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A Look at State Immigration Policy in 2006

By Emily Taplin

The push to put one controversial initiative on the November ballot - added to by the introduction of several immigration-related bills to the House in January - marked the beginning of an already-charged fight to address undocumented immigration in Colorado on a legislative level in 2006.

In 2004, 434,938 foreign-born immigrants lived in Colorado, or about 10% of the state population. An estimated half of these immigrants, between 200,000 and 250,000 people, are undocumented (the Bell Policy Center's recent immigration report, 1). Whether these over-200,000 undocumented immigrants are more burden or boon to the Colorado economy is fiercely debated.

At his own website, Colorado Rep. Dave Schultheis (R-Colorado Springs) writes, "As border and other states become less accepting of those entering our country illegally, Colorado's population of illegal aliens will increase at an ever-increasing rate. That is why I [am working] to put laws in place that will significantly reduce the influx of illegals into Colorado."

Yet many are skeptical as to whether or not Schultheis's and others' proposed legislation will do anything to decrease undocumented immigration to Colorado. Some argue that these efforts unfairly victimize immigrants working in a flawed system, and ignore the fact that undocumented immigrants pay state and federal income taxes and sales tax, and contribute to the Social Security system, from which they will never receive a penny.

Lisa Duran, executive director of Rights for All People (Derechos Para Todos), says, "We've been witnessing the development of an extreme agenda, based on fear, which is vilifying and dehumanizing the most vulnerable people in the immigration system: the undocumented immigrants themselves. The problem is that our immigration system is broken, not that immigrants live among us and contribute to and build our communities. The system is broken at a systemic level."

In addition to the flock of immigration-related bills expected to flood the House this session, a group called Defend Colorado Now is gathering signatures for a ballot initiative (Colorado Ballot Proposal 2005-2006 #55) that would restrict the provision of non-emergency services by the state, except those mandated by federal law, to individuals who can provide proof of legal presence. It also gives a new private right of suit to individuals, allowing any legal resident to sue an agency it suspects of serving undocumented immigrants.

The initiative is identical to one pushed by Rep. Tom Tancredo (R-Littleton) in 2004 that failed to reach the ballot. Backers of the current initiative will need to gather 68,000 signatures in order for voters to see it on the ballot in November. A group named Keep Colorado Safe is mounting efforts to keep the initiative off the ballot.

Proponents of the initiative claim that it will save billions of dollars for taxpayers. However, the initiative exempts federally mandated services, such as emergency health care and K-12 education. According to a report (recently issued by the Denver-based Bell Policy Center) on state- and national-level effects of immigration, the greatest cost incurred by immigrants at the state level is for K-12 education, nearly all of which is spent on education for U.S.-born citizen children of immigrants.

In a statement addressing the proposed initiative, the Bell Policy Center said that, "State and local governments would spend more to enforce the measure than they would gain from savings, the hassle factor would rise dramatically for citizens seeking services, and the measure would expose governments to a new class of lawsuits."

Wade Buchanan, president of the Bell Policy Center, also says that local legislation will not fix the immigration dilemma. "It's hard to imagine a less effective approach to the problem. This is a national problem. It can't be solved at the state level, and any effort to do so is bound to backfire on Colorado taxpayers."

In addition to the proposed ballot initiative, below is a summary of some of the legislation that has already been introduced to the House as of January 30th, 2006.

HB 1062

Citizenship Data in Public K-12 Schools

Sponsor: Representative Jim Welker, R-Loveland

This bill would require school districts to collect student citizenship data and report it to the legislature and to the state board of education, which would then report the data to the joint budget committee and the education committees of the senate and house. Each student would be required to provide citizenship documentation, a statement of citizenship, or a statement that the student is unable to provide documentation.

Duran says that landmark Texas case *Doe vs. Plyler* established the right of children to receive free public education, regardless of legal status. While this bill does not suggest denying education to undocumented child immigrants, it may be another attempt to prove that illegal immigrants don't pay their way. "These children, regardless of legal status, are our future," says Duran.

