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A DIE-HARD CONSERVATIVE, BUT NOT ON IMMIGRANTS

By Julia Preston
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He is a Republican and a Mormon. He opposes abortion. Mark L. Shurtleff, the attorney general of Utah, also rejects President Obama's health care law as an assault on states' rights and he went to Washington last week to urge the Supreme Court to throw it out.

On point after point, Mr. Shurtleff, now in his third term, meets the checklist to qualify as a conservative. But on immigration, he sees things differently from Republicans who have spoken most loudly on the issue in the states and from the party's candidates for the presidential nomination – including another Mormon, Mitt Romney.

Mr. Romney has echoed lawmakers from Arizona and Alabama, calling for more and tougher enforcement measures to corner illegal immigrants and force them to “self deport.”

Mr. Shurtleff has been conducting a campaign of his own, spreading the word about a more inclusive compromise that Utah adopted last year. A package of laws included an enforcement bill, like one in Arizona, that expanded police authority to identify illegal immigrants, coupled with a measure that recognized a role for some of those immigrants by giving them state permits as guest workers.

Mr. Shurtleff, 54, is probably the most prominent politician among an emerging generation of Republicans trying to stake out an alternative to restrictionist immigration laws modeled on Arizona's.

“It's only the loud, shrill voices we've been hearing,” Mr. Shurtleff said in his office in the marbled State Capitol on a hill above this city. “But I believe the majority of Republicans aren't this shrill, anti-immigration, punish-'em-at-all-costs kind of mentality.”

He is well placed to bring his contrarian views to angry Republican voters. A big man – at 6 feet 5 inches – with a big presence in Utah, he easily glided twice to re-election. Hard on crime, he is also affable, plain-spoken and surprisingly unguarded about discussing his evolving ideas and personal life.

He used to cruise his Harley-Davidson motorcycle around this city, until a wreck in 2007 almost cost him a leg. He recently turned up at a Utah Jazz basketball game with his five children and a dozen or so other relatives, his baseball cap turned backward. Another evening he hunkered down for dinner in the back room at the Red Iguana, a restaurant known for its authentic Mexican mole sauces, drawing appreciative glances from other diners.

As Mr. Shurtleff sees it, the Arizona law, known as S.B. 1070, was divisive, damaging to businesses and bad for public safety. “You drive all these folks underground,” he said, “and they will no longer cooperate with law enforcement to get the drug runners and the human traffickers and the gangbangers and all the truly criminal aliens who are here.”

He thinks such initiatives are based on misinformation. "That it is an actual invasion of our country by criminals, that 80 percent of Latinos commit violent crime and all this other nonsense you hear, people believe it," Mr. Shurtleff said. "And it's because there hasn't been a good voice to the contrary telling the truth about it."

Mr. Shurtleff's truths are nurtured by like-minded groups in Utah. After Arizona's law passed in 2010, an e-mail chain started among an odd coalition that included Mr. Shurtleff and the Salt Lake Chamber of Commerce, local police chiefs, farm bureaus, Latino leaders, Democratic lawmakers and the Roman Catholic Church.

An unexpected imprimatur of legitimacy came from Paul T. Mero, the president of the Sutherland Institute, an influential conservative research group here. Mr. Mero, also a Mormon, says he believes there is a solid conservative argument for bringing illegal immigrants into the system rather than driving them out.

"The federal government failed, left the state holding the bag," Mr. Mero said. "And now the state is responding to protect its citizens, to protect its economy and, frankly, to protect civil rights."

In November 2010, the conversations produced a five-point statement of principles known as the Utah Compact, which emphasized respect for the rule of law but also the importance of keeping families together, supporting businesses and welcoming "people of good will."

The compact received the vital endorsement of the Church of Jesus Christ of Latter-day Saints. With that political cover, in 2011 the Legislature passed the enforcement law, which is more cautious than Arizona's – it authorizes the police to verify the legal status of immigrants if they are suspected of serious crimes. That bill was paired with the guest worker law.

As a young man, Mr. Shurtleff said, he went on his Mormon mission in Peru, where he learned to speak Spanish fluently, traveled the Amazon rain forest and made, he said, quite a few converts.

Last year, pursuing a fascination with Abraham Lincoln, Mr. Shurtleff published a book of historical fiction – "Am I Not a Man?" – recounting the life of Dred Scott, the slave whose quest for freedom led to a disastrous Supreme Court decision that propelled the country to Civil War and spurred Lincoln to run for president.

Mr. Shurtleff becomes emotional when he speaks of the children of illegal immigrants and the efforts of some Republicans to repeal the 14th Amendment and deny them American citizenship. After the Civil War, the amendment was adopted to overcome the Dred Scott ruling by guaranteeing citizenship to anyone born in the United States.

"I have a chance," he said, "to speak to these kids in Spanish and see how much they love America." Republicans, he said, "need to realize they're not the enemy."

The Justice Department sued Utah to stop the enforcement law, as it did Arizona, saying that the statute encroached on federal terrain. That law has been held up by a federal court.

So far, Mr. Shurtleff has cajoled federal officials to refrain from suing over the guest worker law. He offered an improbable solution, saying that Utah would give the federal authorities lists of illegal immigrants who had been cleared by the state for guest permits, so they could be exempted as a group from deportation.

Proselytizing for the Utah strategy, Mr. Shurtleff has addressed law enforcement conventions, convened regional strategy sessions and counseled lawmakers from other states.

At a conference of his counterparts last year, he hotly debated Arizona's attorney general, Tom Horne, a fellow Republican. On a radio show, he took on Dan Stein, head of the Federation for American Immigration Reform, a leading restrictionist organization, dismissing as "laughable" Mr. Stein's critique of Utah's laws.

Mr. Shurtleff has antagonized some Republican leaders in Utah. But he has also won support from Latinos, who have turned away from Republicans elsewhere. Tony Yapias, a longtime Latino leader in Utah, described Mr. Shurtleff as "the most compassionate Republican I know."

The Utah Compact inspired similar alliances in Arizona, which advocates there said had helped to power the recall last year of Russell Pearce, a Republican Mormon who was the president of the Arizona Senate and a chief author of bills against illegal immigrants.

Identical compacts were signed last year in Indiana and Iowa. And lawmakers in Florida, Georgia, Kansas and Nebraska considered legislation based on the compact's principles.

Mr. Shurtleff has said he would not run again for attorney general. He had a punishing – although victorious – bout with cancer that started in his appendix, and he said he would like a respite from public office. But he is leaving the door open for a future race for a higher position.

He is waiting in frustration to speak with Mr. Romney, whom he supports, to tell the candidate that he is wrong to think he has to satisfy immigration hard-liners to win the nomination.

"What we want to prove here in Utah is that it's not true," Mr. Shurtleff said. "You don't have to pander to that shrill, really negative voice that is harmful to our country."