

**NATIONAL COUNCIL OF LA RAZA**  
**Latino Donor Collaborative – Grant No. P3017915**

**ANNUAL REPORT TO THE W.K. KELLOGG FOUNDATION**  
**Program Period October 1, 2010 – September 30, 2011**

**I. OVERVIEW**

Support from the W.K. Kellogg Foundation over this grant period has been essential to supporting the Latino Donor Collaborative (LDC) and implementing its first project, the Arizona Response Initiative. The report below describes work completed during the first year of the grant, from October 1, 2010 to September 30, 2011. The LDC is a national nonpartisan donor collaborative created to leverage Hispanic philanthropic dollars in order to finance and assist effective projects and organizations that will directly benefit and support Latinos throughout the U.S. The first project of the LDC, the Arizona Response Initiative, was designed to create broader public awareness around the detrimental effects of measures like Arizona's SB 1070.

**II. PROJECT SUMMARY**

On April 23, 2010, Arizona Governor Jan Brewer signed into law SB 1070, the nation's most punitive immigration legislation, catapulting her, State Senator Russell Pearce (the bill's sponsor), and anti-immigrant initiatives into the national spotlight. The legislation was immediately controversial and faced broad opposition within the state, including from the mayors of the state's two largest cities, the state's Native American tribes, the Arizona Association of Chiefs of Police, the business community, and faith and community organizations. Widely condemned by the country's leading civil rights organizations for essentially codifying and legitimizing racial profiling, the law also sparked great controversy nationally, leading to boycotts, travel bans, and lawsuits against the state, and generating statements of opposition from a host of diverse voices ranging from religious institutions to the entertainment and sports world. Emboldened by worldwide attention—and in spite of the damage to the state's image, lost business and tourism revenue, and exorbitant legal fees that Arizona has faced since the passage of SB 1070—the legislators and private interest groups that helped pass this law announced their intent to introduce and pass copycat bills in other states.

Spurred by the egregious nature of this law and the crisis for the Latino community that its passage represented, a group of Hispanic leaders from various sectors—the business, political, and activist communities—to invest in an unprecedented effort to address the important, immediate, and long-term issues faced by Latinos throughout America. To coordinate this investment, the leaders formed the Latino Donor Collaborative (LDC), national nonpartisan donor collaborative created to leverage Hispanic philanthropic dollars in order to finance and assist effective projects and organizations that will directly benefit and support Latinos throughout the United States. The first project of the LDC focused on identifying strategies that change the hateful dialogue in Arizona as a result of SB 1070 and prevent the spread of similar bills in other states. In addition to the likelihood of a massive increase in state-sanctioned racial

profiling and discrimination, SB 1070 is especially dangerous because of the political signal it sends—that the views and interests of Hispanics, the nation’s largest and fastest-growing ethnic minority, can be ignored with impunity.

### III. **PROGRESS TOWARD GOALS**

Following an initial meeting in August 2010 of key Hispanic leadership, the Latino Donor Collaborative (LDC) spent its first several months operating with an interim group of decision-makers that would allow for immediate impact while simultaneously considering a permanent Executive Committee and membership plan. To guide philanthropic investments and a course of action for the Arizona Response Initiative until the creation of a permanent structure, the LDC created the Interim Executive Committee (IEC), which was staffed by NCLR, and included the following Latino leaders:

- Solomon Trujillo, Chairman, Garcia Trujillo, (Co-Chair)
- Henry Cisneros, Executive Chairman, CityView (Co-Chair)
- Tony Salazar, President of West Coast Operations, McCormack Baron Salazar
- Federico Peña, Senior Advisor, Vestar Capital Partners
- Maria Contreras-Sweet, Executive Chairwoman and Founder, Promérica Bank
- Michael Nowakowski, Vice Mayor, City of Phoenix (Arizona representative)
- Mary Rose Wilcox, Maricopa County Supervisor (Arizona representative)
- Betty Villegas, Housing Program Manager, Pima County Community Development & Neighborhood Conservation Department (Arizona representative)

The IEC was tasked with overseeing the first LDC project, the Arizona Response Initiative. The IEC believed that the Arizona Response Initiative could: promote a reversal of SB 1070, either through the courts or the legislature; prevent the spread of SB 1070 copycat legislation to other states; and support public education around the need for federal comprehensive immigration reform. As fiscal agent and staff to the IEC, NCLR led the Arizona Response Initiative’s activities both in Arizona and other states that were considering copycat legislation—activities such as educating the public regarding the adverse effects of SB 1070 and copycats, providing media and messaging training to prepare local partners to serve as spokespeople on immigration issues, conducting outreach to nontraditional allies in order to diversify the messengers on immigrant issues, and conducting public opinion research and polling on the image of Latinos in America.

