



The business voice on immigration

BUSINESS PUSHES BACK IN THE STATES

QUESTION Is business getting more engaged in the fight to beat back enforcement-only legislation in the states?

ANSWER Absolutely. As recently as five years ago, there was hardly an employer in America willing to come forward and make the case for better immigration law. This year, we saw not just employer groups – trade associations and coalitions from across the sectors that rely on immigrant workers – but also brand-name companies stepping up to say “no” to enforcement-only. And these business advocates made the difference in several battleground states.

Q What’s motivating employers to get involved?

A Let’s be honest, it’s often fear. Fear of worksite enforcement that will deplete or in some sectors wipe out the workforce they rely on to keep their businesses open and contributing to the economy. Fear that draconian policing will drive thousands or even tens of thousands of immigrant workers out of the state. Fear of boycotts that will cut into their business – just one cancelled convention can cost millions. Fear of damage to the state’s image – damage employers would feel in lots of ways, including economically.

Different fears matter more to different sectors. And in states where lawmakers considered bills that combined worksite enforcement with Arizona-like policing measures, different sectors – generally, agriculture and hospitality – were often divided about what was most urgent to block.

But by now enough states have passed both kinds of laws, worksite enforcement and policing, that employers know what the consequences are likely to be – and the threat is frightening enough to draw business into the debate.

Q Where was business most successful on the 2011 sessions?

A In **Arizona**, 60 CEOs signed a letter saying “Enough is enough – we don’t want to be in the vanguard of the enforcement movement any more.” And this stopped a bundle of ugly measures dead in its tracks, leaving anti-immigrant legislator Russell Pearce sputtering at the podium in the senate. Big-name employers also stood up publicly in **Texas**. More than 100 anti-immigrant bills were introduced, but nothing passed, thanks in large part to two prominent Republican Party donors who went up against Republican governor, now presidential candidate, Rick Perry.

Brand-name companies Eli Lilly and Cummins joined the fight in **Indiana**, limiting what could have been much more serious damage there. Disney got involved in **Florida**, working with a broad coalition that included other business groups and immigrant rights activists, and no bill got across the finish line. Business worked effectively behind the scenes in **Virginia**. Broad coalitions that included business also made a difference in **Tennessee** and **Kansas**.

And in our view, the biggest victory was in **Utah**, where the involvement of the business community, law enforcement officials and faith leaders made the difference between an enforcement-only bill and a multipronged legislative package that combined enforcement with a guest worker program and work permits for unauthorized workers.

Q What were the most successful tactics used by employer groups?

A Business still prefers – overwhelmingly – to work behind the scenes. That’s what they know, that’s where they’re comfortable – and by the way, when the right groups do it, exerting enough pressure, they can be extremely effective. But employers and employer groups are also starting to speak out publicly, as we saw in states from Florida to Utah – testifying, writing letters, making their voices heard in other ways.

In 2011, they were more successful blocking Arizona-like policing laws than stopping worksite enforcement – it turns out the public is much more ambivalent about policing laws, and it’s easier to draw out this ambivalence than to stop mandatory E-Verify.

Another choice employers faced – and will continue to face – is what to aim for. Do they try to block the bill completely or is it more realistic to try to trim it back, limiting its reach or taking out the teeth? The answer depends – or should depend – on what’s plausible politically at the moment. We saw both approaches this year, and both can be effective.

Not always, of course. In some states, business got involved – more involved than in the past and often more involved than they were comfortable with – and still failed.

But the important thing is that business is engaging. More and more employers understand what’s at stake – and more and more are willing to come forward. It’s a trend that’s going to continue in the months and years ahead. It’s critical – we won’t win, in the states or Washington, without the center right. Business can make the difference – it already is. And the stirrings we’re seeing from coast to coast will eventually, I’m convinced, pay off big.

