

A CASE STUDY | Continued

Americans. The failure of the federal government to stop the influx of these illegal aliens or to adequately compensate state and local governments for the costs entailed in providing social services for them has led to many initiatives emerging from state capitals, counties, and even cities.

The gut issue here is not so much the immigrants themselves, who tend to be an overall plus for the economy, but the costs of servicing their needs. To the extent that the federal government fails to control its international borders, it is forcing—mandating—state and local governments to provide billions of dollars in educational, medical, and other social services to the illegal immigrants without reimbursement. This is why illegal immigration is the mother of all unfunded mandates.

According to the National Conference of State Legislatures, at least 1,100 immigration bills were submitted by state lawmakers during 2007, a mark that doubled the previous record set in 2006. This flurry of bills came as a major federal immigration overhaul bill that was supported by President Bush failed to emerge from Congress. In the void left by the federal government's inactivity, the state bills have tended to be punitive to illegal immigrants. Among the approaches most commonly employed by states have been policies that deny illegal immigrants access to government programs and laws that penalize employers for hiring undocumented workers. In some cases states have passed laws that strip government funding to charitable organizations if they use the money to provide services to illegal immigrants.

The complexity of this issue can be illustrated by the problem of in-state state university tuition rates for illegal aliens. Out-of-state tuition is often twice as much. But illegal aliens who graduate from local high schools with grades that make them eligible for the less expensive in-state tuition rate say they should be allowed to enroll at that rate. Critics contend that they should not be allowed to enroll at all. Indeed—the critics continue—as they are now adults (being over 18), they no longer need to reside with their parents, and, in consequence, should be immediately deported—as well as their parents, if illegal. Besides, if a state allows the lower tuition rate for illegals, how can the state deny it to perfectly legal citizens of other U.S. states? And if it does, isn't this a violation of Article IV, Section 2, of the Constitution, which states that: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States"?

While the states have thrown themselves headlong into the fracas, the most contentious battles in the immigration tempest seem to be occurring at the municipal level. Surprisingly, many of the most controversial actions are not occurring in major cities or communities on the Mexican border, but in smaller towns far away from the highest concentrations of illegal residents. For example, the small Pennsylvania city of Hazelton drew national attention when it adopted an ordinance that fined businesses and landlords who employ