

# THE SHADOW SPREADS: IMPACT OF S.B. 1070 AND TRENDS IN MODERN IMMIGRATION LAW

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## I. INTRODUCTION

When Adolf Hitler came to power in Germany in 1933, the world had no idea of the horrific acts that were about to take place. From our vantage point, safe in the United States, we saw the deprivation of rights of the Jews in Nazi Germany start off small. We saw horrific persecution begin with a front of blaming Jews for Germany's societal ills. We saw a German majority willing to set aside common notions of equity and fairness in order to seek a possible solution to their social and economic problems.<sup>2</sup>

Now in the United States, we are facing a similar, yet distinct, problem. On April 28, 2010, Arizona passed an anti-illegal immigration law called the *Support Our Law Enforcement and Safe Neighborhoods Act*, more commonly known as S.B. 1070. This highly controversial law caused an eruption in the already tense area of immigration policy. Even after the Supreme Court struck down many of S.B. 1070's provisions, one of the most controversial aspects of the law, the "papers, please" clause, remains.<sup>3</sup> This clause allows police officers to check immigration documentation during routine police stops as long as they have "reasonable suspicion" that the driver is an undocumented immigrant.<sup>4</sup> However, S.B. 1070 is unclear as to what exactly constitutes a reasonable suspicion thus leaving wide latitude for the use of racial profiling and discrimination in the enforcement of this law.

This example from Arizona has fueled the anti-immigration fire in communities throughout the United States. Despite the highly discriminatory means that will most likely be employed to

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2. For the purposes of this note, "German" refers to German citizens who were not targeted by the Nazi regime. There were many groups that were targeted by the Nazis, such as gypsies, homosexuals, and the mentally challenged; however, this note focuses on the persecution of the Jewish population in Nazi Germany.

3. See *Arizona v. United States*, 132 S. Ct. 2492 (2012).

4. ARIZ. REV. STAT. ANN. § 11-1051(B) (2012).

identify illegal immigrants,<sup>5</sup> a majority of the American public (fifty-five percent) endorsed this law at the time of its promulgation.<sup>6</sup> American citizens of Hispanic origin, who already represent a disproportionate percentage of drivers in “routine” traffic stops,<sup>7</sup> will likely see even higher numbers of stops due to their association with illegal immigration.

Anti-immigration sentiment is largely fueled by three beliefs, namely that preventing illegal immigration will 1) lower crime rates;<sup>8</sup> 2) provide job security for native born workers;<sup>9</sup> and 3) protect welfare benefits.<sup>10</sup> While crime rates, job security, and welfare seem like legitimate concerns, the fact remains that these motives are strikingly similar to those that propelled the German people under Nazi rule. Germans wanted economic security and safety for their communities, as does every American. This is not to be misinterpreted that this American law is as severe as Nazi policy. This note is simply a warning of things that may come.

Discrimination does not come upon a population like a sudden storm; instead it is a poison that slowly penetrates the collective and convinces the majority this “solution” will fix all their problems. Instead of surrendering to our fears and blaming a scapegoat, in this case the Latinos, we must remember that Americans include people of all races, ethnicities, religions and backgrounds; we must speak out for and defend our fellow Americans.

This note addresses the trend in immigration law that began with Arizona Senate Bill 1070 (“S.B. 1070”). Since the promulga-

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5. Lucas Guttentag, *Discrimination, Preemption, and Arizona’s Immigration Law: A Broader View*, 65 STAN L. REV. ONLINE 1 (2012), available at <http://www.stanfordlawreview.org/online/discrimination-preemption>.

6. Jill Mizell, *Public Opinion Monthly (July 2010)*, THE OPPORTUNITY AGENDA, [http://opportunityagenda.org/public\\_opinion/july2010](http://opportunityagenda.org/public_opinion/july2010) (last visited May 6, 2013).

7. Rita Braver, *Driving While Black or Brown*, CBS NEWS SUNDAY MORNING (Feb. 11, 2009), [http://www.cbsnews.com/2100-3445\\_162-159655.html](http://www.cbsnews.com/2100-3445_162-159655.html).

8. Laura Strickler & Jack Weingart, *Undocumented Immigrants Increasingly Filling Arizona Prisons*, CBS NEWS (July 22, 2010), [http://www.cbsnews.com/8301-31727\\_162-20011391-10391695.html](http://www.cbsnews.com/8301-31727_162-20011391-10391695.html). See also David L. Wilson, *The Illusion of Immigrant Criminality: Getting the Numbers Wrong*, FED’N FOR AM. INFO. REFORM (Sept. 1, 2008), <http://fair.org/extra-online-articles/the-illusion-of-immigrant-criminality/>.

9. *Illegal Aliens Taking U.S. Jobs (2011)*, FED’N FOR AM. INFO. REFORM, <http://www.fairus.org/issue/illegal-aliens-taking-u-s-jobs> (last visited Apr. 1, 2013).

10. *Most Illegal Immigrant Families Collect Welfare*, FOX NEWS (Apr. 5, 2011), <http://nation.foxnews.com/illegal-immigrants/2011/04/05/most-illegal-immigrant-families-collect-welfare>.

tion of S.B. 1070, at least five more states have successfully passed their own copy-cat version of Arizona's anti-immigration measure. In addition to these six states, at least twenty more have attempted to pass such legislation and many will continue to push anti-immigration bills through their state legislature.<sup>11</sup> The spread of anti-immigration measures has drawn a line in the sand as to which states will follow Arizona, which will remain inactive, and which will encourage immigration.

The first section, entitled *Modern American Immigration Laws*, briefly explores the bill which started it all, S.B. 1070, before moving on to discuss several copy-cat provisions that have been promulgated by other states. While there are more than two-dozen states to choose from, this section attempts to demonstrate the geographic diversity of states that have enacted or are attempting to enact anti-immigration legislation.

The second section of this note, entitled *Nazi German Immigration Laws*, provides a historical background of the legal measures enacted by the Nazis against the Jewish population. Most of these regulations focused on making Jews second-class citizens and emphasized their subservience to the German people. These regulations were the predecessors to the deportation of Jews to the concentration camps.

The third section, entitled *Perceived Problems with Immigrant Populations*, moves on to modern perspectives of immigration and specific issues that many Americans consider to be "immigrant problems" such as the connection between immigration and violent crime, as well as job security and welfare benefits. These preconceived notions often serve as fuel for anti-immigration fires that are springing up around the country just as those same notions fueled the anti-Semitic sentiment in Nazi Germany. Stereotypes of this nature are generally unfounded and without these ideas, perhaps the anti-immigration sentiment in this country would lessen.

