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## Profit Motive Underlies Outbreak of Immigration Bills

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by: Brendan Fischer, [Center for Media and Democracy](#) [3] | News Analysis

July 29 marked the one-year anniversary of Arizona's controversial immigration law, a year that has seen similar anti-immigrant bills emerge across the country. Thanks to the release of over 800 pieces of "model legislation" by the Center for Media and Democracy, we can now pinpoint the source of the outbreak to the [American Legislative Exchange Council](#) [4] (ALEC), a bill factory for legislation that benefits the bottom line of its corporate members. While it has been reported that more immigrants behind bars means more income for ALEC member [Corrections Corporation of America](#) [5] (CCA), less discussed has been how immigrant detention benefits commercial bail-bond agencies, an industry represented in ALEC through the [American Bail Coalition](#) [6].

### Immigrant Detention and For-Profit Criminal Justice

The ALEC "[No Sanctuary Cities for Illegal Immigrants Act](#)" [7] requires that state law enforcement officers enforce complex federal immigration law, gives private citizens the right to sue police or sheriff's departments if they do not think the law is being enforced (regardless of whether law enforcement had been prioritizing more important issues like investigating violent crimes), makes presence on state soil without federal immigration status a criminal offense, and requires that employers use the flawed e-Verify system for hiring employees. This ALEC bill legalizes racial profiling and became Arizona's [SB1070](#) [8].

Countless immigrant families that have been torn apart by the law. "Children don't know what to do without their parents," 10-year-old Catherine Figueroa told a Congressional panel in 2010; Figueroa's mother and father were arrested by Arizona state law

enforcement on immigration charges.

To be clear, the bill's sponsor Arizona Republican Rep. Pearce had long supported tough state-level immigration enforcement, but failed to get a bill into law in '05, '06, '07, '08, and '09. Pearce only found success in 2010, after his idea for an immigration bill had been approved and endorsed by ALEC corporations. Xenophobia alone had not been sufficient to codify anti-immigrant sentiment into law -- it required the support of the for-profit criminal justice industry.

### **Dollars for Detention**

DBA Press / In These Times <sup>[9]</sup> and National Public Radio <sup>[10]</sup> documented how Arizona Republican Rep. Pearce collaborated with CCA and other members of the ALEC Public Safety and Elections Task Force in December 2009 to create the ALEC "model" immigration bill that became SB1070.

Before the ALEC meeting, for-profit prison operator CCA had identified immigrant detention as a profit center important for its future growth, stating it anticipated receiving "a significant portion of our revenues" from detaining immigrants. Even a hedge fund with a big stake in CCA was touting immigration detention <sup>[11]</sup> as proof CCA would be profitable. As CMD has documented <sup>[12]</sup>, ALEC corporations hold the trump card in task force meetings -- without the support of corporations, a proposed piece of legislation does not become an ALEC "model bill."

ALEC not only develops corporate-sponsored model legislation, but also acts as a "corporate match-making service" (according to Wisconsin Rep. Mark Pocan <sup>[13]</sup>), opening new channels for corporate influence and contributions by creating new relationships between corporations and legislators. Indeed, after the Arizona bill was introduced, 30 of the bill's 36 co-sponsors promptly received campaign contributions from the for-profit prison industry.

An immigrant contesting their deportation can wait up to a year for a hearing, even though many of those detained have not committed a crime and have no criminal record. Immigrant detention can cost taxpayers \$122 a day. Because for-profit corporations operate about half of all immigrant detention facilities, these taxpayer dollars flow into the pockets of CCA and other for-profit prison providers.

### **Immigration Bonds Profit For-Profit Bail Bondsmen**

An immigrant facing removal may remain incarcerated, benefiting the for-profit prison industry, or released on bond, often paying a commercial bail bondsman for their release. The for-profit bail bond industry's trade association, the American Bail Coalition (ABC), is an ALEC member and helped pass the ALEC anti-immigrant laws.

Immigration bonding can be even more profitable than regular bail bonding — the minimum immigration bond is \$1,500, the bond is usually \$5,000-\$10,000, and can be much higher. A for-profit bail bondsman who accepts 10 percent of that bail as a nonrefundable fee can rake in significant profits for doing very little.

ABC sat on the ALEC task force that approved the ALEC anti-immigrant bills, and the chairman of the corporate Private Enterprise Board at the time was ABC general counsel

Jerry Watson. Watson was very familiar with the profits that can be made by collecting bail bonds from detained immigrants. His law firm biography lists him as "specializing in the field of ... immigration bonding."

## One Year of Anti-Immigrant Laws is Too Long

Thanks to the ALEC Exposed project, we now know ALEC corporations approved at least two other pieces <sup>[14]</sup> of anti-immigrant legislation <sup>[15]</sup> and a model resolution <sup>[16]</sup> in the same period. These models were reflected in the anti-immigrant legislation introduced in thirty states between 2010 and 2011.

Many legal scholars hold that these "breathing while brown" bills illegally encourage racial discrimination in violation of the U.S. Constitution's equal protection guarantees. Publicly, the Arizona law and subsequent anti-immigrant legislation have been justified by playing on xenophobic fears and by perpetuating myths about headless bodies in the desert. But behind closed doors at ALEC meetings, specific industries plotted to increase profits by targeting those who cross the border to work toward a better life. America is a country of immigrants, and states that implement ALEC anti-immigrant bills are sacrificing core American values to benefit the bottom line of a few well-connected corporations.

*A version of this article was originally posted on Madison's Capital Times website.* <sup>[17]</sup>

Brendan Fischer <sup>[19]</sup>

News

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