The IEC held five meetings during the fall of 2010 to identify the activities for which they would lend LDC support and name recognition. Throughout the work period of this first project, the members of the IEC were also encouraged to participate in an ongoing dialogue about the future structure of the LDC and were invited to participate in a Washington, DC convening in November 2010, to discuss next steps for the LDC. Another LDC convening took place in April 2011, during which NCLR provided its final report on implementation of the Arizona Response Initiative and completed its formal role as staff to the IEC.

Subsequently, NCLR was advised that the LDC established a formal Board of Directors, co-chaired by Henry Cisneros and Solomon Trujillo, and hired Enrique Shadah as its Interim Executive Director. In addition, the LDC commissioned a study, along the lines of an environmental scan, to serve as the basis for longer-term planning. The third formal meeting of the LDC is taking place in Los Angeles in November 2011.

### **What were the major challenges and outcomes?**

A key component of educating the public regarding the adverse effects of SB 1070 and copycat legislation included developing analysis of the policy and legal implications of SB 1070 and similar laws. The LDC executed a contract with one of the experts in this area, the Mexican-American Legal Defense and Education Fund (MALDEF), in order to produce analyses that were critical in providing information to push back against the anti-immigrant rhetoric that gave rise to SB 1070 and to help other states understand the true economic and civil liberties costs associated with passing these state-level immigration laws. At the time of its passage, Arizona's SB 1070 was the most extreme and draconian immigration law in the country, unprecedented in severity, and set off a ripple effect into other states frustrated with federal inaction on immigration. In the 2010 legislative session, local and national advocates worked to defeat or prevent consideration of copycats in all 12 states that indicated they would pass legislation.

But the threat of copycats spreading in the 2011 legislative sessions remained after the Ninth Circuit Court of Appeals upheld, in November 2010, an earlier Court ruling that enjoined the most egregious portions of the law. This ruling, while a victory for local advocates, did not completely discourage other states from considering similar legislation. With the formal meetings of the IEC coming to a close and the LDC planning a permanent staffing structure, NCLR agreed to continue the objectives of the Arizona Response Initiative by focusing on efforts to prevent SB 1070 copycats in other states. By the end of year, various news reports indicated that as many as half of the states were planning to introduce legislation similar to SB 1070 in their 2011 legislative sessions.

Given frustration with inaction around federal immigration reform, many media outlets reported the likelihood of dozens of states passing SB 1070 copycat legislation. However, through the public education work of a number of local, state, and national nonprofit organizations, labor coalitions, and business institutions, the majority of those state legislatures rejected the bills due to concerns over costs, threats of litigation, business losses, and damaged state reputation. Currently, five states considering copycat legislation remain in session, while the five states that opted to approve racial profiling legislation in the 2011 session—Alabama, Georgia, Indiana, South Carolina, and Utah—are now also facing numerous legal challenges as a consequence. Many partners in the Arizona Response Initiative—NCLR, local Arizona community organizations, The Leadership Conference on Civil and Human Rights, MALDEF, and many others—used lessons learned from the aftermath of SB 1070 to help state advocates around the country combat similar legislation. This work included the creation of public education materials, outreach to media and press outlets, and education with policymakers. More specifically:

- NCLR started tracking the movement of SB 1070 copycat legislation, including introduction of similar bills around the country, statements of support/opposition and state resolutions from elected officials and candidates, candidate positions on copycat measures, the outcome of the 2010 elections, and the potential impact on state legislatures efforts to pass SB 1070 copycat legislation.
  - As a result of this work, NCLR released “National Copycat Landscape,” a comprehensive summary of the movement on Arizona-copycat bills, which is updated and circulated biweekly to numerous partners and posted on the NCLR website.
  - NCLR leads a monthly call for national advocates to share information on moving state legislation. In the aftermath of Arizona’s SB 1070, NCLR has focused its field efforts on monitoring copycat legislation and working with national and state partners to effectively monitor and push back against these measures.
- In April 2011, NCLR, in partnership with The Leadership Conference on Civil and Human Rights and the National Immigration Law Center, coordinated a telephonic press briefing with the Salt Lake City Chief of Police and the President of the Indiana Restaurant Association to discuss the one-year anniversary of the passage of SB 1070. NCLR released a new report, [\*One Year Later: A Look at SB 1070 and Copycat Legislation\*](#), while the other speakers discussed their diverse perspectives on the effects of copycat laws. The report examined immigration-related policy developments at the state level and provided a preliminary assessment midway through the 2011 state legislative calendar year. NCLR is planning to release a second report after the November 2011 elections, which will discuss the full 2011 legislative session, the states that chose to pass copycat legislation, and the effects that copycats have had on the social and economic fabric of those states.
- NCLR maintained content for two websites, one focusing on SB 1070-related developments in Arizona), and the other updating the public on the national copycat landscape and other state/local immigration legislative measures ([http://www.nclr.org/index.php/issues\\_and\\_programs/immigration/state\\_local\\_immigration\\_initiatives/](http://www.nclr.org/index.php/issues_and_programs/immigration/state_local_immigration_initiatives/)).
- NCLR and several other national civil rights partners provided strategic assistance to advocates in a number of states—including Alabama, Indiana, Nebraska, and Utah—in an effort to change public perception of SB 1070 copycat bills and build broader coalitions supporting immigrant rights. Together, national organizations and local advocates developed talking points, coordinated press conferences, and planned informational meetings with business and religious leaders. (Additional details about the work done to build strategic partnerships are outlined below.)
- NCLR elevated its presence in Spanish-language as well as mainstream media, increasing the coverage of developments related to copycat measures. NCLR engaged in more intense media outreach by incorporating NCLR Affiliate stories, which provided a local dimension to national stories. On the Spanish-language media front, NCLR had multiple appearances on *Al Punto* (Univision’s Sunday political show) and *Enfoque* (Telemundo’s Sunday political show), and is seen as a go-to source by the main Spanish-language outlets, including radio and print media. For example, NCLR was the only non-governmental panelist in a town hall on SB 1070 and immigration, which was hosted by Univision. Within mainstream media, NCLR made frequent appearances on CNN, PBS, Fox News, MSNBC, National Public Radio, and Destination Casa Blanca (hosted by Ray Suarez), and has been quoted in

numerous print media outlets including *The New York Times*, *USA Today*, *Time* magazine, *The Wall Street Journal*, and the *Washington Post*, in addition to local and regional publications.

- In January 2011, NCLR prepared and released a toolkit for advocates, co-branded with the Leadership Conference on Civil and Human Rights and its members, entitled: [\*Not in Our State: What Community-Based Organizations Can Do to Combat SB 1070 Copycat Legislation\*](#). The toolkit was widely disseminated to various state and local advocates, through a number of national advocate list serves, and via a number of organizational websites. NCLR also released a toolkit for legislators, co-branded with the National Association of Latino Elected and Appointed Officials, entitled *Not in Our State: Lessons from Arizona*. This toolkit provides elected officials with background information on SB 1070 to help legislators analyze the impact that similar legislation would have on their states and communicate with constituents and the media about the costly implications of such laws.
- A key part of changing the politics of immigration has been to elevate the growing impact of the Latino vote. In addition to various writings on this (listed below), NCLR commissioned the polling firm *Latino Decisions* to conduct an election-eve poll of Latino likely voters and brought partner organizations to the table to expand the resources available for this project. The Service Employees International Union (SEIU) and America's Voice partnered in this poll, which provided a platform to describe how Latinos voted and why, particularly in light of inaccuracies in the traditional major exit polls. The results of this poll and its more accurate methodology for examining Latino voter turnout was one of the major stories of the 2010 election, and one that will continue to be built upon heading toward 2012.
  - In November 2010, NCLR released a report, [\*Latino Voters in the 2010 Election: Numbers, Parties, and Issues\*](#), which analyzed the Latino vote in past elections and explored how issues—particularly immigration—influence political participation.
  - After the November 2010 election, NCLR [released a chart](#) documenting the Latino share of votes cast and political party support in Arizona, California, Colorado, Florida, Illinois, New Mexico, Nevada, and Texas for elections between 2004 and 2010.
  - As a complement to the post-November 2010 election piece, NCLR posted several blog posts on the subject of the Latino vote, several of which gained front-page status on the political page of the *Huffington Post*. These posts included: “[It’s About Respect](#),” “[‘Latinos Divided on Immigration.’ Headline-grabbing? Yes. Accurate? Hardly](#),” and “[Latinos, Voting, and Future Elections—What’s Next?](#)”
  - In addition, NCLR released another report, [\*Engaging the Latino Electorate\*](#), an analysis that looks at the Latino vote potential in the 2012 election and identifies campaign strategies that generated Hispanic engagement in the 2010 election cycle.