HB 1101

Illegal Aliens Arrest Contract License

Sponsor: Representative Bill Crane, R-Arvada

This bill "Prohibits a public contract for services from being awarded to a contractor who knowingly employs an illegal alien to perform work under the contract. ... Prior to executing a public contract for services, requires each prospective contractor to provide documentation to the contracting state agency or political subdivision that it does not employ an illegal alien."

It would also ask boards that license professions or occupations to develop rules that would revoke any state-issued licenses upon employment of an undocumented immigrant. Additionally, law-enforcement officers would be required to perform an immigration status check on all arrestees and report to the U.S. bureau of immigration and customs enforcement, the department of labor and employment, and the arrestees' employer if the individual does not have legal presence. If the employer is under state license or contract, either of these may be revoked. Each defendant in Colorado criminal court cases would also be subject to an alien-status check.

HB 1131

Bail Bonding Agents Illegal Immigrants

Sponsors: Representative Joe Stengel, R-Littleton, Columbine Valley, Littleton, Bow Mar; and Senator Andy McElhany, R-Colorado Springs

This bill requires a law enforcement agency to determine a defendant's citizenship or immigration status before allowing bail to be posted on their behalf. It prohibits a bail bonding agent from posting bail for a defendant without legal presence.

HB 1133***Illegal Immigration and Government Practices*****Sponsors: Representative Ted Harvey, R-Highlands Ranch and Senator Tom Wiens, R-Castle Rock**

House bill 1133 prohibits state and government agencies from contracting with companies who knowingly employ undocumented immigrants or who work with subcontractors who knowingly employ legal immigrants. A public contract would have to include provisions that ensure that the contractor does not employ undocumented immigrants under the contract the bill mandates penalties for violation of these provisions.

Duran notes that this measure "Doesn't do anything not already provided by existing law, and it places a huge burden on employers. Employers are not INS agents."

This measure would also prevent individuals without proof of legal presence in the U.S. from establishing residency in order to receive in-state student tuition.

HB 1134***Law Enforcement Immigration Activities*****Sponsors: Representative Dave Schultheis, R-Colorado Springs and Senator Ed Jones, R-Colorado Springs**

This bill would train police to verify that offenders stopped for infractions have legal presence. According to the bill, law enforcement officers would, when appropriate, be authorized to "detain a person suspected of an immigration offense when the law enforcement officer encounters the person during routine law-enforcement activity."

According to Duran, this bill may make everyone a little less safe by discouraging immigrants from reporting crime and creating an additional, time-consuming duty for police officers. "This is a very bad bill for everyone," she says. "It may make immigrants even less likely to report when they are victims of crimes. And law enforcement officers have enough to do without investigating status."

SB 90***Prohibit Illegal Immigration Sanctuaries*****Sponsors: Senator Tom Wiens, R-Castle Rock and Representative Ted Harvey, R-Highlands Ranch**

This bill would prohibit the passage of laws preventing law enforcement officers or other government employees from cooperating with federal immigration officials regarding the immigration status of an individual within the state. It requires law enforcement officials or other government employees who have probable cause to believe a person does not have legal presence to report them to federal immigration officials. Local governments who do not obey this provision would not receive grants from the state department of local affairs.

SB 98***Workers' Compensation Exclude Undocumented Alien*****Sponsors: Senator Greg Brophy, R-Wray and Representative Dave Schultheis, R-Colorado Springs**

Undocumented immigrants would not be entitled to workers' compensation under this bill.

SB 110***Prohibit Illegal Work and Resident Status*****Sponsor: Senator Tom Wiens, R-Castle Rock**

This bill would impose civil and criminal penalties for fraudulently creating documents for the purpose of work eligibility.

SB 146

Proof of Citizenship to Register to Vote

Sponsor: Senator Andy McElhany, R-Colorado Springs

This bill requires proof of citizenship to register to vote and sets strict guidelines for what qualifies as proof.

Whether through a ballot initiative or in the Colorado General Assembly, immigration is sure to remain a hotly debated issue in 2006, and Citizens Project will continue to monitor it. The following are some links for learning more about the stakes for this issue.

