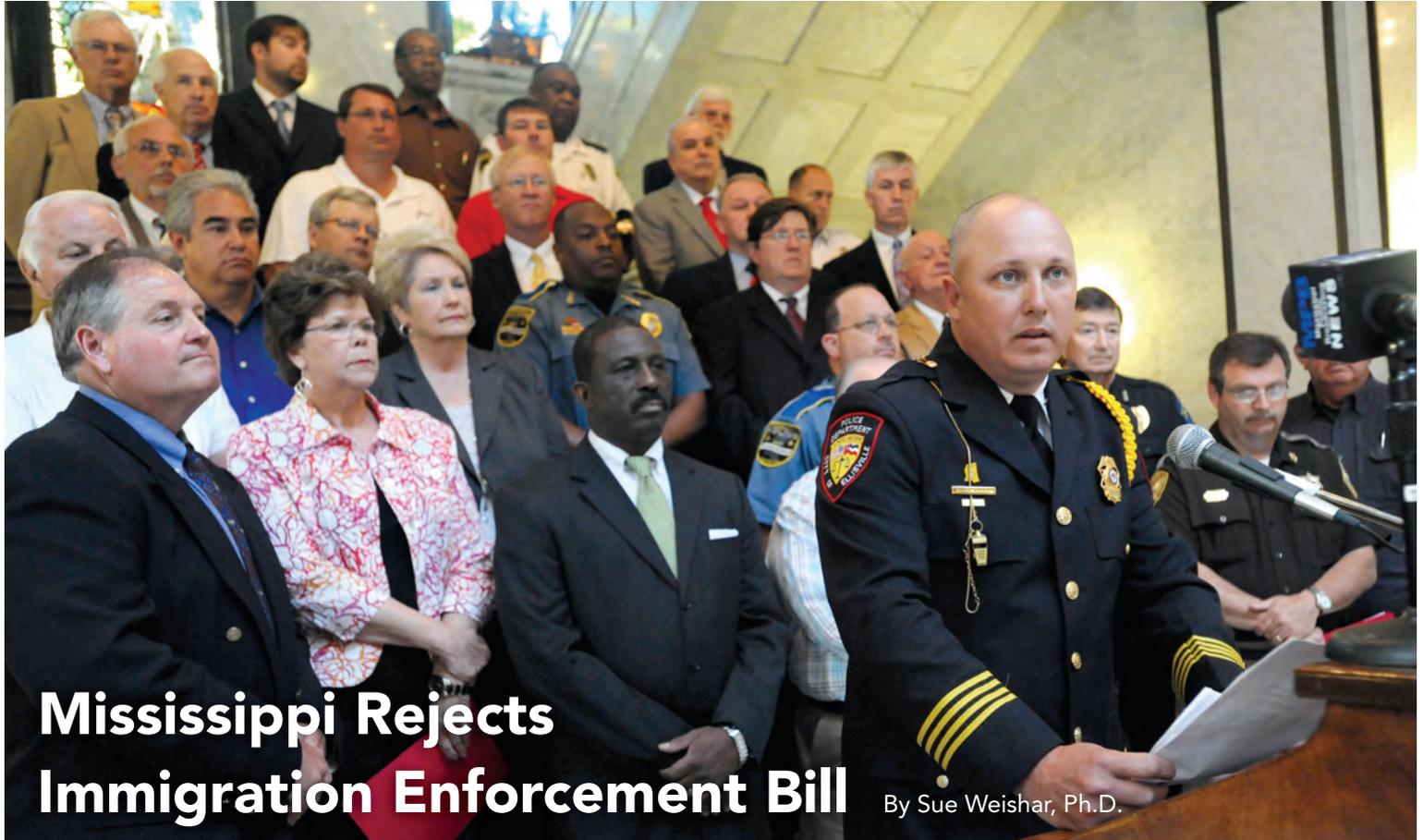


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Mississippi Rejects Immigration Enforcement Bill

By Sue Weishar, Ph.D.