The fourth section will conclude by addressing the policies of several states that have enacted legislation supporting immigrant rights. California in particular stands out as the epitome of anti-Arizona immigration policy, which is particularly striking due to the fact that, according to the Department of Homeland Security

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11. *What's at Stake: SB 1070 at the Supreme Court*, AM. CIVIL LIBERTIES UNION, [http://www.aclu.org/files/pdfs/immigrants/sb1070\\_infographic6.pdf](http://www.aclu.org/files/pdfs/immigrants/sb1070_infographic6.pdf) (last visited May 6, 2013).

("DHS"), the greatest number of illegal immigrants in the United States reside in California.

## II. MODERN AMERICAN IMMIGRATION LAWS

The deluge of strict anti-immigration legislation that is sweeping America began on April 23, 2010 when Arizona Governor, Jan Brewer, signed into law the *Support Our Law Enforcement and Safe Neighborhoods Act* or "S.B. 1070." Due to legal challenges, the law failed to go into effect until June of 2012.<sup>12</sup> The Supreme Court struck down many of S.B. 1070's original provisions, but one of the most controversial, the "papers, please" provision, was allowed to endure.<sup>13</sup> This segment of the law requires that officers conducting a stop, detention, or arrest must make efforts to verify the person's immigration status.<sup>14</sup> Despite the clear discriminatory implications of this police power, many other states are now echoing what Arizona has begun. In addition to the three states that are covered in more depth in the following subsections, there are more than two-dozen other states that have successfully passed or have attempted to pass Arizona-like legislation.<sup>15</sup>

### A. Alabama: H.B. 56

In Alabama the *Hammon-Beason Alabama Taxpayer and Citizen Protection Act* (known as "H.B. 56") was passed in June of 2011.<sup>16</sup> Not only did this measure equal Arizona's S.B. 1070 intolerance of illegal immigration, but it actually surpassed the Arizona law in many ways. H.B. 56 is now known as the toughest immigration policy in the United States due to its "papers, please" policy as well as its provisions preventing the postsecondary education of undocumented immigrants.<sup>17</sup>

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12. *Arizona*, 132 S. Ct. 2492.

13. *Id.*

14. *Id.*

15. See generally *List of State Immigration Policies*, MENNONITE CENT. COMM., <http://washington.mcc.org/issues/immigration/states/list> (last visited May 6, 2013).

16. ALA. CODE § 31-13-1 (2011).

17. Richard Fausset, *Alabama Enacts Anti-Illegal-Immigration Law Described as Nation's Strictest*, LOS ANGELES TIMES (June 10, 2011), <http://articles.latimes.com/2011/jun/10/nation/la-na-alabama-immigration-20110610>.

The motivation fueling this new legislation is that the “State of Alabama finds that illegal immigration is causing economic hardship and lawlessness in [the] state.”<sup>18</sup> According to 2010 census information, estimates of the number of illegal immigrants living in Alabama are around 125,000 compared to an overall state population of 4,779,736.<sup>19</sup> The number of legal immigrants living in Alabama, according to the DHS, is 32,034.<sup>20</sup> A statewide poll of Alabama voters revealed that seventy-five percent of voters supported H.B. 56.<sup>21</sup> The majority of Alabamians (fifty-nine percent) believed that this measure would free jobs for native workers and save money on public services.

As of July 2012, Alabama is one of only three states that have legislation prohibiting illegal aliens from receiving postsecondary education.<sup>22</sup> H.B. 56 mandates that “an alien who is not lawfully present in the United States shall not be permitted to enroll in or attend any public postsecondary education institution in this state.”<sup>23</sup> In 1933 the Nazis enacted a similar measure, *Law Against the Over-Crowding of German Schools*, which severely limited the number of Jewish students in elementary, secondary, and postsecondary education.<sup>24</sup> This allowed Nazis to further suppress the Jews and maintain control over the Jewish population.

According to the 1982 case, *Plyler v. Doe*, education was not declared to be a fundamental right, but it was recognized as an integral component of society.<sup>25</sup> According to the case law, states are

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18. ALA. CODE § 31-13-2.

19. *Summary Demographic State Data (and Source)*, FED’N FOR AM. INFO. REFORM, <http://www.fairus.org/states/alabama> (last visited Apr. 2, 2013).

20. Both of these statistics are now likely too high as many immigrants (both legal and illegal) left Alabama after the promulgation of H.B. 56 in 2011. See Phillip Rawls, *Alabama Workers Leave State as Immigration Law Takes Effect*, HUFFINGTON POST (Oct. 5, 2011), [http://www.huffingtonpost.com/2011/10/06/alabama-workers-immigration-law\\_n\\_997793.html](http://www.huffingtonpost.com/2011/10/06/alabama-workers-immigration-law_n_997793.html).

21. *Poll Shows Broad Support for State Immigration Enforcement Law in Alabama*, NUMBERSUSA (Mar. 20, 2012), <https://www.numbersusa.com/content/news/march-20-2012/poll-shows-broad-support-state-immigration-enforcement-law-alabama.html>.

22. Terrance Adams, *In-State Tuition for Illegal Immigrants*, OLR RESEARCH REPORT (Dec. 9, 2010), <http://www.cga.ct.gov/2010/rpt/2010-R-0497.htm>.

23. ALA. CODE § 31-13-8.

24. *Nazi Conspiracy and Aggression Volume IV: Document No. 2022-PS*, THE AVALON PROJECT, <http://avalon.law.yale.edu/imt/2022-ps.asp> (last visited May 6, 2013) [hereinafter *Translation of Law Against the Over-Crowding of German Schools*] (translating *Gesetz gegen die über fullung deutscher Sculen* [Law against the over-crowding of German Schools], Apr. 25, 1933 RGBL. I at 225, art. 4).

25. *Plyler v. Doe*, 457 U.S. 202 (1982).

prohibited from barring children from elementary and secondary education regardless of their immigration background, but there is no guarantee of postsecondary education. Thus, given the current state of the law, it seems that Alabama's limitation on the availability of a college education, while permanently restricting illegal aliens to a high school education and limited skill set, is constitutional.