While many states have rejected Arizona-like copycat bills, other anti-immigrant state piecemeal laws have passed, such as those that require proof of citizenship required to obtain driver’s license and others that institute onerous state-level voter identification rules. In addition, the federal government has failed to relieve the pressure on states by moving federal comprehensive immigration reform. As the 2012 election draws closer, it will become more and more difficult to pass federal immigration reform, particularly as the Republican primary race has featured candidates scapegoating and exaggerating the impact of immigrants during their debates. This polarizing and divisive rhetoric is destructive for the country’s cultural fabric at a time when

immigrant integration is essential to the nation's long-term prosperity and social cohesion. In addition, these attacks will likely have negative consequences on the elected Republican candidate's ability to attract Latino voters in the general election. The LDC and NCLR are confident that the growing power of the Latino electorate and a strong turnout in November 2012 can alter the political will for comprehensive immigration reform.

### **Who were your main strategic partners, and why?**

The Arizona Response Initiative had success in contributing to a change in discourse in Arizona, and those lessons helped other partners to defeat SB 1070 copycats around the country. Most importantly, local Arizona organizations and advocates played a key role in providing strategic guidance to the IEC and moving forward a joint message around the negative consequences of SB 1070. For example, local advocates requested a media training in early October 2010 to better equip them with tools to amplify the message around SB 1070's detrimental effects on their state. NCLR staff led the training, which provided more than ten local leaders with talking points on how the passage of SB 1070 has affected Arizona, strategies for delivering their message effectively, tactics for staying on topic during difficult interviews, and sample media plans to ensure that their message would break through the crowd.

In addition, an NCLR staff person based in Arizona coordinated with local business leaders, particularly those that were part of the Real Arizona Coalition (Real AZ) and the Arizona Employers for Immigration Reform (AZEIR), helping to provide a platform for these leaders to discuss the economic implications of, and alternatives to, supporting SB 1070. In late 2010, the leaders of AZEIR became an active ally in presenting state and national business groups with the facts of immigration and immigrants and their impact on all aspects of the economy. For example, when the Utah legislature was considering legislation similar to SB 1070 in early 2011, two staff members of AZEIR presented to a Utah business coalition about the bill's effects on the economy and also gave testimony in the Utah State House of Representatives. Real AZ's activities began in the fall of 2010, pushing back on the hard-line anti-immigrant rhetoric of the state legislature. This coalition, comprised of nearly 30 diverse array of business, interfaith, and multicultural community leadership organizations, has been a close ally in helping to promote a more civil dialogue and recognizing the contributions of immigrants in Arizona, while also working vigorously to support immigration reform at the federal level.

A key national partner in developing analysis to help advocates and policymakers to understand the legal ramifications of SB 1070 and educate the public regarding the adverse effects of SB 1070 and copycat legislation has been the Mexican-American Legal Defense and Education Fund (MALDEF). As mentioned earlier, the IEC executed a contract for services with MALDEF to produce an assessment of SB 1070's numerous provisions as they relate to constitutional mandates, provide an analysis of what the Ninth Circuit Court of Appeals decision would mean for the law's implementation, and assist in evaluating the constitutionality of other states' SB 1070 copycats. Highlights of MALDEF's work in this area include these activities:

- MALDEF worked to ensure that the Ninth Circuit Court of Appeal's legal basis for its decision was understood by other policymakers and the public so as to deter similar unlawful policymaking and practice. For example, MALDEF published op-eds comparing the

inevitable legal demise of SB 1070 to the prior legal demise of California's Proposition 187. MALDEF's legal analysis of both laws revealed their inherently similar unconstitutional construction and a large body of court precedent, including at the U.S. Supreme Court level, which demands that any court invalidate laws like Proposition 187 and SB 1070, including its copycats.