Essay excerpted from ImmigrationWorks’ July 2011 report
ANOTHER ROUND: IMMIGRATION LAWMAKING IN THE STATES

A NEW ROLE FOR BUSINESS: OUT IN FRONT

Business advocates the world over prefer to keep their political activity discreet and behind the scenes. Employers advancing changes in immigration law are no exception, and though in recent years business owners have become increasingly involved in immigration politics, most are still more comfortable keeping a low profile: exerting their influence quietly, generally in the back room.

But this year, something new and different happened in states across the country where lawmakers were pushing for tougher immigration enforcement laws. Business leaders worried that these measures would be harmful for their state economies began speaking out publicly – in the media, at public forums and in public letters to lawmakers.

A business-led civic compact in Utah

In no state did business speak louder or more influentially than in Utah.

Utah business leaders didn’t seek a battle – it was thrust upon them last summer when Republican Rep. Stephen Sandstrom declared his intent to introduce a policing measure modeled on Arizona’s controversial SB 1070. The bill’s prospects looked good. “It was a foregone conclusion that Utah was going to do exactly what Arizona did,” said Marty Carpenter, director of communications for the Salt Lake Chamber.

The Utah business community was deeply concerned. Utah employers had been following the consequences in Arizona: a costly legal challenge, millions of dollars lost to boycotts and, hardest to

repair, a blot on the state's reputation – for many, across the country, Arizona had become a pariah state. None of it looked appealing to Utah business leaders – what faster way to damage the state economy?

Enter the Salt Lake Chamber, led by former state Senate president and 2002 Winter Olympics organizer Lane Beattie, who took the first steps to find another way. Months before the legislative session started, the Chamber began conversations with an array of Utah interests concerned about the likely consequences of an Arizona copycat law: not just business leaders, but local law enforcement, faith-based groups and immigrant rights advocates. Their goal: to spur a more constructive dialogue among lawmakers and avoid a zero-sum standoff between pro and con groups – the distressing norm in so many state immigration debates. The emerging coalition also pressed lawmakers to consider what Arizona-style enforcement would mean for the state's image and economic development.

The next step, in November 2010, was the "Utah Compact," a set of principles crafted by the Chamber and its allies designed to guide lawmakers as they hammered out a more balanced approach. The compact highlighted the economic contributions of immigrants as workers and taxpayers in Utah. It called for law enforcement to focus on criminal activity rather than civil violations of the immigration code. It opposed breaking up families with immigration enforcement and called for a "humane approach" to the reality of immigrants, legal and illegal, living and working in Utah. It also made crystal clear: immigration enforcement is a federal issue – Utah was stepping in only because it had to, because the feds' inaction on immigration had left a vacuum. By March 2011, the compact had more than four thousand signatories: elected officials, faith leaders and influential businessmen from across the state lending their names in support.

The compact set the stage for months of legislative maneuvering. A slew of bills, Democrat and Republican, circulated in the capitol. Chamber leaders and other compact signers worked closely with lawmakers to develop legislative language. With both chambers of the legislature heavily dominated by the GOP, business leaders set their sights on moderate Republicans – the key to passing a compromise.

The result emerged in early March: a package of four bills that combined tough enforcement with a guest worker program and work permits for the unauthorized immigrants already living and working in Utah.

The compromise passed in both chambers and was signed into law in March by Republican Gov. Gary Herbert. But the debate goes on in Utah, and the business community and its allies remain actively involved. The Utah Compact has spawned a national effort, America's Compact, and Utah supporters are working hard to enlist signatories from all 50 states. Business leaders are also supporting Utah Attorney General Mark Shurtleff as he seeks a waiver from federal authorities for Utah to issue work permits to unauthorized immigrants. And the Chamber has joined GOP legislative leaders fighting to defend the immigration compromise against conservative activists campaigning for its repeal.

None of these initiatives are strictly business efforts. Now, as through the past 18 months, business groups are working with leaders from all sectors of Utah society. But no one can accuse the Utah business community of hanging back or wielding its influence only in private, behind the scenes. Those days are over. A new voice has joined the debate. And Utah is far the better for it, with business's help, playing a leading role in the national conversation about immigration.

Arizona's business leaders call for a time-out

In Arizona too business leaders were drawn into the fray by circumstances beyond their control.

