

Column 31

From the Bench and Beyond

Retired District Judge Janice P. Dreiling

Oklahoma's New Immigration Law

One of the destinations on my short list of places I want to go is New York City. And one of the things I want to see is the statue of liberty.

Recently I came across the following words of Emma Lazarus written in 1883 and inscribed on a bronze plaque inside the base of the statue of liberty. HERE AT OUR SEA-WASHED, SUNSET GATES SHALL STAND A MIGHTY WOMAN WITH A TORCH, WHOSE FLAME IS THE IMPRISONED LIGHTNING, AND HER NAME MOTHER OF EXILES. FROM HER BEACON-HAND GLOWS WORLD-WIDE WELCOME; HER MILD EYES COMMAND THE AIR-BRIDGED HARBOR THAT TWIN CITIES FRAME. "KEEP, ANCIENT LANDS, YOUR STORIED POMP!" CRIES SHE WITH SILENT LIPS. "GIVE ME YOUR TIRED, YOUR POOR, YOUR HUDDLED MASSES YEARNING TO BREATHE FREE, THE WRETCHED REFUSE OF YOUR TEEMING SHORE, SEND THESE, THE HOMELESS, TEMPEST-TOST, TO ME, I LIFT MY LAMP BESIDE THE GOLDEN DOOR!"

Who knows how many countless thousands, if not millions, of immigrants have been welcomed to the United States of America by those immortal words.

But, the world has changed, and, in the post 9-11 era in which we live, those words no longer ring true.

Immigration has become one of the most controversial and difficult issues of our time. This year, the United States Congress failed to pass meaningful legislation to address the problem of illegal immigrants living and working in our country.

In the absence of comprehensive federal legislation, the problem is left to each of the fifty states to address, should the state legislature choose to do so.

This year, the Oklahoma Legislature stepped up to the plate. HB 1804, co-sponsored by all three local legislators (Sen. John Ford, Rep. Earl Sears, and Rep. Steve Martin) was passed overwhelmingly and signed by Governor Henry. It will become the law in Oklahoma on November 1, 2007.

The purpose of this column is to introduce HB 1804. In a series of columns to follow, the sweeping provisions of this bill – provisions which impact driver's licenses (and other forms of identification), arrestees, employment, public benefits, and students -- will be covered step by step.

Section 1 of HB 1804 simply states the "title" of the bill. HB 1804 is called the "Oklahoma Taxpayer and Citizen Protection Act of 2007." (Now, tell me the truth. If you had read those words, would you have known that the subject matter was illegal immigration?)

Section 2 states the public policy behind HB 1804. In other words, the Legislature is stating the reasons for passing the bill. Curiously, Section 2 begins with

the words, “a new section of law NOT to be codified in the Oklahoma Statutes.” So, when this bill shows up in the Oklahoma Statutes Annotated, Section 2 will not appear.

In my opinion, Section 2 is critical to understanding HB 1804. In its entirety, it is as follows:

“The State of Oklahoma finds that illegal immigration is causing economic hardship and lawlessness in this state and that illegal immigration is encouraged when public agencies within this state provide public benefits without verifying immigration status.

The State of Oklahoma further finds that when illegal immigrants have been harbored and sheltered in this state and encouraged to reside in this state through the issuance of identification cards that are issued without verifying immigration status, these practices impede and obstruct the enforcement of federal immigration law, undermine the security of our borders, and impermissibly restrict the privileges and immunities of the citizens of Oklahoma.

Therefore, the people of the State of Oklahoma declare that it is a compelling public interest of this state to discourage illegal immigration by requiring all agencies within this state to fully cooperate with federal immigration authorities in the enforcement of federal immigration laws.

The State of Oklahoma also finds that other measures are necessary to ensure the integrity of various governmental programs and services.”

Next week this column will begin with Section 3 of HB 1804, the creation of new felonies which could potentially affect any of us.