Just like Arizona's S.B. 1070, the Alabama anti-immigration policy contains a "papers, please" provision. The language is as follows:

Upon any lawful stop, detention, or arrest made by a state, county, or municipal law enforcement officer of this state in the enforcement of any state law or ordinance of any political subdivision thereof, where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the citizenship and immigration status of the person, except if the determination may hinder or obstruct an investigation.<sup>26</sup>

Although H.B. 56 is careful to contain a provision that prohibits the use of nationality, ethnicity, *et cetera* to determine immigration status, it seems impossible for police officers that are untrained in immigration law and policy to ignore stereotypes and preconceived notions when making these calls in the field. These anti-discrimination clauses are merely a clumsy attempt to conceal the fact that most officers will use racial profiling in order to determine immigration status.

Initially, three major elements of H.B. 56 were upheld: 1) state and local law enforcement officials must try to verify a person's immigration status during routine traffic stops or arrests, if "a reasonable suspicion" exists that the person is in the country illegally; 2) the criminalization of the "willful failure" of a person in the country illegally to carry federal immigration papers; and 3) the criminalization of working in the United States without proper authorization.<sup>27</sup> However, the 11th Circuit blocked the latter of these two provisions in *United States v. Alabama*.<sup>28</sup> Thus it seems

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26. ALA. CODE § 31-13-1.

27. *United States v. Alabama*, 691 F.3d 1269 (11th Cir. 2012).

28. *Id.*

that, like Arizona, Alabama must be prepared to defend its immigration policy all the way to the Supreme Court.<sup>29</sup>

*B. Utah: H.B. 497*

Utah passed its anti-immigration policy, called the *Illegal Immigration and Enforcement Act*, on March 4, 2011.<sup>30</sup> Estimates of the number of illegal immigrants living in Utah range from 100,000 to 110,000; the DHS places the number of legal immigrants in Utah at 52,202.<sup>31</sup> As of 2010, the overall state population is 2,763,885.<sup>32</sup> Based on these statistics it is clear that the illegal aliens in Utah double the number of legal immigrants. The total immigrant count (both legal and illegal) amounts to almost six percent of Utah's total population.

There is a very important difference between the Utah provision and the Arizona provision. While both states permit police officers to verify immigration status during a traffic stop, Utah requires that the detainee must be charged with a misdemeanor or a felony before an officer can ask for their documentation. In Arizona, a police officer may verify immigration status whether the stop is for a broken taillight or for a driving under the influence offense.

While the Utah policy is not as strict as Arizona's, Hispanics residing in Utah are still concerned about the increase in anti-immigrant policies. Despite the fact that these provisions target illegal aliens, "the message to Hispanics . . . is that they're going to be concerned, they're going to be stopped, they're going to be asked for their papers."<sup>33</sup> As with all other anti-immigration policies that copy Arizona S.B. 1070, most Hispanics (citizens included) will feel

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29. Ben Winograd, *Alabama Doubles Down, Appeals Ruling on HB 56*, IMMIGR. IMPACT (Sept. 12, 2012), <http://www.immigrationimpact.com/2012/09/12/Alabama-doubles-down-appeals-ruling-on-hb-56/>.

30. *H.B. 497 – Immigration Enforcement Act – Key Vote*, PROJECT VOTE SMART, <https://votesmart.org/bill/13006/34286/immigration-enforcement-act#34285> (last visited Apr. 2, 2013).

31. *Summary Demographic State Data (and Source)*, FED'N FOR AM. INFO. REFORM, <http://www.fairus.org/states/utah> (last visited Apr. 2, 2013).

32. *Id.*

33. Dennis Romboy, *Utah Immigration Law Still on Hold Despite U.S. Supreme Court Ruling in Arizona Case*, DESERET NEWS (June 25, 2012), <http://www.deseretnews.com/article/865558056/High-court-ruling-on-Arizona-immigration-law-may-lead-to-decision-on-Utah-statute.html?pg=all>.

the effects of the law and, more likely than not, be wrongfully detained or imprisoned because of them.<sup>34</sup>

In addition to the limited “papers, please” provision, Utah’s H.B. 497 also includes a strict provision against transporting illegal aliens. The relevant section of the law is as follows:

When a law enforcement officer makes a lawful stop, detention, or arrest under Subsection (1) of the operator of a vehicle, and while investigating or processing the primary offense, the officer makes observations that give the officer reasonable suspicion that the operator or any of the passengers of the vehicle are violating Section 76-5-309, 76-5-310, or 76-10-2901, which concern smuggling and transporting illegal aliens, the officer shall, to the extent possible within a reasonable period of time: (a) detain the occupants of the vehicle to investigate the suspected violations; and (b) inquire regarding the immigration status of the occupants of the vehicle.<sup>35</sup>

Once again, the elusive “reasonable suspicion” language is set forth as the standard. This provision allows for the detention of passengers who may not be suspected of the primary offense for which the driver was originally stopped. As police officers already have the power to stop a vehicle based on the reasonable suspicion of a crime, this new provision is unnecessary and possibly harmful to innocent bystanders.

### C. Michigan: H.B. 4305

Michigan’s anti-immigration legislation has not yet been enacted but the proposed bill is so close to the Arizona model that the law is even named after S.B. 1070, the *Support Our Law Enforcement and Safe Neighborhoods Act*. The estimated number of illegal aliens residing in Michigan as of 2010 was between 115,000 and 150,000.<sup>36</sup> According to the DHS, the number of legal immi-

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34. Immigrants as well as Hispanic citizens are often afraid to report crimes or even cooperate with police investigations in states with strict anti-immigration laws out of fear of racial profiling and potential incarceration or deportation. See *NILC to Ask Court to Block Utah’s ‘Papers Please’ Law*, NAT’L IMMIGR. L. CTR. (Feb. 15, 2012), <http://www.nilc.org/hb497.html>.

35. UTAH CODE ANN. § 76-9-1003 (2011).

36. *Summary Demographic State Data (and Source)*, FED’N FOR AM. INFO. REFORM, <http://www.fairus.org/states/michigan> (last visited Apr. 2, 2013).

grants residing in Michigan is 193,875.<sup>37</sup> Michigan's total population according to the 2010 census is 9,883,640.<sup>38</sup>

In addition to a "papers, please" provision (which follows the standard model established by Arizona S.B. 1070), Michigan has added a provision to its anti-immigration policy, which would require that immigrants (regardless of their status) carry proper documentation at all times. The proposed provision reads as follows:

[A] person who willfully fails to apply for alien registration or to carry an alien registration document in violation of 8 USC 1304(e) or 1306(a) is guilty of a misdemeanor punishable by imprisonment for not more than 91 days or a fine of not more than \$500.00, or both. In addition to any other penalty prescribed by law, the court shall order the offender to pay jail costs and an additional civil fine of \$500.00 for a first violation and \$1,000.00 for a second or subsequent offense.<sup>39</sup>

Similar to the Nazi law *Police Order Concerning the Identification of Jews*,<sup>40</sup> Michigan is attempting to criminalize the failure to carry proper documentation. Never before in American history have local police officers been able to demand immigration documentation nor have citizens been imprisoned for the failure to carry government-issued identification. In addition to affecting undocumented immigrants, this provision will undoubtedly impact United States citizens and legal immigrants, as well as illegal immigrants.