- MALDEF initially proposed to evaluate the 20+ replications and expansions of Arizona's SB 1070 throughout the nation. Monitoring each state's bill proved difficult, as the SB 1070 replications and expansions included state-specific nuances and became increasingly piecemeal. For example, in Texas alone, proposed legislation to replicate SB 1070 did not take the form of a single piece of legislation; instead, almost 100 unique proposals were introduced, together constituting a much-expanded version of SB 1070. MALDEF revised its efforts to focus on legal analysis of legislation in Alabama, Arkansas, Arizona, California, Georgia, Hawaii, Idaho, Indiana, Nevada, South Carolina, Texas, Utah, and Washington. In most instances, these legal analyses highlighted the constitutional threat assessment similar to SB 1070, whereby the anti-immigrant policy and practice at issue offended the same constitutional principles under preemption doctrine and the First, Fourth, and Fourteenth Amendments.
- To help disseminate the legal analyses of the numerous SB 1070 replications and expansions, MALDEF held a variety of meetings with policymakers and the public in targeted localities, including:
  1. **Texas.** As previously noted, the Texas legislature was considering over 100 unique proposals that had elements of SB 1070 and/or local enforcement of immigration law. MALDEF focused on the most concerning proposals—notably, attempts to conflate local law enforcement with immigration enforcement. MALDEF hosted two special trainings with legislators, staff, and media at the Texas Capitol on the legal implications of passing a SB 1070 copycats. These trainings included presentations by MALDEF on the constitutional rights of immigrants, as well as presentations by local law enforcement and Texas business leaders on their opposition to the law and concerns about shifting responsibility of immigration enforcement to local police departments. MALDEF made progress in aiding the demise of these proposed replications and expansions of SB 1070. For example, in Texas, MALDEF was invited to present oral and written testimony to the Texas House State Affairs Committee on a number of proposed bills that would allow local enforcement of immigration laws and would prohibit the questioning of immigration status, including HB 12, HB 18, HB 183, HB 197, HB 303, HB 428, HB 603, HB 623, and HB 875, HB 892, HB 1474, HB 2026, and HB 3252. MALDEF also worked in coalition with State Senator Hinojosa to address concerns about SB 146, a bill attempting to criminalize immigrant smuggling practices.
  2. **Illinois.** Ten Illinois counties adopted practices constituting piecemeal forms of SB 1070. MALDEF presented to the Chicago City Council and other elected officials on the legal issues related to these actions.
  3. **California.** In California, MALDEF participated in meetings with state legislators and local officials, such as the Los Angeles County Sheriff, and presented on the implications of SB 1070 and recommendations for alternative pro-immigrant rights legislation.

In addition to MALDEF, NCLR worked with a number of other national civil rights organizations to highlight the failures of SB 1070 to fix the nation's broken immigration system and the dangers of passing similar legislation in other states. As SB 1070 copycats have spread across the country, collaborations amongst national civil rights organizations have strengthened and allies in other states continue to engage with Arizona's community, faith, and business leaders to discuss lessons learned, and develop joint educational approaches to combating state-level immigration reform efforts.

Along with civil rights organizations, NCLR engaged key stakeholders—typically considered nontraditional allies on the issue of immigration—in the sports, entertainment, law enforcement, and business industries. As Major League Baseball (MLB) prepared to hold the 2011 All-Star Game in Phoenix, local and national leaders met with the MLB Players Association (MLBPA) Executive Director and legal team to outline ways to educate the players on what to expect their travel to the state during spring training, regular season games, and the All-Star Game (if selected). After a meeting in the summer of 2010, NCLR took the lead in sending regular updates to the MLBPA staff on Arizona and SB 1070 copycat developments. In addition, NCLR participated in a call with University of Oregon officials to help develop a statement of support for diversity and inclusion in advance of the football team's trip to Arizona to play in the NCAA National Football Championship. The IEC also leveraged relationships with a variety of entertainers who used their public platforms to speak out against SB 1070. Most notably, the band Ozomatli, through facilitation from NCLR, became a vocal opponent of SB 1070, refused to play in the state for a year, and engaged in an effort that called on Latinos to stand up for respect through the release of a new song, "*Respeto*."