Ellisville Police Chief Robert Bruce Russell was one of several Mississippi law enforcement and municipal leaders to speak out against HB 488 at a news conference held at the Capitol in Jackson on March 28. Photo courtesy of Brian Albert, *The Clarion-Ledger*

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In a remarkable development, a harsh immigration enforcement bill¹ that passed the Mississippi House of Representatives on March 15 with strong support from Governor Phil Bryant and Mississippi Tea Party members died in a Senate Judiciary Committee on April 3, 2012, the last day that action could be taken on any general bills passed by the opposite chamber.²

Early in the legislative session, Mississippi's bishops had denounced³ anti-immigrant legislation, which they argued would threaten the dignity of the human person and negatively impact the progress Mississippi has made in addressing racial injustice. A sign-on letter from evangelical leaders, whose voices had not been heard

in prior debates on anti-immigrant legislation, also gained wide support. But in a move that stunned many, Mississippi law enforcement and municipal leaders, including the Mississippi Sheriffs' Association and Mississippi Association of Chiefs of Police, came out strongly against HB 488 in a letter to lawmakers on March 27, calling it an "unfunded state mandate" that could lead to new taxes. Soon after, leaders of agriculture groups, including the influential Mississippi Farm Bureau, sent a letter to lawmakers warning that the bill could hurt Mississippi's economy.⁴ The next day, the Mississippi Economic Council, effectively a state-wide Chamber of Commerce, opposed the bill.

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To better understand how Mississippi arrived at this potentially historic juncture in stopping the spread of state-level anti-immigrant legislation, I interviewed individuals who helped to shape the coalition of new voices, as well as faith and civil rights leaders working for immigration justice in Mississippi⁵.

A HOPELESS FEELING

At the beginning of the 2012 Mississippi legislative session, the passage of a strict immigration enforcement bill was considered by many as inevitable. The new governor, Republican Phil Bryant, ran on an anti-immigrant platform, and for the first time since Reconstruction both chambers of the legislature were majority Republican.

Long-time immigrant advocate Mary Townsend with El Pueblo/Seashore Mission in Biloxi told me, “I had no doubt [HB 488] was going to pass. I felt we didn’t have a chance.” Michael Ann Oropeza, Director of Parish Based Ministries at the Diocese of Jackson, admits she sometimes suffered a “hopeless feeling, a feeling of defeat.” For Warren Yoder, the Executive Director of the Public Policy Center of Mississippi, the future for immigrant justice in Mississippi looked bleak: “We could really see ourselves going back to the 1930’s and 40’s in terms of the new Jim Crow... to have a three-race system with Hispanics at the bottom and using deputy sheriffs to harass people and prevent organizing. It was just scary.”

LAW ENFORCEMENT PRIME MOTIVATORS

Surprisingly, it was Mississippi law enforcement leaders that jump-started the coalition of new voices to defeat HB 488. Late Wednesday evening, March 14, an amendment giving law officers discretion over whether to investigate the immigration status of any person they arrested was removed from HB 488. Donna Echols, lobbyist for the Mississippi Association of Chiefs of Police said, “When that amendment took away our discretion, we had to come out full-force

against it.” A leader in the agricultural sector, who asked not to be named, believes “law enforcement was one of the prime motivators of getting this going. Up to that point it looked like it was going to pass...The [agricultural] community worked really hard to build the coalition, but had the law enforcement people not been there first I don’t think we could have built the coalition.” He also noted that agricultural and business leaders were greatly influenced by the negative impact of HB 56 on Alabama’s economy and reputation.

I asked Robert Bruce Russell, Chief of Police for the city of Ellisville and a vocal leader of the law enforcement coalition, his reasons for opposing the bill. He explained, “The city of Ellisville cannot afford to fix a problem the federal government created...I am going to be honest with you. After 20 years of law enforcement people get two things when they go to jail—they get religion and they get sick. We are going to have to pay the bills on that... We start housing this many people we have to pay for it.”

Chief Russell made a compelling moral argument against HB 488 as well. At a press conference inside the capitol on March 28, he told reporters, “It’s going to get to the point to where either you detain a man who’s working and trying to provide a better life for his family. Or you detain a dope dealer or somebody with a suspended license or something like that.”⁶ In my interview, Chief Russell worried about the impact HB 488 would have on immigrant families: “The ones that are here now are family oriented. What do you do about the children that are born here? Do you throw them in a detention center and let them sit there until something is figured out with the parent?”