Community Conversations: An interview with Rosemary Harris and Courtney Rose Harris of the NAACP

by Alia Scanlon

How long have you lived in Colorado Springs and what changes have you noticed in our community since then?

Rosemary: I've lived in Colorado Springs since 1993. Perhaps some might say that Colorado Springs has changed for the better or the worse; I find that what happens here quite often is that we make some movement forward in one area and then perhaps we might retrench in another. So we might move forward in the number of women employed in the police department but we might move backward in terms of, say, same-sex partner benefits. So Colorado Springs has been back and forth for me where change is concerned.

Courtney Rose: I definitely have to agree that Colorado Springs does need to take the initiative to move forward with some of the progress that it does make as a community, especially where it concerns the equality of all its citizens. Definitely I have noticed that there has been a lack of progress, and I would love to see that happen in the future.

How did you each get first involved in the NAACP? What other activities in the community are you involved in?

Rosemary: I've actually been - in my mind and heart at least - affiliated with the NAACP since I was sixteen and wrote an essay on the importance of Medgar Evers, who was the assassinated NAACP field secretary in Mississippi. So, since sixteen, I've had some sort of connection with the NAACP. I've been a member of the Executive Committee of Colorado Springs Branch since 2002 and have been president since June 18th of 2005. In the community I've been involved in a wide range of other organizations, from the 4th Judicial District Diversity Training Group, to the Jolly Jills Civic and Social Club Debutante Ball, to being a writing coach at Otero Elementary School, to working with local youth in a variety of settings, in schools and outside of them.

Courtney Rose: I think I've been a member of the NAACP since I was about ten. At first I didn't really understand what it was about, except occasionally getting dragged to a couple of meetings. But as I've grown older - especially in the past couple of years - I've definitely grasped the concept of the NAACP and I've developed a great appreciation for it and that's why I'm still

involved with it. Currently I serve as President of the Colorado/Montana/Wyoming State Conference Youth and College Division of the NAACP. I'm member of the Pikes Peak Youth Council, which is a group of young people across the city who work with our city council on youth issues and are kind of the voice of the young Springs. And I'm a member of the International Diversity Council at Palmer High School, a member of the Young People's Department at Payne Chapel African Methodist Episcopal Church, and a wide variety of other community service organizations.

What drew you to your activism?

Rosemary: I think that the work and sacrifice of people that have long been involved with the NAACP, specifically. Some of my heroes and she-roes are the founders and the icons of the NAACP and of the civil rights movement in general. So, W.E.B. DuBois, the scholar, and Ida B. Wells Barnett, the famous black newspaper publisher, a she-roe of mine who wrote against lynchings in the north and the south and had her own newspaper building in Memphis burned down because of it. So it's carrying on the work and the legacy of those who sacrificed, so that I can live in Colorado Springs in 2006 and not have to have rampant, blatant discrimination against me. People like Rosa Parks, Martin Luther King, Coretta Scott King and Medgar Evers certainly are icons for me as well, especially with Rosa Parks being a former NAACP secretary. When I first became an officer in the organization, my title was Branch Secretary, something that perhaps a woman might not feel is the most wonderful title in the world. But when you realize that Rosa Parks started her activism as secretary of the Montgomery, Alabama Branch NAACP you see that you can make a powerful difference in a position that might not have the loftiest title.

Courtney Rose: Definitely, I have to say that what drew me toward my activism in the NAACP and in the community is just that I know that our country has evolved from what it used to be - especially with the landmark case of Brown vs. Board of Education in 1954 - and it did open the door for equality in education. But I still realize that there are a lot of inequities in the education system and many other parts of our community. I've realized this from a young age, and that's why I wanted to get involved, so I could address these issues and make sure that we do something about them, and to make sure that we don't just stay in our safe-place in our safe-mode, but that we as young people announce that there are still disparities and that we are willing to face them.