Locally and nationally, the Arizona Response Initiative prioritized conversations with business partners whose voices would be helpful in pushing back against SB 1070. In particular, NCLR held several meetings with members of the PepsiCo Ethnic Advisory Board to discuss the company's sponsorship of the Tostitos Fiesta Bowl and the BCS National Championship, both to be played in Arizona. The company was legally unable to remove their sponsorship of these events, but officials made statements in opposition to SB 1070 and awarded college scholarships to local Arizonan high school in an effort to highlight the positive contributions of Latinos to the state. At the local level, as previously mentioned, NCLR worked closely with the Real AZ and AZEIR coalitions to highlight the negative economic impact of SB 1070, and as SB 1070 copycats began to spread to other states, additional business partners added their voices in opposition. In states that ultimately defeated Arizona-like legislation, such as Kansas, Texas, and Florida, the business community raised concerns about the negative impact such laws would have on the important industries. And in states that did pass copycat legislation, business leaders, most notably from the agriculture industry, have been vocal in the negative consequences they are experiencing as a result of their states' divisive policies.

### **How was the perception of the media evaluated for shift in perceptions?**

The passage of Arizona's SB 1070 represented a major crisis for the Hispanic community. If implemented, the law will incite a massive increase in the racial profiling of Latinos. Perhaps even worse, SB 1070 sends a political message that the views and interests of Hispanics, the nation's largest and fastest-growing ethnic minority, can be ignored with impunity. Moreover,

absent major intervention, similar copycat legislation could have been enacted in as many as 22 states around the country.

In order to change public and policy perspectives on this issue, NCLR, through the Arizona Response Initiative, pursued a number of partnerships, encouraging other voices to speak out regarding their opposition and, when possible, publish research on the impact of SB 1070 and similar legislation. One critical third voice was the Center for American Progress (CAP), which released a report, *Stop the Conference: The Economic and Fiscal Consequences of Conference Cancellations Due to Arizona's S.B. 1070*, in late 2010. The report, based on ground-level research and analysis by the Arizona firm Elliott D. Pollack & Co., examined the hundreds of millions of dollars lost in direct spending, earnings, and tax revenue, as well as thousands of jobs, caused by conferences that were either cancelled or simply never booked because of SB 1070. The results of this report were widely covered in media outlets and have been cited by NCLR and local advocates in media interviews and reports since its release. CAP's findings also provided an opening for entities in Arizona, such as the Greater Phoenix Economic Council and the Greater Phoenix Convention and Visitors Bureau, to speak out on losses the tourism industry has experienced as a result of SB 1070.

The costs to Arizona's economy and social fabric were reinforced on the ground by many local advocates in media interviews and closed-door meetings, as well as nationally by NCLR and other sister civil rights organizations in blog posts, media interviews, and meetings with business leaders. Financial losses led to political pushback from Arizona's business community against the anti-immigrant agenda in early 2011. When State Senator Russell Pearce, one of SB 1070's authors, announced intentions to pass five more anti-immigrant bills, including legislation to alter the 14<sup>th</sup> amendment citizenship clause, 60 CEOs from Arizona-based companies—companies such as U.S Airways and Petsmart—signed a public letter urging the Senate not to pass immigration bills that would further hurt business and the state economy and as a consequence. Their letter urged the legislature not to take up the issues and allow the federal government to address them, highlighting the negative impact SB 1070 had had on business. And in the summer of 2011, enough signatures were collected to force a recall of Senator Pearce on the 2011 ballot. Senator Pearce lost his Senate seat in a recall election in November 2011, due in large part to voter weariness over his pursuit of divisive policies like SB 1070.

After the divisive rhetoric experienced during the Arizona legislature's debate of SB 1070, other states attempted to get ahead of the conversation by forming "compacts" that asked for a more civil tone when discussing immigration. In Utah, which began to debate an Arizona-like bill months before their legislative session began, *The Utah Compact* played an essential moderating role in ensuring that the immigration debate did not alienate their Latino community with enforcement-only legislation. This statement of five principles argued for rational, effective federal immigration reform as opposed to a state-level piecemeal approach and was signed by and promoted by a group of influential community, religious, and business leaders. *The Indiana Compact* took a similar approach, with broad support from the law enforcement community. NCLR provided advocates in both states with talking points and assistance with organizing press conferences to promote these compacts and their principals.

