



Written by [Daniel Sayani](#) on March 21, 2011

“Moderate” Republicans Knock Down Ariz. Immigration Bills

On Thursday, the Arizona Senate defeated five bills aimed at illegal immigration in a marked departure from last year, when enactment of tough state enforcement measure S.B. 1070 put the Grand Canyon State at the heart of a fierce national debate on illegal immigration.

As [previously reported](#) by *The New American*, Arizona State Senator Russell Pearce (picture, left) had introduced a series of five bills dubbed “S.B. 1070 on steroids,” which would have imposed further restrictions on the abuse by illegal aliens of public, taxpayer-funded human and social services — an abuse which has placed an insurmountable economic strain on the state’s human services departments and healthcare agencies.



SB 1611, the so-called “Omnibus Immigration Bill,” would have denied illegal immigrants access to taxpayer-funded services to which they — as non-citizens and non-taxpayers — are not legally entitled. It would have denied all public benefits to undocumented immigrants in Arizona. It would also have made proof of citizenship a requirement for those applying for public housing and vehicle registration as well as for public school enrollment from kindergarten through college. In addition, it would have made it illegal for an undocumented immigrant to operate a motor vehicle in the state and made failure to enforce immigration laws a class 2 misdemeanor.

Further, the omnibus bill would have forbidden undocumented immigrants from driving in the state or accessing public benefits. Those caught driving would have faced a month of jail time and would have had to turn over the car they were driving. The bill also sought to crack down on the immigrant community’s enablers by making it a Class 1 misdemeanor for a public employee to fail to report any violation of national immigration laws; such a violation is currently a Class 2 misdemeanor. Identity theft would have resulted in 180 days of jail time.

SB 1611 would also have barred undocumented immigrants from enrolling in community colleges — entirely. Current law states that those who cannot prove legal presence in this country cannot receive the discounted tuition available to Arizona residents. But they may enroll if they pay the full out-of-state tuition and fees. SB 1611 would have precluded their admission entirely.

SB 1308 would have sought the approval of Congress to create separate birth certificates for children born to at least one parent with legal status and those born to undocumented parents — a system that would have been a first nationwide. The aim of the bill, backers said, was to force the U.S. Supreme Court to revisit the 14th Amendment, which has been interpreted as granting automatic citizenship to



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any child born in the country.

However, [all of these](#) principled and practical measures were rejected, with help from some Republicans. Majority Republicans were split in their votes, as they caved into pressure from groups such as the Arizona Chamber of Commerce (usually supportive of Republicans), which opposes efforts aimed at cracking down on illegal aliens.

Arizona business leaders urged lawmakers prior to the vote to put the issue aside to avoid damaging the still-ailing economy. "it's time for us to take a timeout," declared Republican Sen. John McComish of Phoenix. "It's something that the people don't want us to be focusing on." Critics also claimed the bills rejected Thursday were overreaching and flawed.

Dozens of CEOs of major employers and business groups signed a [letter distributed](#) Wednesday by the Greater Phoenix Chamber of Commerce, stating that passage of additional legislation on illegal immigration would damage the economy and tourism. The letter, signed by top officials of construction companies, hospitals, real estate developers, and U.S. Airways, maintained that the state should instead push for federal action on immigration and border issues, [adding](#), "Arizona's lawmakers and citizens are right to be concerned about illegal immigration. But we must acknowledge that when Arizona goes it alone on this issue, unintended consequences inevitably occur."

Lobbyists for local hospitals also claimed that the bill's requirement that illegal aliens provide documentation before receiving non-life-saving medical treatments at hospitals would have imposed unfair and economically-damaging restrictions on those institutions.

Supporters of the measures voiced frustration and warned that there could be political fallout for lawmakers who voted against them. "The lack of political courage" is the only impediment to step up pressure on illegal immigration, said Republican Sen. Russell Pearce, sponsor of the 2010 law. The two bills on citizenship were defeated on votes of 12-18 and 11-19 as majority Republicans split on the issue. The chamber's nine Democrats voted against all of the bills.

Despite the federal government's weakness on immigration and its refusal to adequately enforce existing immigration laws, Arizona Democrats selectively interpreted the U.S. Constitution to meet their own narrow agenda by attacking the five bills. "We finally stood up for what is right for the state of Arizona," asserted state Sen. [Steve M. Gallardo](#), a Democrat from Phoenix. "We cannot solve a federal problem on the floor of the Arizona state Senate. We have our own challenges we need to deal with."

However, the undeniable truth in a state where Republicans are in control of the state legislature is that Republicans, not Democrats, are to blame for the failure of the passage of the five bills. Besides business groups' opposition, others factors came into play: There is no election looming this fall, some of Arizona's GOP senators had never been too happy about the severity of some of the bills, and many lawmakers have simply tired of the issue.

Getting the clear "vote no" signal from so many major employers provided political cover to lawmakers whose constituents could demand explanations for votes against the bills, observed Bill Hart, an analyst for the Morrison Institute for Public Policy at Arizona State University. "They'll be able to say the top business CEOs in Arizona were very forcefully against it," he explained, noting that such a statement would pack some punch as the state continues to deal with economic troubles.

Thursday's votes clearly showed that last year's overwhelming margins of support among Republican legislators for SB 1070 stemmed from election-year pressures, pointed out Constantin Querard, a Republican consultant whose clients mostly voted for the bills on Thursday. It's evident now, however,



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that many Republican senators aren't that concerned with the issue, [he said](#) Friday.

The Senate's actions also illustrate limits on the potency of the Tea Party movement's ability to decide legislative action, indicated Pat Kenney, an Arizona State University political science professor. "This is driven ideology that isn't mainstream with other Republicans — the business leaders, the [moderate Republicans](#)," he said. "They have some things in common but they don't have everything. There's a split there."

The ideological divide between moderates and traditional conservatives in the Arizona GOP is a clearly identifiable cause of the failure of the five bills. "[Country Club Republicans](#)" (big government "conservatives") are typically lax on enforcing immigration laws, and side with big business interest groups such as the Chamber of Commerce in opposing tough immigration laws. As an example of this phenomenon, one need look no further than U.S. Senator Lindsey Graham (R-S.C.), whose support for amnesty for illegal aliens earned him the unflattering moniker "[Grahamnesty](#)" among constitutionalist conservatives. Conversely, traditional conservatives such as Pearce take a principled and tough stance on the issue.

Unlike Republicans such as Graham and DREAM Act-supporter Sen. Richard Lugar (R-Ind.), Pearce is a constitutionalist, having worked with members of The John Birch Society and W. Cleon Skousen's National Center for Constitutional Studies, and is thoroughly familiar with such classics as [The Five Thousand Year Leap](#) (which outlines the 28 principles of freedom our Founding Fathers said must be understood).

Unless more [paleoconservatives](#) in the mold of Pearce are elected, states such as Arizona will see no substantial progress in the enforcement of immigration laws.



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