General police forces have not been trained in identifying immigration documents and understanding the nuances of immigration law, thus most police officers will be forced to rely on stereotypes, language, accents, and appearance to decide who is a legal

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37. *Id.*

38. *Id.*

39. H.R. 4305, 96<sup>th</sup> Leg., Reg. Sess. (Mich. 2011).

40. The relevant language of the Nazi legislation is as follows: "Who contravenes against the prohibition of Sections 1 and 2 [requiring Jews to wear yellow stars], deliberately or carelessly, will be punished with a penalty up to 150 Reichsmark or with imprisonment up to six weeks." *Police Order Concerning Identification of Jews*, AXIS HISTORY, <http://www.axishistory.com/component/content/article/60-holocaust-a-war-crimes/holocaust-legislation/649-police-order-concerning-identification-of-jews> (last visited May 6, 2013) [hereinafter *Translation of Police Order Concerning Identification of Jews*] (translating *Polizoiverordnung über die Kennzeichnung der Juden* [Police Order Concerning Identification of Jews], Sept. 1, 1941 RGBL. I at 547).

immigrant and who is not.<sup>41</sup> Thus citizens, most likely Hispanic citizens, may be jailed and or fined if they do not carry proper documentation at all times.

On the other hand, Caucasian citizens are not likely to feel the impact of this provision due to the stereotype that Caucasians are native born or naturalized citizens. The discriminatory implications of this provision and other anti-immigration policy are clear. Most police officers will make these field decisions based on their understanding of immigration, which is limited by a lack of training. Police budgets are already being cut for economic reasons; most departments will not have the money to guarantee proper training in an attempt to avoid racial profiling and discrimination.<sup>42</sup> This is why specially-trained federal agents should be in charge of immigration enforcement. However, federal immigration measures have stalled for the foreseeable future.<sup>43</sup> In the meantime, profiling will continue as police officers attempt to tackle their new immigration patrol duties in addition to their existing mission to keep the public safe from real criminals.

### III. NAZI GERMAN IMMIGRATION LAWS

The Nazis were quick to exploit the economic and social troubles of the German people, which enabled their rise to power in the 1930's. Through media and propaganda, the Nazis ensured that the blame for Germany's problems was placed on the Jews. Desperate for recovery, most of the German people were willing to either buy into the Nazi propaganda or turn a blind eye as long as Nazi policy helped Germany recuperate.

After suffering a crushing defeat in World War I, Germany was economically devastated. In 1919 the Treaty of Versailles, which ended the war, was written and signed by the victorious Allied nations; Germany was given minimal representation and was forced

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41. *Enforcing Immigration Law: The Role of State, Tribal, and Local Law Enforcement*, 72 POLICE CHIEF 3 (2005), available at [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=564&issue\\_id=42005](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=564&issue_id=42005).

42. Natasha Dado, *Facts about Michigan's Newly Proposed Anti-Immigrant Bill H.B. 4305 Exposed*, ARAB-AM. NEWS (Mar. 26, 2011, 2:36 PM), <http://www.arabamericannews.com/news/index.php?mod=article&cat=Community&article=4034>.

43. Rachel Weiner, *How Immigration Reform Failed, Over and Over*, WASHINGTON POST (Jan. 30, 2013, 1:15 PM), <http://www.washingtonpost.com/blogs/the-fix/wp/2013/01/30/how-immigration-reform-failed-over-and-over/>.

to sign the final treaty.<sup>44</sup> According to this (essentially) unilateral treaty, the entire war was blamed on Germany, and the country was charged 132 billion German *Reichsmark* as war reparations.<sup>45</sup> The assessment of this enormous debt was followed by a period of German hyperinflation in the early 1920's. While the United States was enjoying the prosperity of post-war victory, German citizens were suffering from rampant inflation.<sup>46</sup> During this time in Germany a wheelbarrow full of German marks literally could not buy bread. Inflation was so high that the government could not print money fast enough and was forced to print bills valuing as high as 100 billion marks.

Not only was Germany unwilling to pay their war reparations because they thought the penalty was unfair, but economic strife and hyperinflation hindered their ability to make payments.<sup>47</sup> In response, the French and Belgians began an occupation of territory in Western Germany until 1925. The Treaty also required that Germany transfer portions of its territory to Denmark, Czechoslovakia, Belgium, France, and a very large portion of land to Poland. Not only did Germany lose territory but they were also required to permanently reduce the size of their army to 100,000 soldiers.<sup>48</sup> Many critics, even today, believe that this treatment was unfair and that the Allied powers had abused their authority in forcing such prodigious penalties against the German people.<sup>49</sup>

All of this background information places the persecution of the Jews in context. The German people were facing an unprecedented economic crisis and had no foreseeable solutions to their prob-

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44. *Treaty of Versailles, 1919*, U.S. HOLOCAUST MEMORIAL MUSEUM, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005425> (last updated May 11, 2012).

45. Germany recently finished paying off its war debt in 2010. See Allan Hall, *Germany Ends World War One Reparations After 92 Years with £59m Final Payment*, DAILY MAIL (Sept. 28, 2010), <http://www.dailymail.co.uk/news/article-1315869/Germany-end-World-War-One-reparations-92-years-59m-final-payment.html>.

46. BERND WIDDIG, CULTURE AND INFLATION IN WEIMAR GERMANY 4-6 (2001). See also Daniel Castillo, *German Economy in the 1920s*, UCSB DEP'T OF HISTORY, <http://www.history.ucsb.edu/faculty/marcuse/classes/33d/projects/1920s/Econ20s.htm> (last visited Apr. 1, 2013).

47. Olivia Lang, *Why Has Germany Taken So Long to Pay Off its WWI Debt*, BBC NEWS (Oct. 2, 2010, 3:17 PM), <http://www.bbc.co.uk/news/world-europe-11442892>.

48. Michael Duffy, *Primary Documents- Treaty of Versailles*, FIRST WORLD WAR, <http://www.firstworldwar.com/source/versailles.htm> (last updated Aug. 22, 2009).

