



Written by [Joe Wolverton, II, J.D.](#) on March 16, 2011

Bills in Indiana General Assembly Aim at Ending Illegal Immigration

Legislators in the Hoosier State have jumped on board the pro-legal immigration bandwagon in a big way. By a vote of 31-18, the state Senate of Indiana passed Senate Bill 590, a measure that if enacted would make 18 changes to current state law, including mandating an “English only” policy “in public meetings, public documents, by officers and employees of state or political subdivisions in performing their duties, and providing information communicated electronically by the state or a political subdivision”; empowering law enforcement to investigate the immigration status of an individual reasonably suspected of being illegally present in the state, provided that such person is the subject of “a lawful stop, detention, or arrest of an individual for a violation of a state law or local ordinance”; and imposing fines on businesses that knowingly hire someone without legal permission to work in the United States.



This bill is very similar to SB 1070 passed last year in Arizona.

The author of SB 590, [State Senator Mike Delph](#) (pictured above), defended his proposal to [local media](#):

I think the totality of the bill will lead to self deportation for those who are unlawfully in the country and quite frankly, Hoosier taxpayers should [not] have to fund the final costs and [burden] for those who have chosen to break our law.

Predictably, protesters have lined up to challenge the measure and threaten economic sanctions against the state should the bill become law.

On Tuesday, more than 200 protesters held a so-called “no hate” rally on the steps of the Indiana Statehouse.

One woman attending the rally, Alicia Nieves, insisted, “We are advocating for our rights, for our ability to live in dignity. Documented and undocumented we will stand together to fight these bills but we will make sure this never happens again.” There was no word as to whether Ms. Nieves considers the enforcement of the law and the protection of state borders as evidence of “living in dignity.”

Another protester, Francisco Valdiosera, entered the United States illegally, but gained legal status during the amnesty program offered by President Ronald Reagan in 1986. Valdiosera is now an educator and worries that if SB 590 becomes law, many students now illegally present would be prevented from making valuable contributions to American society. [Said Valdiosera](#): “I feel that I’ve



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been contributing to American society, and a lot of these young kids are going to be great contributors to American society. They are going to be taxpayers at a higher tax bracket. All in all, they are going to be an asset to our community."

The greatest asset to any community, it could be argued, is a citizenry devoted to living according to the rule of law and protecting themselves from any faction devoted to excluding themselves from the enforcement thereof.

While giving the appearance of a spontaneous rally of concerned citizens joining together in peaceful protest, in actual fact the gathering on the steps on the south side of the Indiana State House in Indianapolis was organized by Indiana United, a group purportedly formed to fight the enactment of SB 590.

Many of those attending the protest were students who were brought to the United States as toddlers by parents entering the country illegally. These young people "consider themselves Americans." Constitutionalists, however, know that, unfortunately for these children, America is a nation of laws and not a nation where one's legal status is decided ad hoc based on the feelings of that person.

As with similar demonstrations in Arizona and other states, the protest in Indianapolis was only the stage for sympathetic storytelling. The real aim of these organized events is to threaten the economic vitality of the state.

Evidence of this intent is found in the statement of one of the attendees.

"We are very much against it," said Craig Hughes, the owner of St Elmo's Steakhouse in downtown Indianapolis. Hughes warns that the bill will drive away business from Indianapolis, resulting in a loss of revenue for the city. He told a local [news channel](#):

[The city] spent \$245 million in expanding the convention center and here we are with four committed confirmed major groups coming to Indianapolis Convention and Visitors Association that are going to walk away from that commitment based upon our stance on the immigration issue.

Senator Delph disagrees: "I don't think the state of Indiana should be held hostage by outside groups threatening to cancel conventions. I think we need to stand up for the basic [principle of] the rule of law. We should put [principle] ahead of profit." Not exactly the sort of hotheaded rhetoric that should logically spark a protest.

Also present at the staged event on Tuesday were some of the lawmakers opposed to the measure.

"How embarrassing is it for someone's political gain to have someone taking advantage of the bigotry and racism that still exists in our society? How embarrassing," complained State Senator Vi Simpson, a Democrat from Ellettsville.

Undaunted, many protesters fired another shot at those advocating the statutory protection of the rule of law:

"We will never forget the lawmakers who voted for these bills that seek to destroy our futures," stressed Alicia Nieves. In light of such threats, lawmakers are fortunate that many of those attending this rally who espouse such notions are in the country illegally and thus are prohibited from casting ballots.

[House Bill 1402](#), a companion bill to SB 590, was written by State Representative Linda Lawson, a Republican representing the First District, and is sponsored in the upper chamber by State Senator Jim



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Buck (R-Kokomo). The measure is scheduled to be deliberated by a Senate committee today at 1:30 p.m. (CDT). The measure was overwhelmingly approved by the Indiana House of Representatives by a vote of 75-14.

If passed, HB 1402 would exclude students who entered the United States illegally from benefiting from the \$3,500 to \$18,700 per-year discount in tuition offered to legal residents of the state of Indiana who attend state colleges and universities. Under the current law, anyone who has lived in Indiana for the past 12 consecutive months is eligible for the benefit.

The efforts by Indiana lawmakers to protect their constituents and to statutorily express the will of those legally residing in their state are commendable. The notion, however, that it is a state responsibility to enforce federal immigration standards (as is mandated by SB 590) is erroneous. As has been explained before in [The New American](#), there is no constitutional basis for the widely-held belief that the federal government has exclusive jurisdiction over immigration. In fact, the absence of any enumeration of such a power in the Constitution means that the power to legislate in that area remains with the states and the people per the [Tenth Amendment](#).



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