DID MISSISSIPPIANS’ FAITH PLAY A ROLE?

As HB 488 was wending its way through the legislature, the annual Gallup Poll on religion in American life again found Mississippi the “most religious state” in the country, with 85 percent of Mississippi respondents agreeing that

religion is an important part of their daily life.⁷ I asked what Mississippi leaders thought the role of faith played in the outcome of HB 488.

Chief Russell told me, “It wasn’t about religion, it’s about the all-mighty dollar,” yet in his opposition to the bill he provided important moral reasons to oppose HB 488. The leader of the agriculture group told me, “I’ll be honest with you, [religious leaders] did help ... to shore up groups or legislators who would already be opposed. I don’t think they had much effect on persuading anybody who was either wavering or supporting it.” Warren Yoder felt that the reinforcement provided by faith leaders was “extremely important. We all went into this thinking we were going to lose, so having encouragement to stand up and stick it out was essential.”

Mary Townsend offered this perspective: “The more faith leaders speak up compellingly and present the teachings from Scripture we all hold in common, the more people’s eyes will be opened and they will remember that they are called by God to love their neighbor whoever he is...”

CONCLUSION

Without moral arguments provided by faith leaders, including Rep. Jim Evans, D-Jackson, who led the Mississippi Black Caucus in opposing the bill,⁸ the debate over HB 488 could have easily devolved into a solely economic argument that ignored the humanity and dignity of immigrants. Views are mixed regarding whether Mississippi will face immigration bills in the next legislature. How the Supreme Court rules on Arizona’s SB 1070 will certainly be a factor. Warren Yoder is hopeful. “The 21st Century is evolving in Mississippi quickly,” he said. “This is a place to keep an eye on and participate in. Because things are possible that nobody thought possible even four months ago. There are relationships that have been developed. There are possibilities that are being discussed. I frankly have no clue how this is going to work out... But there are heartening potentials.”

—Continued on back cover



Seal of the Society of Jesus

Catholic Social Thought (CST) and Restorative Justice

By Alex Mikulich, Ph.D.

Restorative Justice (RJ) is an alternative criminal justice practice that emphasizes repairing the harm of unjust behavior. As Howard Zehr, a leading founder of the RJ movement explains, RJ emerged in the mid-1970s to address three problems of how the traditional system: 1) fails victims, 2) does not call offenders to account, and 3) does not address broader community needs.¹

First, too often, the criminal justice system fails victims. Imprisoning a perpetrator does little for the ongoing suffering of victims. The U.S. bishops lament how the system “neglects the hurt and needs of victims or seeks to exploit their anger and pain to support punitive policies.”² In human dignity the bishops call the faithful “to stand with victims in their hurt and in their search for healing and genuine justice. This includes, of course, the children of the incarcerated, who themselves are seriously harmed by their parents’ misdeeds.”³

Second, perhaps ironically, the traditional system does not call offenders to account—for example, the system encourages defendants to plead not guilty. The common good emphasizes that “punishment, in addition to defending public order and protecting the safety of persons, has a medicinal scope: as far as possible it must contribute to the correction of the guilty party.”⁴

CST’s concern for rights and responsibilities means that offenders must be held accountable. The “test for the rest of us,” the U.S. bishops explain, “is whether we exercise our responsibility to hold the offender responsible without violating his or her basic rights.”⁵

The bishops highlight how the Sacrament of Penance has “much to teach us about taking responsibility, making amends, and reintegrating into the community.”⁶ This includes contrition, confession, satisfaction, and absolution.

Contrition expresses “genuine sorrow, regret, or grief over one’s wrongs and serious resolution not to repeat the wrong.” Confession is “clear acknowledgement and true acceptance of the hurtful behavior.” Satisfaction concerns how the offender makes “compensation or restitution for the wrongs or harms caused by one’s sin.” Finally, absolution occurs when “Jesus, through the ministry of the priest and in company of the church community, forgives the sin and welcomes the person back into ‘communion.’”⁷

Third, too often, broader community needs remain neglected. CST and RJ both stress the common goods of the needs of victims, the accountability of offenders, and the need to repair harms against the entire community.