With heightened concerns about the economy, legislators in many states were closely listening to the business community, which played a vital role in defeating such bills in a number of states. In states such as Kansas, Texas, and Florida, the business community has raised concerns about the negative impact such laws would have on the important industries. For example, in Florida, studies showing that the passage of an Arizona-like bill could have cost \$45 billion in economic activity helped defeat their proposed Arizona bills. As Adam Babington, vice president of government affairs for the Florida Chamber of Commerce, said, “It’s critical that Florida protect its strong brand as a state that welcomes tourists, promotes international trade, and supplies much of the nation's fruits and vegetables...Florida must use caution with any immigration restrictions to help ensure we don't provoke an economic boycott or restrict economic growth.”

In Kansas, various business groups, including key agribusiness entities such as the Kansas Farm Bureau and Livestock Association, formed a coalition to oppose various anti-immigrant bills and an SB 1070 copycat. Despite a Republican supermajority in the legislature, the bill was soundly defeated, 84-40. Most importantly, in Texas, where Governor Perry’s immigration agenda seemed almost certain to pass in a special session, Houston home builder Bob Perry and San Antonio-based grocery chain owner Charles Butt, weighed in against the bill just days before the session was to end. These extraordinarily powerful businessmen, who are also key contributors to the Republican Party, severely hindered the bill’s passage and ultimately led to its defeat. Additionally, it should be noted that even though the bills were ultimately approved in Georgia, Indiana, and Utah, business leaders in were at the forefront of the opposition to their SB 1070 copycats due to their concerns over the impact on business.

Additionally, NCLR worked proactively to create positive narratives and shape stories covering the results of the 2010 Census. In previous occasions, announcements about population growth have often served to exacerbate anxiety over demographic change and what that means. In anticipation of data releases, NCLR crafted a narrative and talking points on the contributions of Hispanics to America—its history, present, and future—and trained staff, partners, and sister organizations to use them effectively.

### **How did this work specific touch vulnerable families and their children?**

Working together, hate groups and extreme media figures have succeeded in dehumanizing immigrants and, by implication, all Latinos. This current polarization and division signals potentially serious long-term social and political fragmentation at a time when immigrant integration is essential to the nation’s long-term prosperity and social cohesion. There is mounting evidence that this fragmentation constitutes a serious barrier to enacting inclusive policy, specifically policies that affect the lives of Latino children. In particular, over the course of this grant period, there were two examples of how Hispanic children have deeply felt the impact of the anti-immigrant climate and lack of federal action on immigration reform.

- In early 2011, the Arizona legislature, led by SB 1070 author Russell Pearce, was considering a bill that would alter the 14<sup>th</sup> Amendment to the U.S. Constitution. This proposal would have undermined our nation’s commitment to equality under the law, permitting distinctions based on ancestry, race, ethnicity, gender, and other characteristics,

and stripping citizenship rights from vulnerable minority children. Through new relationships with local business leaders, the proposed changes to the 14<sup>th</sup> Amendment were soundly defeated within the state legislature. During debate of this unconstitutional amendment, many legislators indicated that the anti-immigrant agenda had gone too far and that the legislature needed to turn its attention back to economic issues.

- In each state that has debated an SB 1070 copycat bill, vulnerable families and children have been caught in the crosshairs. While Georgia, Indiana, South Carolina, and Utah's laws are all stuck in the Courts, pieces of Alabama's anti-immigrant law, HB 56, were not enjoined by the District Court and are being implemented—and with detrimental effects on children and families. For example, one provision of HB 56 requires schools to inquire about the immigration status of students when they enroll. Though students cannot be denied an education, the legislation can deter parents from sending their children to school for fear students could be questioned or parents detained. This provision brings racial profiling into Alabama's classrooms, endangering the education of every child in the state and jeopardizing teachers' abilities to do their jobs.

In addition, families are being denied basic services, such as electricity and water in their homes, due to another provision of the law, which deems that anyone lacking proof of citizenship is committing a crime if s/he enters into a “business transaction” with the “state or a political subdivision of the state.” But the law does not spell out what constitutes a “business transaction” or which state “subdivisions” are implicated, and as a result, counties and utilities companies are interpreting the law at their own discretion. For example, the public water company in Montgomery County warned citizens: “To be compliant with new laws concerning immigration you must have an Alabama driver's license or an Alabama picture ID card on file at this office before September 29, 2011 or you may lose service.” And Decatur Utilities, which serves 30,000 homes in the Decatur, Alabama area, is now prohibiting immigrants without proper documentation from obtaining electric, gas, water, or sewer services for their homes. The human toll and health ramifications of this policy could be devastating, as the coldest months of the year approach and immigrants' ability to care for their children is being compromised. In addition, lawyers who work with Latino communities throughout the state have reported a surge in Hispanic families seeking legal advice and drawing up power of attorney letters in the event that they are separated from their children. NCLR and other allies will continue the fight against HB 56, providing support to Alabama's families and children who are affected by this law, while also working to overturn the law and educate Alabamans on the unforeseen impact of this misguided law.

