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HEATHERLY: AN UNFINISHED AGENDA

## Politicians should stop patting themselves on the back about illegal immigration

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GUEST COLUMNIST

One week before the special session of the legislature convened, the *Denver Post* ran a front page story titled "Legislator: Ga.'s law no panacea," which discussed the recent Georgia immigration control law, the "Georgia Security and Immigration Compliance Act." The story was an eerie forecast of what to expect from the Democrat-led special session.

By all reports, the Georgia law was the model used as state legislators looked for a "compromise solution" to head off the dreaded Defend Colorado Now (DCN) ballot measure, Initiative 55. But why was Sen. Zamarippa chosen as the "go-to man" for advice on the new Georgia law? Colorado House Speaker Andrew Romanoff said Zamarippa had "very good advice." Curiously, neither Romanoff nor the *Post's* reporter informed readers that this Georgia legislator sits on the national board of directors of the Mexican American Legal Defense and Education Fund (MALDEF), one of the most aggressive defenders and apologists for illegal immigration in the nation. Georgia State Sen. Chip Rogers, the author of the act, has given very different advice from Zamarippa: *toughen the rules, don't weaken them.*

Predictably, the Colorado version of the Georgia law barring social services to illegal aliens is weaker than the Georgia model. D.A. King, the Georgia citizen-activist who worked on the legislation for eighteen months, observes that reducing the penalty for signing a false affidavit to get state services from a felony to a misdemeanor, as the special session's HB 1023 does, makes the penalty for welfare fraud by an illegal alien "the equivalent of a traffic ticket."

Why the unwillingness to adopt the stronger Georgia language? Perhaps it is because under HB 1023, filing a false affidavit to get social services will not be a deportable offense. "Oh, no, you're wrong," replies the Governor's office. The Governor believes it becomes a deportable offense because the misdemeanors are "stackable." Wow. If we catch and prosecute and convict an illegal alien for falsifying an affidavit multiple times, he might

be deported — if the judge imposes a penalty of one year or more. Unfortunately, that level of enforcement in immigration matters exists only in Romanoff's political fantasyland.

The sponsors of the Georgia act believe its nine sections set *minimum* standards for *beginning* to control illegal immigration. Unfortunately, no one in the Governor's office even bothered to talk to the Georgia law's author, Sen. Rogers. While it may be true that Colorado's HB 1023 makes significant progress in restricting illegal aliens' access to social services, it is not as strong as the Georgia bill it supposedly copied.

The bill aimed at curtailing the employment of illegal aliens, HB 1017, fails the laugh test. It merely requires employers to keep copies of documents job applicants use to show eligibility, so illegal workers will continue to use the same counterfeit documents. HB 1017 will not produce meaningful sanctions against employers: it's a watchdog that won't bark.

The most sensible argument heard in support of dumping the DCN initiative in favor of the "grand compromise" is that even if adopted by the voters, the DCN ballot measure only gave the legislature a constitutional mandate to fix the problem. It legislated nothing by itself. Moreover, it did not tackle the subject of employer sanctions, only access to state social services. That is all true, but somewhat beside the point. It is a little like criticizing the Declaration of Independence for not accomplishing the same thing as the Constitution. The DCN initiative aimed at giving the legislature a *constitutional mandate* to fix the problem, something they clearly need judging from the meager accomplishments of the special session.

There is a large unfinished agenda of reforms that are already in place in many states, like Georgia, Arizona and Rhode Island. To earn the title of a national leader, Colorado needs to finish the job. A truly comprehensive reform would include the following steps at a minimum:

- Mandate the use of the federal Basic Pilot Program database by all employers for screening all new employees, and prohibit the renewal of business licenses for employers who do not comply.

- Mandate a state interagency "MOU" with the Department of Homeland Security/Bureau of Immigration and Customs Enforcement (ICE) to train and deputize state police to arrest illegal aliens, as in now being done in Georgia, Florida, Alabama, as well as in Los Angeles County. The bill passed in the 2006 regular session targets only smuggling of illegal aliens, not illegal aliens themselves.

- Make it a felony to use fraudulent ID documents — including phony Social Security Numbers — to obtain a job or get access to social services.

- Require proof of citizenship for voter registration and a valid government-issued photo ID for voting.

- Require judges to deny bail to illegal aliens charged with a DUI or any serious crime.

- Mandate that county attorneys and the state AG investigate consumer fraud by realtors and mortgage brokers assisting illegal aliens using phony/ borrowed Social Security Numbers and fraudulent W-2's to qualify for home loans.

- Prohibit the use of ITIN numbers (federal Individual Taxpayer Identification Number) for any purpose other than the one stipulated in federal I.R.S. regulations — federal tax filings.

- Prohibit illegal aliens from receiving punitive damages in civil lawsuits.

- Strengthen state laws to hold all contractors responsible for illegal aliens employed by their subcontractors, and mandate a state audit for tax evasion of contractors found to be using illegal workers.

When Colorado's politicians finally stop patting themselves on the back for addressing the social services issue after they were forced into action by the threat of the Defend Colorado Now ballot proposal, they may hear voters demanding they complete the job. Colorado's 250,000 to 300,000 illegal aliens are still here, and HB 1017 is not going to turn off the jobs magnet.

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