Rosemary: I would add that there is the Biblical saying, that "to whom much is given much is required." I am the child of sharecroppers in Mississippi, people who did not have the opportunity to go to college. I'm the first college graduate in my family on both sides. I owe a debt not just to people that I never met like Ida B. Wells Barnett and Medgar Evers, but to people that are very real to me: my grandmother, my father, my great-grandfather, people who could not enjoy the privileges that I enjoy today. So I have a responsibility to their legacies as well.

Do you have a memory of a specific campaign or political action that you were involved in that challenged you personally or professionally? How did you respond to this challenge?

Rosemary: I really felt challenged by this country's response to Hurricane Katrina and the way that people in New Orleans were treated, and I wondered if there was anything that I could do as an American, a black woman, or a freedom fighter. I quickly found out that there was something that we could do, and that was joining in with the effort to relocate people to this community, many of them African Americans coming from a majority African-American city to a place that has been called a "spongy white loaf of wonder bread," and knowing that I must be involved in throwing out that welcome mat. Mostly it's gone well. But I am so happy that the NAACP was there so that we could help ensure that it would go well. Our presence, I think, has been effective in guaranteeing that people will have their civil rights and their dignity throughout this whole effort.

Courtney Rose: In 2004 the Youth Council and the State Conference Youth and College Division came together to register people to vote, especially people between the ages of 18 to 24. We set up at different stations, registering people of different age groups, different colors, and different appearances, and many times we were shut down, especially by young African Americans. And that really shocked us, especially in today's world, because so many freedom fighters have worked so hard to guarantee all citizens the right to vote. Even to hear the words and the rude remarks that were coming out of their mouths was just remarkable to us. Here we were, trying to register people to vote, their birth-given right, yet some were denying us the privilege to give that to people. So that was definitely a challenge we faced. But we overcame it by just continuing to get out voter awareness, even though most of us aren't able to vote yet. We just want to make sure everyone has that opportunity.

The State Conference has also worked with many different students of color at CU-Boulder who have faced lots of issues with campus administrators and other students: not being able to get their voices heard and being discriminated against, physical threats against their lives, receiving hateful e-mails, and being taunted and threatened as they walk through the campus where they pay tuition. They don't feel safe, yet their voices are being muffled. So we've tried to come together with them to build a relationship so that we can help them through this time, because they need that support, especially being at a predominantly white school and being so few in numbers; we've tried to be a voice for them.

Rosemary: Because young people today, especially young African Americans, feel that they are so physically and emotionally removed from the Civil Rights Movement, one of the things that was done in the Youth and College Division when the first incident at Boulder happened was training young people in how to be activists, how to organize a protest, how to conduct themselves during one, how to respond if someone hurls the N-word at you or tries to disrupt your protest line. That was powerful; seeing them go through a mock protest because most of them have only seen a true civil rights protest on the newsreels and certainly wouldn't have known what it would actually be like to be in a real protest line. Since these incidents have continued, that's not just going to be training; these are skills that they have already had to use, especially as it relates to the treatment of the very small percentage of African-American students at CU-Boulder.

What is your vision for the NAACP in our community in 2016?

Rosemary: There is a phrase in the NAACP, a sort of chant or mantra, that we would be what we have historically been, and that is "the oldest and the largest, the baddest and the boldest, the most cussed and discussed, the most feared and revered, the most loved and the most hated, civil rights organization in the country."

Courtney Rose: ... In the world.

Rosemary: In 2016 I would like to know that the historic legacy of the NAACP isn't just historic but that it's very real, and that when we come to the table, whether it's around inequities in mortgage lending or in health care disparities or about same sex benefits or separation of church and state, we are for the basics of progressive thought in terms of civil rights organizations and their influence in all spheres of life. So I would like to see the NAACP, not just nationally but in Colorado Springs, be that force for change, to be loved but also feared, because that's how the best civil rights organizations are viewed.

What do we need to get there?

Rosemary: I think what we need to get there is recognition inside the organization of who we are and of the power of our membership. We also need recognition in the greater community of the

positive force for change that the NAACP can be. It doesn't have to be just "oh, here they come again"; but, yes, we're coming again. We're coming again around education. We're coming again around political action. We're coming again around job discrimination. But when we come, we want to come with the knowledge that people and organizations can reason together for the betterment of the entire citizenry. And I'd like to in 2006 have people know that the NAACP has never been a monolithic organization. It's always been a multi-racial effort for good and I would love in 2016 for King's dream to be realized of people of like minds and good conscience joining together across race and across differences.

