain of the federal government" that Congress will need to address if the court allows it to stand.

As chairman of the Senate Judiciary Committee's subcommittee on immigration, Schumer will hold a hearing Tuesday on the impact of the **Arizona law**. The state senator who wrote the statute will appear, as will opponents of the **law**. **Arizona** Gov. Jan Brewer (R), the **law's** chief proponent, was invited but declined to attend.

The Obama administration sued to prevent implementation of the **Arizona law** - which included a provision requiring local **law** enforcement to check the immigration status of anyone stopped or arrested who they suspect is in the country illegally - arguing that the Constitution gives the federal government jurisdiction over immigration **laws** and that the state's statute interferes with federal efforts.

In response, federal courts have blocked key portions of the **law** from going into effect. **Arizona** appealed to the Supreme Court, arguing that the state has the power to pass the legislation because Washington has failed to deal with the illegal-immigration problem. Schumer said he believes the court will side with the federal government. But if it does not, he will propose a new **law** requiring federal approval for new state immigration **laws**, essentially blocking implementation of **Arizona's law** and others like it that have passed elsewhere.

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The legislation would also bar states from imposing their own penalties, beyond federal sanctions, for employers who hire illegal immigrants. Some business leaders have said they are concerned new state rules on hiring could lead to a patchwork of conflicting employment rules across the country.

Presumed Republican presidential nominee Mitt Romney has said he opposes the federal lawsuit filed by the Obama administration to block the Arizona law.

But he has been working to improve his popularity with Hispanic voters, who according to the latest NBC News-Wall Street Journal poll favor President Obama by more than 40 points. Those numbers come after Romney took a hard line on immigration during the Republican primary season, opposing the Dream Act - which would provide a path to citizenship for some young adults brought to the country illegally by their parents as children - and indicating that he supports making life in America tough enough for illegal immigrants that they voluntarily "self-deport."

His campaign has protested that his February comments describing the Arizona law as a "model" for the nation were misinterpreted.

Campaign officials have insisted that Romney meant only a provision requiring employers to use an electronic database to check the immigration status of potential employees. They have said recently that he believes states should be able to decide whether Arizona-style laws are appropriate.

A congressional debate on the issue would probably force Romney to take a more definitive position on Arizona's statute and the broader issue of the proper balance of state and federal power in immigration enforcement.

At the same time, Republicans would surely cite the proposed legislation as another example of Democratic attempts to expand the federal government and squash state power.

"It's a calculated decision," said Steven Schwinn, a professor at the John Marshall Law School who has been following the case. "It would keep focus on an issue, but in a way that may or may not be a winner for Democrats."

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