49. *Id.*

lems. In essence, the Germans were scared and they needed a rallying point, someone who was willing to not only speak out against the unreasonable terms of the Treaty of Versailles but to take action and save the German people. That someone was Adolf Hitler. When the German people seemed to be lost and resigned to ruin, Hitler offered a way out.<sup>50</sup>

In their panic, the Germans stepped aside and allowed Hitler to pass the proverbial buck to the Jews. Once Hitler became Reich Chancellor in 1933, he wasted no time in enacting anti-Jewish legislation.<sup>51</sup> In the first six years of Hitler's regime more than 400 legal restrictions were imposed against the Jews.<sup>52</sup> Several laws concerning Nazi limitation on Jewish citizenship, employment, education, and social status were particularly important and will be addressed in the remainder of this section.

The Reich Citizenship Law essentially stripped all Jews of their German citizenship.<sup>53</sup> The language of the law, in pertinent part, states, "A citizen of the Reich is only that subject who is of German or kindred blood . . ."<sup>54</sup> Essentially, this law made Jews strangers in their own country and they were reduced to "subjects

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50. This is not an attempt to excuse the blindness of many of Germany's citizens toward Hitler's ultimate plan of the Holocaust, but rather a depiction of the desperation of the German people.

51. On January 30, 1933, Adolf Hitler was nominated as Reich Chancellor by then-President Paul von Hindenburg. When the Reichstag building (German Parliament) was burned down in February, 1933, Hitler convinced the aging President to give him emergency powers to control the situation. Using these powers, Hitler took the title of Führer of Germany when the President died in August of 1934. See *Adolf Hitler*, JEWISH VIRTUAL LIBRARY, <http://www.jewishvirtuallibrary.org/jsource/Holocaust/hitler.html#leader> (last visited Apr. 1, 2013).

52. Some of these were: Restitution of the Civil Service (April 7, 1933, removing Jews from civil offices); Admission to the Bar (April 7, 1933, removing Jews from the Bar); Law Against the Over-Crowding of German Schools (April 25, 1933, drastically limiting the number of Jewish students permitted in schools); and Executive Decree to the Law Concerning Denationalization (July 14, 1933, defining Jews from Eastern Europe as "undesirable" and subject to denationalization). See *Anti-Semitic Legislation 1933-1939*, U.S. HOLOCAUST MEM'L MUSEUM, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10007901> (last updated May 11, 2012).

53. *The Reich Citizenship Law*, JEWISH VIRTUAL LIBRARY, <http://www.jewishvirtuallibrary.org/jsource/Holocaust/nurmlaw3.html> (last visited May 6, 2013) (translating *Reichsbürgergesetz* [Reich Citizenship Law], Sept. 15, 1935 RGBL I at 1145, art. 2)..

54. *Reichsbürger* or "citizens of the Reich," were only Aryan Germans. *Id.* (translating art. 2, § 1).

of the state.”<sup>55</sup> Under these laws, even the most basic rights were denied to the Jewish population; they could no longer travel freely or work in their own communities.

The economic restraints placed on the Jews were particularly strict. Nazis were determined to preserve the economic welfare of Aryan citizens, thus they began to slowly cut off Jewish access to all types of employment. The first measure was taken in 1933 with the *Restitution of the Civil Service*. According to this law, “civil servants of non-Aryan descent are to be retired; honorary officials are to be removed from official status.”<sup>56</sup> The law goes on to take away all non-Aryan right to a pension or other allowance and only permitted a three-month severance pay.<sup>57</sup> Slowly but surely the Jews lost their rights to work in various fields, such as law and medicine; and then, in 1938, the Nazis passed the *Decree on Elimination of Jews from German Economic Life*. According to this law “Jews...are excluded from the operation of individual retail shops, exporting firms, sales agencies...as well as the independent operation of a trade.”<sup>58</sup> Thus with this final measure, Jews were stripped of their economic independence; they were no longer permitted to own stores and relied on the Germans for their fiscal wellbeing.

Not only were the Jews slowly faded out of most of their gainful employment, but they were severely limited in their education as well. The *Law Against the Over-Crowding of German Schools* addressed the concerns that the German education system was suffering due to an overabundance of students in the schools, colleges, and universities. In order to improve the quality of education for

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55. “A subject of the State is a person who belongs to the protective union of the German Reich, and who therefore has particular obligations towards the Reich.” *Id.* Jews were classed as *staatsangehörige*, meaning “subjects of the state” or secondhand citizens. *Id.* (translating art. 1, § 1).

56. *Law for the Restoration of the Professional Civil Service (April 7, 1933)*, GHDI, [http://germanhistorydocs.ghi-dc.org/sub\\_document.cfm?document\\_id=1520](http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=1520) (last visited May 7, 2013) [hereinafter *Translation of Restitution of the Civil Service*] (translating *Gesetz zur Wiederherstellung des Berufsbeamtentums* [Restitution of the Civil Service], Apr. 7, 1933, RGBL. I at 175, § 3).

57. *Id.* (translating § 2).

58. *Decree on Elimination of Jews from German Economic Life*, AXIS HISTORY, <http://www.axishistory.com/component/content/article/60-holocaust-a-war-crimes/holocaust-legislation/644-decree-on-elimination-of-jews-from-german-economic-life> (last visited May 7, 2013) [hereinafter *Translation of Decree on Elimination of Jews from German Economic Life*] (translating *Verordnung zur Ausschaltung der Juden aus dem deutschen Wirtschaftsleben* [Decree on Elimination of Jews from German Economic Life], Nov. 12, 1938 RGBL. I at 1580, § 1).

Aryan Germans, the Nazis enacted the *Law Against the Over-Crowding of German Schools* in 1933, which specifically stated:

The number of non-Aryan Germans, within the meaning of the Law for the Restoration of the Professional Civil Service, of 7 April 1933 (Rgbl I, p 175), who may be admitted to schools, colleges and universities, must not exceed a number proportionate to the Aryan students in each school, college or university compared to the percentage of non-Aryans within the entire German population. This proportion is fixed uniformly for the whole Reich<sup>59</sup>

This provision drastically limited the number of Jewish students that were permitted in German schools. By severely hindering Jewish access to education, the Nazis added another level to their control over the Jews.