Courtney Rose: I think it's definitely important for young people to make that vision come true, to have an understanding of our history and where we've come from. A lot of young people don't know any other civil rights figures besides Martin Luther King, Jr. and Rosa Parks. Although those two were very central to the Civil Rights Movement, a lot of other freedom fighters go under the radar and I think all young people, not just African Americans, need to be exposed to that great history.

How are we going to involve people of various ages, races, and ethnicities in this vision?

Rosemary: The NAACP has increasingly expanded its purview, if you will, from beyond issues that only relate to African Americans to those that relate to Latinos and people in the Caribbean - we are indeed an international organization, with branches in Germany and Japan as well as all over the United States. We've expanded our vision to issues in many areas, including gay rights. No matter where we find injustice, the NAACP is about ending that injustice. As we reach out and make our activism wider, we hope that we will bring in issues concerning immigrants, young people, and others, battling social injustice no matter where it's found.

Caucuses Provide Opportunity to Promote Vibrant Democracy

by Cynthia Nimerichter, Citizens Project Board Chair

Recently, I watched a two-hour special on PBS about John and Abigail Adams. It reminded me of the tremendous sacrifice it took to birth our country. Our founding mothers and fathers were in mortal danger; many died, family members were separated for months at a time, and many faced financial ruin and/or emotional devastation.

But 230 years later, the United States of America is standing strong. Is it perfect? No, of course not. But it is a wonderful place to live. I feel incredibly fortunate to be an American. And, I believe, that fortune brings responsibility. I have strong affection for the work of Citizens Project, and my involvement with CP is a way that I give back to my community and my country. I think all of CP's mission statement is important but I especially like the encouragement of civic engagement.

So, just as I (gently) chided my brother-in-law for two decades to register to vote (I do not care that he only did it to shut me up-he did it!), I would like to (gently) encourage all citizens to attend their precinct caucuses.

A precinct caucus is a strong building block toward election of individuals to all levels of political office in Colorado. And it is a place where a single voter can have tremendous influence. This year the caucuses will be held on March 21. To participate, you must have been registered with a

political party at least two months prior to the caucus. Anyone may attend a caucus, although not everyone may vote at one.

The precinct where you live is where you attend your caucus. The caucuses I have attended over the years have all been held in a neighbor's home. The number attending has varied from 6 or 8 people to 70 or people.

There will initially be some housekeeping done at the meeting: a chair will be elected and precinct committee people will be elected. The interesting part begins when someone in the caucus speaks in favor of each candidate seeking a nomination; this year, the open seats are for U. S. representative, governor, state senator, state representative, and county commissioner. Debate can be quite lively and informative, especially if there are hotly contested races.

A vote is taken and then delegates are elected for one designated race. The race is chosen by the state party; in presidential election years, it is the race for president. This year it will be the race for governor. Now, a bit of cunning can be used here. Let's say you are most interested really in making sure your state representative candidate gets enough votes. You may then seek being elected a delegate for a gubernatorial candidate, but go on to the county caucus as a delegate for the person running for governor and work the crowd at the county caucus for your choice for the state representative seat.

For candidates to get any delegates, they must get at least 15 % of the vote. This is one of the ways that you as an individual can use your persuasive skills to help the candidate of your choice.

If you go on to your county caucus, the whole thing is repeated on a much larger scale. And from there you can get elected to go to the state assembly. At the assembly, a candidate must receive 30% of the vote to get placed on the ballot. (If less is received, there is a process to petition a candidate onto the ballot by collecting voters' signatures.) If more than one candidate gets 30% of the vote for a race, there will be a primary election.

This is an excellent way to be involved in our vibrant democracy. Please attend your caucus. To find out where your caucus will be held, you can call 473-8713 for information for the Democratic Party, 596-7848 for the Libertarian Party, and 578-0022 for the Republican Party.