

Kansas Officials Await Ruling on Arizona Immigration Law

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TOPEKA — Kansas hasn't adopted an Arizona-like immigration law, but several current and former elected officials from Kansas have chosen sides as the issue goes before the U.S. Supreme Court.

The court will hear arguments April 25 in the legal battle between the state of Arizona and the federal government over the immigration law known as Senate Bill 1070.

Kris Kobach, a Republican who before being elected Kansas secretary of state gained national attention by pushing tough anti-immigration laws, helped write SB 1070. The measure was adopted by the Arizona Legislature and enacted by Gov. Jan Brewer in 2010.

The law contained a number of controversial provisions that are now front and center before the Supreme Court.

One of the most controversial requires local police in Arizona to determine the immigration status of anyone stopped if there is a reasonable suspicion that the person is in the country illegally.

The Justice Department says regulating immigration is the job of the federal government, not the states. Officials in Arizona, a state bordering Mexico, say the feds haven't done their jobs and that is one of the reasons for SB 1070.

In addition to legal briefs from the specific parties in the case, the Supreme Court has received approximately 40 legal briefs from others who support and oppose SB 1070, according to a report completed by the Immigration Policy Center, a nonpartisan group whose mission "is to shape a rational conversation on immigration and immigrant integration."

Kansas is one of 16 states that have signed on in support of SB 1070. That decision was made by Kansas Attorney General Derek Schmidt, a Republican. Schmidt's office says he supports preserving powers of states to promote public safety. His office said Kansas has not spent any money in the litigation.

The man whom Schmidt defeated for office in 2010, Steve Six, a Democrat, has joined a group of more than 40 former attorneys general, who have filed a legal brief opposing SB 1070. Robert Stephan, a Republican who served as Kansas attorney general from 1979 to 1995, has also signed on in opposition.

They argue that SB 1070 makes citizens less safe. By turning local police into immigration agents and inviting racial profiling, the law undermines the necessary trust in communities that police must have to carry out their duties, the former attorneys general say.

On the federal level, U.S. Reps. Lynn Jenkins, R-Topeka, and Mike Pompeo, R-Wichita, have joined 54 other Republican members of Congress in a legal brief supporting the Arizona law.

"In light of the federal government's refusal or downright ineptitude in protecting American citizens along our southern border, Arizona should have the power to deter illegal immigration in accordance with federal standards," Jenkins said. "Instead of spending time and resources stopping states who wish to defend our borders, the federal government should address the dire need to immediately secure our borders."

The Justice Department, however, has argued that SB 1070 will make matters worse. Requiring local

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law enforcement to investigate all suspected illegal immigrants diverts time and resources from higher priority criminal cases committed by noncitizens, it argues.

Although Kobach was one of the main movers behind SB 1070 and continues to provide legal representation to other cities and states in immigration cases, he said he is only indirectly involved in the Supreme Court case. He signed a legal brief supporting Arizona's position.

"I haven't yet determined whether I will attend the oral arguments on the 25th or not," Kobach said. "It will depend on how busy my schedule in Topeka is, whether any events arise that require me to be in Topeka, and whether or not I decide to take a vacation day," he said.

During the 2012 legislative session, Kobach urged Kansas legislators to pass a bill similar to the Arizona statute.

"Unless Kansas acts, we will become the No. 1 destination for illegal aliens in the Midwest," he said earlier this year.

But the proposal hasn't gotten far in the Kansas Legislature as several business and religious groups lined up in opposition.

At a recent meeting of business owners, Gov. Sam Brownback, also a Republican, said the Legislature should leave illegal immigration to the federal government.

"I think it's primarily a federal issue," the governor said.

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