Completing the economic devastation that the aforementioned employment focused laws had on the Jews, the Nazis also enacted the *Order Concerning Expiation Contribution of Jews of German Nationality*. Promulgated in 1938, this order declared that, “On the Jews Of German nationality as a whole has been imposed the payment of a contribution of 1,000,000,000 Reichsmark to the German Reich.”<sup>60</sup> This fine was not merely another attempt to impoverish the Jewish people, but it was an official punishment for the havoc that the Jews allegedly brought upon the German people. The Nazis blamed the Jews for most of the crime in Germany, thus the enormous fine represented the official finding of guilt and assessment of punishment for all of the crimes for which the Jews were allegedly responsible.

But the Nazis did not settle for revoking citizenship, limiting education, and economically dooming the Jews, they wanted to physically mark each and every Jew above the age of six in order to reinforce the separation and isolation of the Jewish people from Aryan Germans. The *Police Order Concerning the Identification of Jews* required that every Jew aged six or older must wear a yellow

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59. *Translation of Law Against the Over-Crowding of German Schools, supra* note 24.

60. *Nazi Conspiracy and Aggression Volume IV: Document No. 1412-PS*, THE AVALON PROJECT, <http://avalon.law.yale.edu/imt/1412-ps.asp> (last visited May 7, 2013) [hereinafter *Translation of Decree on Expiatory Collective Fine*] (translating *Verordnung über eine Suhneleistung der Juden* [Decree on Expiatory Collective Fine], Nov. 12, 1938 RGBL. I at 1579, § 1).

Star of David marked with the words “Jew.”<sup>61</sup> According to Section four, Jews who violate this law “deliberately or carelessly, will be punished with a penalty up to 150 Reichsmark or with imprisonment up to six weeks.”<sup>62</sup> Furthermore, Jews were prohibited from leaving their respective neighborhoods without proper documentation from the police.<sup>63</sup> All Jews were essentially under house arrest and singled out due to the yellow stars that they were required to wear. Nazis were able to discriminate against the Jews without fear of repercussions because the law was on their side.

Similar to the mindset of the German people in the 1920’s, many Americans believe that the United States is in the midst of an economic crisis. Our citizens are feeling insecure about the future and many are looking for a solution to rising unemployment, a lack of job security, and other concerns. Given our current conditions, it is easy to blame immigrant populations for these problems and look to anti-immigration legislation, such as Arizona S.B. 1070, for solutions.

#### IV. PERCEIVED PROBLEMS WITH IMMIGRANT POPULATIONS

Much of the frenzy with anti-immigration policies has been fed by the innate distrust that many Americans have toward immigrants. Similar to the Nazis, who blamed Germany’s economic hardship and societal ills on the Jews, Americans are searching for a scapegoat.<sup>64</sup> This scapegoat would explain the high unemployment rates, low wages, violent crimes and gang actions, as well as the overuse of welfare benefits and public services; this scapegoat is the Latino population of America—namely, illegal immigrants. In addition to addressing the actual numerical impact of the immigrant community on economics, crime, and welfare, it is also

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61. *Translation of Police Order Concerning Identification of Jews*, *supra* note 40, at § 1.

62. *Id.* at § 4.

63. *Nazi Conspiracy and Aggression Volume IV: Document No. 1415-PS*, THE AVALON PROJECT, <http://avalon.law.yale.edu/imt/1415-ps.asp> (last visited May 7, 2013) [hereinafter *Translation of Police Order Concerning the Appearance of Jews in Public*] (translating *Polizeiverordnung über das Auftreten der Juden in der Öffentlichkeit* [Police Order Concerning the Appearance of Jews in Public], Nov. 28, 1938 RGBL. I at 1676, art. 1).

64. Brian McAfee, *Immigrants as Scapegoats – A Recurrent Right-Wing Tactic*, PEOPLE’S WORLD (Oct. 6, 2010), <http://www.peoplesworld.org/immigrants-as-scapegoats-a-recurrent-right-wing-tactic/>.

important to consider the influence of anti-immigrant sentiment on native citizens' perceptions of these three areas.

#### A. *Economic Concerns*

Recent studies show that the perceived immigrant job threat is related, not to actual loss of jobs and diminishing wages, but instead to a deregulation of the workplace. Most Americans feel less threatened by immigrant laborers if there are established unions and a reasonable state established minimum wage.<sup>65</sup>

However, there are some studies that report conflicting results. According to these studies the immigrant effect on wages is much higher than previously indicated.<sup>66</sup> Pools of young and unskilled native workers are arguably impacted the most by the competition presented by the immigrant labor force. While there are other factors that contribute to the decreased number of young native workers in the workforce, such as rising numbers of returns to high school and college and the economic recession, it is also likely that the native youth of America cannot compete with the low wages that many immigrants are willing to accept.<sup>67</sup>

Nevertheless, many immigrants are taking jobs that most American citizens consider to be beneath them, such as positions in factories and many agricultural positions that are very physically demanding and offer low pay and no benefits. Without the immigrant labor force America would suffer labor shortages. For example, after Alabama enacted H.B. 56, many Hispanic immigrants (illegal and legal) left the State. The Alabama government hoped that this would allow native Alabamians to secure the jobs left open by the dispersed Hispanic population. Instead the new law left Alabama with a deficit in laborers willing to work in undesirable positions, such as the poultry industry. Thus these Alabama companies had to seek out refugees, largely from Haiti and Africa, to keep their businesses afloat.<sup>68</sup>

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65. Michael Wallace & Rodrigo Figueroa, *Determinants of Perceived Immigrant Job Threat in the American States*, 55 SOC. PERSP. 583, 598 (2012).

66. Abdurrahman Aydemir & George J. Borjas, *Attenuation Bias in Measuring the Wage Impact of Immigration*, 29 J. LAB. ECON. 69, 70-72 (2011).

67. Christopher L. Smith, *The Impact of Low-Skilled Immigration on the Youth Labor Market*, 30 J. LAB. ECON 55, 56-57 (2012).

68. Margaret Newkirk & Gigi Douban, *Africans Relocate to Alabama to Fill Jobs After Immigration Law*, BLOOMBERG (Sept. 24, 2012), <http://www.bloomberg.com/news/2012-09-24/africans-relocate-to-alabama-to-fill-jobs-after-immigration-law.html>. See also *Alabama Immigration Law Causes*

Social scientists and economists are struggling to reconcile the mass amounts of information and statistics into one cohesive finding and report. In the meantime, despite the conflicting information, one study makes it clear that the perceived immigrant job threat is not only related to the actual impact that immigrants have on the workforce and economy. To the contrary, Caucasian Americans are more likely to be hostile to immigrant populations and illegal aliens if they have been isolated from minorities in their workplace and residential communities.