#### **IV. FUTURE PLANS**

NCLR, in support of the objectives of the Arizona Response Initiative, will continue to monitor the dynamic national conversation on SB 1070 copycat legislation—and related legal challenges—as the 2012 state legislative sessions approach. In addition, NCLR will work with other national civil rights organizations, local advocates, and business leaders to develop public education campaigns that discourage other states from passing SB 1070 copycats or other anti-immigration laws in the 2012 legislative session. For example, in November 2011, NCLR will collaborate with national partners and organizations throughout the South for a conference

of the Southeast Immigrant Rights Network (SEIRN). SEIRN will convene to discuss strategies for supporting Alabama's immigrant community as they cope with provisions of HB 56 and plans for defeating anti-immigrant and promoting pro-immigrant policies in their states in 2012.

Other activities in this area include the distribution of email and website updates on state-level immigration legislation, reports on the economic impact of these measures, and training and technical support for local community leaders who need help educating legislators of SB 1070 copycat legislation's harmful impact. More specifically, NCLR is planning to release a second report in late 2011, which will provide an updated analysis of the spread of copycats during the 2011 state legislative session and the challenges facing states that passed Arizona-like laws.

Given the flurry of activity around SB 1070 and copycats, the portion of the grant award designated for in-depth communications work will be used in the second year of the grant. Based on lessons from the first grant year, NCLR will focus on the following activities in the coming five months:

- Build a stronger narrative around the systemic failure of current immigration policies and their detrimental impact on the fiscal, security, and civil rights health of the country.
- Partner with labor and civil rights partners to tackle lingering ambivalence in various progressive circles over immigration, building on shared interests and concerns.
- Work with a communications team, comprised of internal and external partners, on mapping existing research on race and ethnic relations to build the foundation for an effective approach in dealing with anxiety over the growth of the Latino community, immigration, and growing diversity.
- Elevate Latino voter perspectives on immigration and how the issue influences electoral participation; this will be a message to both parties to act responsibly and produce solutions.
- Leverage growing Latino concerns over immigration policies to increase engagement in the debate and the electoral processes and hold both parties accountable.

With regard to the Latino Donor Collaborative, since NCLR's formal staffing role ended in April 2011, it no longer is fully up-to-date on LDC developments. NCLR Executive Vice President Charles Kamasaki presented at the LDC meeting in April 2011, and NCLR President and CEO Janet Murguia is planning to participate at its November 2011 convening. For more information about the LDC's long term plans, contact Interim Executive Director Enrique Shadah at [eshadah@startupblvd.com](mailto:eshadah@startupblvd.com).

## V. DISSEMINATION

As previously mentioned, all of the talking points and materials that were developed as part of the Arizona Response Initiative—such as the “Not In Our State” toolkits and updates on the copycat landscape—have been made available to the public via state and national list serves and NCLR and partner websites. In addition, NCLR has worked with national press and posted a number of blog posts on its website and *The Huffington Post*, while reinforcing the message of SB 1070's harmful effects by assisting Arizona advocates in developing talking points for press conferences, op-eds, blog posts for local media outlets. Over the remaining five months of W.K. Kellogg Foundation funding, NCLR will continue to highlight the impact of SB 1070 copycats

on Latino children—and on all Americans—through new research reports, stories of families who have been affected, and dissemination of polling on Latino attitudes toward immigration as the 2012 election nears.

Materials produced in this period have been based on evaluation of the most effective arguments against copycat legislation. Namely, with states facing budget shortfalls and unemployment challenges, legislatures have focused on the impact of these measures on state budgets—costs which prior to SB 1070 had not received much consideration—and community organizations have elevated the ancillary effect on jobs as a result of persecuting migrant workers. The latter narrative, particularly, has emerged solidly in the aftermath of Georgia and Alabama passing SB 1070 copycats and has received wide coverage.