

Restaurateurs can't afford to sit out the battle as state legislators crack down on immigration

BY TAMAR JACOBY

It's like a fever — call it “copycat fever.” Georgia started it, followed by Oklahoma, then Arizona. Now hardly a state legislature is immune: Everyone wants to crack down on illegal immigration.

In 2006, state lawmakers enacted 84 immigration enforcement bills. In 2007, the number nearly tripled to 240. Since Congress failed to pass an immigration overhaul last June, the fever has only grown worse. Legislators from coast to coast have promised voters they'll “do something,” and in all too many states they're proceeding with shocking disregard for the legislation's likely effect on the local economy.

Not all of these new laws are targeted at employers, but many are. So far, a total of 33 bills in 19 states have been introduced. The Arizona statute is the toughest. It requires that all employers in the state use the federal E-Verify system. Its “two strikes and you're out” provision suspends the business

license of any firm found to be hiring an unauthorized worker, and then, on the second offense, revokes it entirely — a death penalty for most employers. Other states including Georgia, Colorado and Oklahoma zero in on firms that contract with the state government. Still others disallow tax deductions for illegal workers or limit public subsidies for companies that will not certify that their employees have legal status.

This legislation is sending ripple effects through the economy in state after state. Some employers hoping to avoid trouble simply fire foreign workers, no questions asked. More often, the employees are fleeing, leaving firms unable to compete for contracts or finish jobs. Shops in immigrant enclaves in Oklahoma have reported business down by 40 percent. Schools in heavily Hispanic neighborhoods in Arizona are registering a similarly dramatic drop-off in enrollment.

Though the economic consequences of the laws — business closings, increased wages, higher prices, reduced appeal for companies considering relocating in the state — have yet to be documented in any state, there can be little question: All of that

and more is on the way. As one Republican legislator put it in Oklahoma, “House Bill 1804 will be the single most destructive economic disaster [to hit Oklahoma] since the Dust Bowl.”

Still, the copycat fever is spreading. Once again this year, immigration is on the agenda in states across the country, with particularly intense fights in Virginia, Mississippi, South Carolina, Indiana and New Jersey, to name just a few.

But what's striking is that something very different is happening at the national level on the campaign trail. There, astonishingly, the fever of 2007 seems to have broken.

The change was as sudden as it was startling. As recently as December, the conventional wisdom left no room for doubt. Immigration, dubbed the new “third rail of American politics,” was going to be the wedge issue of the 2008 election. Any candidate
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who bucked the voters' anger was committing sure political suicide.

Today, the landscape looks very different. John McCain, who it was assumed could not win because of his past support for immigration reform, is the Republican nominee. Exit polls in primary states found 60 percent of Republican voters in favor of either earned citizenship or a temporary-worker program — in favor, in other words, of what many fellow Republicans dismiss as “amnesty.”

Immigration isn't dead as a political issue. Some number of desperate congressional candidates, Democrat and Republican, are sure to try to capitalize on it before the year is out. But the anger and intensity of 2007 is abating. Voters, hungry to see the problem solved, appear willing to give politicians some leeway in crafting a solution. It's time for those who favor reform to start to think about building for the day, in 2009 or 2010, when fixing the broken system comes up again on Capitol Hill.

What does all this mean for restaurant owners and other employers of immigrant workers? The answer lies along two tracks, but they have a common denominator: Get involved!

The fight at the local level is urgent. What's pending in many states is indeed a death penalty for many employers. But that doesn't mean it can't be fought. On the contrary, the threat has been beaten back successfully in several states.

One of the best examples this year is Virginia, where rather than stand firm and just say no — rather than try to block passage of an employment-related measure — employers from many sectors came together and worked with legislators to pass a package they could support. Their two most effective tactics: convincing lawmakers that it was too soon to mandate E-Verify — better to keep it voluntary until it's more accurate and reliable — but also thinking pragmatically about what kinds of controls business

could get behind. The logic is that you can't fight something with nothing, and employers don't want to appear anti-enforcement. They aren't. Better to work with

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legislators to design an enforcement measure that goes after truly bad actors — employers who deliberately hire and exploit illegal workers — while sparing the rest of the economy.

The need to get involved at the federal level may seem more remote today. But in fact it's just as pressing. If we don't start to build

now, we won't be ready when the battle resumes in Washington. Not even the most courageous politicians are going to defy public opinion to advance immigration reform. And not even those most beholden to Latinos are going to take the risk unless a vocal constituency of Middle Americans backs it too. The indispensable missing piece: Lawmakers in Congress and the White House need to see a groundswell of voter support from beyond the beltway.

There are many ways to get involved and many venues, whether through the National Restaurant Association, its state partners, local coalitions in favor of reform or my own new national organization, ImmigrationWorks USA.

But the goal in each case is the same. Employers need to speak out publicly, at town halls and in the local media, not just making their views known, but providing elected officials with political cover for doing the right thing. They need to learn to talk more persuasively about immi-

gration, about their need for foreign workers, about their desire to hire them legally, about the consequences of enforcement-only policies that threaten to choke the local economy. They also need to start building coalitions to develop the national databases we'll need to win — lists of engaged voters and donors who can be contacted to call and fax and e-mail their members of Congress.

The bottom line is that restaurant owners and other employers can't afford to sit the battle out. You need to defend your business and protect the local economy by working with legislators in the state capitol. While you do that you need to start organizing and finding your voice so that you're ready for the battle to come in Washington — the two go hand in hand.

Simply put, the change that's needed won't happen without you. Now is the time. Unless you get involved, we're not going to turn the tide in the next Congress. ■