According to a recent study, contact theory can explain most of America's anti-immigrant sentiment.<sup>69</sup> Contact theory postulates that increased contact between racial groups leads to reduced tensions between groups and lower anti-immigrant sentiment. Theoretically, if racial groups live in close proximity to one another (i.e., neighbors) they are more likely to understand the other and less likely to demonize them. However, if a large minority population lives with a majority population in a highly segregated area, racial tensions will increase and lead to animosity between the two groups. Thus, much of the perceived threat level results from the degree of racial segregation that remains in our communities.

It is important to remember that Nazi justification for their treatment of the Jews was strongly rooted in economic concerns. The Nazis needed a scapegoat to take the blame for Germany's economic ruin and the Jewish people became that scapegoat. Thus the Nazis enacted several provisions under the pretenses of preserving jobs for "true" Germans. The *Restitution of the Civil Service*,<sup>70</sup> the *Decree on Elimination of Jews from German Economic Life*,<sup>71</sup> and many other regulations completely eliminated Jews from the German economy. In the eyes of the German people, all of the-

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*Labor Shortage, Forces Importation of Immigrants*, HUFFINGTON POST (Sept. 24, 2012), [http://www.huffingtonpost.com/2012/09/24/alabama-anti-immigration-violate-nafta\\_n\\_1910856.html](http://www.huffingtonpost.com/2012/09/24/alabama-anti-immigration-violate-nafta_n_1910856.html).

69. Contact theory contradicts the previous racial-threat hypothesis, which postulated that racial tensions were created by a large number of minorities living in the same areas as Caucasians. See Rene R. Rocha & Rodolfo Espino, *Racial Threat, Residential Segregation, and the Policy Attitudes of Anglos*, 62 POL. RES. Q. 415, 424 (June 2009). This tension between racial groups led to the sentiment among Caucasian Americans that the minority groups were stealing jobs and lowering wages. See *id.*

70. *Translation of Restitution of the Civil Service*, *supra* note 56.

71. *Translation of Decree on Elimination of Jews from German Economic Life*, *supra* note 58.

se provisions ensured that Jews would not be able to “steal” their jobs away, lower wages, and bring the economy back to its knees.

Even in our own history, Americans have used economics to justify discrimination. In the 1850’s, the Chinese were the target of anti-immigration sentiment in the West because the Chinese were allegedly threatening the jobs and economic security of native-born Americans.<sup>72</sup> Even though Americans had initially encouraged Chinese laborers to emigrate and move to the United States, popular sentiment turned against the Chinese and the infamous Chinese Exclusion Act took effect. From the 1850’s until the 1920’s, Irish immigrants were discriminated against on the East coast. They were stereotyped as alcoholics and labeled lazy and pugnacious, but most importantly they were willing to accept low wages. A few businesses even began specifying in their job advertisements that “No Irish Need Apply,” these became known as NINA signs.<sup>73</sup> It is clear that throughout America’s history various immigrant populations have suffered the contempt of the native population and faced severe discrimination. There will likely always be economic problems; the variable is to whom native-born Americans will assign the blame.

### *B. Violent Crime*

“We’ve had an abdication of our federal government’s responsibility to enforce immigration laws here, protect our borders, protect us from the criminals that are crossing our borders, who are killing our citizens, who are robbing their homes, invading their homes.”<sup>74</sup> This quote by former Arizona Senator Thayer Verschoor summarizes the sentiment of many Americans concerning the dangers of immigrants. Many American citizens see the violence from gangs and attribute it to immigrants, both legal and illegal. Horror stories of murdered ranchers and farmers on the Mexican-United States border create a stereotype that all undocumented Hispanic immigrants are violent criminals.

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72. *The Chinese in California, 1850-1925*, LIBRARY OF CONG., <http://www.loc.gov/teachers/classroommaterials/connections/chinese-cal/history4.html> (last visited May 7, 2013).

73. *Irish Potato Famine: Gone to America*, THE HISTORY PLACE, <http://www.historyplace.com/worldhistory/famine/america.htm> (last visited May 7, 2013).

74. *Quotes from the Debate on S.B. 1070 and others on the Legislation*, ARIZ. DAILY SUN (Apr. 20, 2010), [http://azdailysun.com/quotes-from-the-debate-on-sb-and-others-on-the/article\\_b19e44b7-6484-5e60-97a5-062d3c47297b.html](http://azdailysun.com/quotes-from-the-debate-on-sb-and-others-on-the/article_b19e44b7-6484-5e60-97a5-062d3c47297b.html).

Nazi Germans had the same theory about Jews; they believed that the Jews were responsible for most of society's ills, including murder, theft, and prostitution. As recompense for these "crimes" the Nazis assessed an arbitrary 1,000,000,000 *Reichsmark* fine to the Jews.<sup>75</sup> Additionally, the *Police Order Concerning the Appearance of Jews in Public* severely restricted the Jews' movements in their communities.<sup>76</sup> Curfews and documentation requirements were intended to limit Jewish opportunity to commit violent crimes and to ensure that they did not hold any mutinous gatherings. However, studies have repeatedly shown that this correlation between crime and immigration in America is unfounded and the support for such conclusions resides in the anti-immigrant perceptions of most American citizens.<sup>77</sup>

Contrary to popular opinion, crime rates in most communities actually drop with the addition of immigrant families. Current theories explaining this phenomenon suggest that immigrant communities form strong social ties and adhere to their traditional cultural values all of which deter violent crime.<sup>78</sup> Another crime deterrent is that many immigrants move to the same communities as family members who already live in the United States. This family oriented community also leads to lower crime rates. Therefore, even though most immigrant populations are living below or close to the poverty level, family-centered communities combat violent crime. The rate of violent crimes either remains the same or is reduced by the influx of immigrant arrivals.

### C. Welfare and Public Benefits

Many Americans believe that illegal immigrants are improperly utilizing the public benefit and welfare system. Illegal immi-

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75. Translation of Decree on Expiatory Collective Fine, *supra* note 60.

76. Translation of Police Order Concerning the Appearance of Jews in Public, *supra* note 63.

77. Surprisingly, statistics suggest that the second generation (children of immigrants) is more likely to participate in violent crime, which implies that the "Americanization" effect leads to higher rates of crime and incarceration. See Graham C. Ousey & Charis E. Kubrin, *Exploring the Connection between Immigration and Violent Crime Rates in U.S. Cities, 1980-2000*, 56 SOC. PROBS. 447, 458 (2009).