The battle over immigration has been raging in Arizona for years. Enforcement-only advocates have been pushing to crack down harder since 2004, advancing ballot initiatives, driving bills through the legislature, rallying local law enforcement and electing hardline candidates. The business community has joined some battles and sat out others. And when employers got involved, most tended to work behind the scenes, wielding their influence quietly – negotiating with elected officials.

All that changed this year in the wake of SB 1070 and the national backlash against it – a backlash likely to cost Arizona several hundred million dollars.

For some business leaders, the issue was the direct cost – lost hotel, restaurant or travel business. For others, it was the impact on recruiting. Even highly skilled immigrants with valid visas are now hesitant to

take jobs in Arizona, employers say, afraid they might be stopped because they look different. For still others in the business community, what galled them was the damage to the state's reputation. But whatever the trigger, frustration had been building for nearly a year. And when Senate President Russell Pearce, father of Arizona's employer sanctions law and SB 1070, announced in February that he was going to be introducing yet more enforcement this year, business leaders came out from behind the scenes and called for a time-out.

The five bills Pearce planned to move this year were designed to build on Arizona's tough existing laws, making life more difficult still for illegal immigrants. One measure would have denied birth certificates to children whose parents were unauthorized. Another would have turned doctors, nurses and teachers into immigration agents, requiring them to check the immigration status of patients and students.

The Arizona business community responded with an unprecedented public act – a letter to Pearce signed by 22 Chamber groups and more than 60 CEOs. "Let us be clear," they declared, business is not "pro-illegal immigration But when Arizona goes it alone on this issue, unintended consequences inevitably occur We strongly believe it is unwise for the legislature to pass any additional immigration legislation." Signatories hailed from big business and small; they included Democrats and Republicans – and some of the best known, most respected business names in the state.

Lawsuits aside, it was the first time virtually anyone in Arizona outside the immigrant rights community had stood up to say no to an enforcement bill. And it was remarkable to see individual business owners signing with their own names rather than leaving it to their trade associations.

No one in Arizona imagines that Russell Pearce has had a change of heart – he will almost surely bring these bills up again in the next legislative session. But by taking the stand they took, business leaders helped embolden others in the state legislature, giving moderate Republicans cover to vote against enforcement-only law. "There was a core group of legislators convinced that any further action would do little if anything to provide additional border security and would cost the state jobs," explained Glenn Hamer, president of the Arizona Chamber of Commerce and Industry. The CEO letter freed these lawmakers to vote their consciences. Pearce was unable to rally his own caucus, and his package went down in humiliating defeat.

Modest state victories and a big national win

In other states, too, business leaders are speaking out.

When lawmakers in Indiana introduced an Arizona-like policing bill in January, two powerful, global companies – pharmaceutical giant Eli Lilly and engine manufacturer Cummins Inc. – issued a public statement denouncing the legislation. Their argument: that it would be harmful to the state's image, making it harder for Indiana employers to attract foreign employees and do business with foreign companies.

The Kansas Business Coalition was also formed in reaction to a proposed Arizona copycat measure. The coalition launched a campaign against the bill at a public forum in Topeka in March. Among those present at the meeting, which was widely covered in the media: the state's major agribusiness groups, the Kansas Farm Bureau and the Kansas Livestock Association, plus trade associations representing contractors and restaurant operators and the Unified Government of Wyandotte County and Kansas City.

In Tennessee, business groups came together and spoke out publicly against legislation that would have mandated E-Verify for all employers in the state. The National Federation of Independent Business, the Tennessee Chamber of Commerce, the Tennessee Hospitality Association and the Tennessee Jobs Coalition testified against the legislation and denounced it in the media. Members also floated alternative proposals to lawmakers. The bill that was eventually passed permits employers to request copies of workers' drivers' licenses or state issued photo IDs instead of running the employees through E-Verify.

This was a modest victory for employers, but business's new public role is a big win – for business owners everywhere who rely on immigrant workers, for their communities and for the U.S. economy.