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## Brendan Fischer: Profit motive underlies outbreak of immigration bills

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July 29 marked the one-year anniversary of Arizona's controversial immigration law. Similar bills have emerged across the country, including a bill by Rep. Don Pridemore in Wisconsin. With the release of over 800 pieces of ALEC "model legislation" by the Center for Media and Democracy, we can now pinpoint the source of the outbreak — the American Legislative Exchange Council, a bill factory for pro-corporate legislation.

The Arizona bill was crafted behind closed doors with at least two ALEC corporate members standing to benefit from immigrant detention becoming a "growth industry." More immigrants behind bars means more income for longtime ALEC member Corrections Corporation of America. It also means more money for bail bond agencies, an industry represented in ALEC through its trade association, the American Bail Coalition.

National Public Radio documented how Arizona Republican Rep. Russell Pearce collaborated with CCA and other members of the Public Safety and Elections Task Force in December 2009 to create the ALEC "model" immigration bill. Even before the bill was crafted, CCA anticipated receiving "a significant portion of our revenues" from detaining immigrants and a hedge fund with a big stake in CCA was touting immigration detention as proof CCA would be profitable.

The ALEC "No Sanctuary Cities for Illegal Immigrants Act" 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 model bill later became Arizona's SB 1070. After the bill was introduced, 30 of the bill's 36 co-sponsors promptly received campaign contributions from the for-profit prison industry.

An immigrant contesting detention can wait up to a year for a hearing, even though many of those detained have not committed a crime nor do they have a criminal record. 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.

"Children don't know what to do without their parents," said 10-year-old Catherine Figueroa, whose mother and father were arrested by Arizona state law enforcement on immigration charges. The child represents countless immigrant families that have been torn apart by the law.

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 commercial bail bond industry is represented in ALEC through its trade association, the American Bail Coalition. ABC also voted on these ALEC bills through its representative on the Public Safety and Elections Task Force, and its leadership was no stranger to the profits associated with immigration bail bonding.

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. Wisconsin has been ahead of most states in banning commercial bail bonding, but ALEC's Wisconsin state chair, Rep. Robin Vos, has been working hard to reverse that progress.

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.”

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. Wisconsin should not follow the ALEC-Arizona example.

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