78. Emily M. Wright & Michael L. Benson, *Immigration and Intimate Partner Violence: Exploring the Immigrant Paradox*, 75 SOC. PROBS. 480, 481-82 (2010).

grants cost our country about \$10.4 billion dollars a year.<sup>79</sup> This cost can be attributed to the discrepancy between the amount of taxes paid by an illegal immigrant household and the amount of welfare received by that same family. An illegal immigrant will pay approximately twenty-eight percent of the taxes of an average American, but they will use about forty-six percent of the benefits as an average citizen.<sup>80</sup> This incongruity leaves the government with a significant net loss. Anti-immigration politicians and activists believe that by refusing illegal immigrants welfare benefits, that the traditional American dream of self-sufficiency will be restored. By cutting off welfare benefits, it will be clear that all immigrants will come to the United States for the dream of self-sufficiency and employment, not illicit reliance on government assistance.

One of the factors that keeps immigrant populations dependent on the welfare system is a lack of education.<sup>81</sup> While it is costly to educate immigrant children, the Supreme Court has already declared that it is unconstitutional to deny children elementary and secondary education.<sup>82</sup> However, many state regulations have scared immigrant children away from schools and prevented them from receiving a proper education. As previously mentioned, Alabama has successfully passed legislation preventing undocumented immigrants from attending post-secondary education. Perhaps immigrants would be able to get their family out of an inverse tax/welfare relationship with our government if they were allowed to attend school without fear.

Even if S.B. 1070 and other similar anti-immigration legislation had the desired effect and somehow all illegal immigrants in the United States were deported, that would lead to economic ruin for most Border States and have a very negative impact on the economy in general. According to a recent study, mass deportation would reduce the gross domestic product by 1.46% annually, which amounts to \$2.6 trillion lost over a span of ten years.<sup>83</sup> Those statistics do not even include the actual costs of deportation proceed-

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79. Steven A. Camarota, *The High Cost of Cheap Labor: Illegal Immigration and the Federal Budget*, CTR. FOR IMMIGR. STUD. 1, 37 (Aug. 2004), <http://www.cis.org/articles/2004/fiscal.pdf>.

80. *Id.* at 27.

81. *Id.* at 28.

82. *See Plyler*, 457 U.S. at 202.

83. *The Economic Benefits of Immigration Reform*, IMMIGR. POL'Y CTR. (Jan. 11, 2010), <http://www.immigrationpolicy.org/just-facts/economic-benefits-immigration-reform>.

ings.<sup>84</sup> Additionally the loss of the undocumented immigrant workforce would lead to labor shortages and job loss across the country. It is estimated that in this scenario California would lose 3.6 million jobs and the state's economy would shrink by \$302 billion.<sup>85</sup> In Arizona, mass deportation would amount to 581,000 lost jobs and a \$48.8 billion loss to the state economy.<sup>86</sup>

## V. CONCLUSION

Despite widespread anti-immigration sentiment, some states are actually enacting pro-immigration legislation, which has been dubbed "anti-Arizona" legislation. California, who boasts the largest population of illegal immigrants,<sup>87</sup> is currently attempting to pass the *Transparency and Responsibility Using State Tools Act* ("TRUST Act").<sup>88</sup> The TRUST Act would limit the amount of assistance that local law enforcement would be able to offer to federal officers and prevent undocumented immigrants from being detained for minor crimes.<sup>89</sup> Additionally, Kansas is seeking pro-immigration legislation in order to avoid the labor shortages experienced by Alabama and Georgia.<sup>90</sup> Businesses in Kansas recognize the need for immigrant labor.

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84. According to the Center for American Progress, the costs of mass deportation would cost \$41.2 billion annually; at least \$206 billion and possibly as high as \$230 billion or more over five years. See Rajeev Goyle & David A. Jaeger, *Deporting the Undocumented: A Cost Assessment*, CTR. FOR AM. PROGRESS (July 26, 2005), [http://www.americanprogress.org/wp-content/uploads/kf/DEPORTING\\_THE\\_UNDOCUMENTED.PDF](http://www.americanprogress.org/wp-content/uploads/kf/DEPORTING_THE_UNDOCUMENTED.PDF).

85. Raúl Hinojosa-Ojeda, *The Economic Benefits of Comprehensive Immigration Reform*, 32 CATO J. 175, 177 (2012), available at <http://www.cato.org/sites/cato.org/files/serials/files/cato-journal/2012/1/cj32n1-12.pdf>.

86. *Id.*

87. The estimated illegal immigrant population in California is 2,635,000. See *Summary Demographic State Data (and Source)*, FAIR, <http://www.fairus.org/states/california> (last visited May 7, 2013).

88. Talia Ralph, 'Anti-Arizona' Immigration Law Passes in California, GLOBAL POST (July 6, 2012), <http://www.globalpost.com/dispatch/news/regions/americas/united-states/120706/anti-arizona-immigration-law-passes-california>.

89. Leslie Berestein Rojas, *California AG to Police: Detaining Undocumented Immigrants 'Not Compulsory'*, S. CAL. PUB. RADIO (Dec. 4, 2012), <http://www.scpr.org/blogs/multiamerican/2012/12/04/11391/california-ag-cops-issuing-immigration-detainers-n/>.

90. Not only would Kansas allow undocumented immigrants to work in their state, but also part of their plan is to request federal assistance in granting legal immigration status to undocumented immigrants who have no criminal record and have lived in Kansas for five years. See Jeremy B. White, *Kansas Immigration Law Would Authorize Illegal Workers, Bucking National Trend*, INT'L BUS.

In recent decades, our country has experienced a great wave of immigration, the largest since the 1920's. However, for the first time, illegal immigrants outnumbered legal ones. Gallup polls conducted between 1999 and 2005 show a sharp increase in the percentage of Americans supporting more restrictive immigration measures.<sup>91</sup> In response to this public opinion and a lack of federal regulation, many states have followed the lead of Arizona's S.B. 1070 and enacted their own anti-immigration legislation. However, these measures are based predominantly on perceived immigrant threats rather than actual problems with the immigrant community. As with the Nazi treatment of Jews, Americans are willing to blame economic difficulties on a foreign population, namely the Latinos. These anti-immigration policies essentially divide America along racial lines, which contradict our founding principle that all men are created equal.

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TIMES (Feb. 3, 2012), <http://www.ibtimes.com/kansas-immigration-law-would-authorize-illegal-workers-bucking-national-trend-405290>.

91. Regina Branton, et al., *All Along the Watchtower: Acculturation Fear, Anti-Latino Affect, and Immigration*, 73 J. OF POL. 664, 666 (2011).