CST and RJ find deep roots in Hebrew scripture. The bishops explain that the Covenant at Mount Sinai required punishment for violation of the commandments, demanded reparation, and called the people to restore relationships within the entire community.

RJ concerns biblical shalom. Although commonly translated as “peace,” the deeper meaning of shalom involves God’s “unifying love” that saves and redeems all relationships.

Jesus extends the Covenant when he calls upon the Father’s “unifying love” through his ministry. Jesus denounces leaders who “tie up heavy burdens and lay them on people’s backs but they will not lift a finger to move them” (Mt 23:4), he rejects punishment for its own sake for a woman caught in adultery (Jn 8:1-11), and he calls the faithful to visit the imprisoned, care for the sick, feed the hungry, and house the homeless (Mt 25).

Like the Good Samaritan (Lk 10), the faithful are called to “stop and help victims of crime recover from their physical and emotional wounds.”⁸

As Michael J. Kennedy, S.J., Executive Director of the Jesuit Restorative Justice Initiative, explains, the hope of restorative justice ultimately resides in the depth of the Paschal Mystery where only God heals our brokenness by bringing life out of death.⁹

ENDNOTES

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- 5 Ibid., *Responsibility*, “Catholic Social Teaching.”
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- 7 Ibid., *Responsibility*, “Scriptural Foundations.”
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Does Relative

Surprisingly, the United States

In our Spring 2012 *JustSouth Quarterly*, Part One of this article—“Growing Economic Inequality Matters!”—discussed the fact that economic inequality (both in income and wealth) is real and worsening in the United States, that it has multiple causes, and that it matters, especially to people of faith concerned about distributive justice. At the conclusion, the article raised the question whether “relative income mobility” cures inequality. In other words, does the fact that some people do move between income levels mean that inequality does not matter, that economic freedom trumps economic justice?

Relative Mobility Plays a Role

People or households often shift between income groups with individual and global economic changes, life cycle progress, good and bad luck, family resources, illness, marriage or divorce, retirement, and hard work. Over time there can be different people in the income “quintiles”; this is called *relative mobility*, that people can move relative to those in their income group at any time. Because there is relative mobility, some argue, it is not fair or accurate to talk about inequality or income or wealth gains or losses at the top or the bottom since the population of different groups is different at different times.

They would add that increased U.S. inequality is offset by that *relative mobility*—the change of position relative to others, no matter what happens in the larger economy. In other words, I can “pull myself up by my bootstraps” and get to any higher income level, and so inequality is not really a problem. Inequality can even be an incentive to work harder and do better. In a recent op-ed, Andrew Kohut of the Pew Research Center wrote, “Americans are still confident that their society provides opportunities for economic mobility. In one recent Pew poll, 58 percent of respondents said they believed that people who wanted to get ahead could make it if they were willing to work hard.”¹

Measuring *relative mobility* is extremely difficult because it requires following the same individuals over a long period of time. Comparing studies of mobility is further complicated by differing measures of income (some use tax data, others census data, others the Congressional Budget Office data, etc.), the pool against which mobility is compared (those in the original time period or all households, including new entrants into the workforce), age limits (some studies eliminate the elderly or the younger workers to focus on prime working years), elimination of non-tax payers (usually those at the bottom), and changing methodologies. As a result, measures of *relative mobility* differ in different studies.



For too many, the ladder of mobility is missing the bottom step up.

Mobility “Cure” Inequality?

Lags in income mobility

By Fred Kammer, S.J.

Factors Affecting Relative Mobility

There also are indicators about who tends to move up or down in terms of relative mobility. One study finds that whites, men, those with more education, and those who own homes are more likely to move up out of the bottom income quintile than others; and the factors associated with increased downward mobility are being non-white and having a disability.² In a comprehensive overview, the Pew Economic Mobility Project named what it called “pathways” to economic mobility that are strong determinants of mobility.³ They are divided into: *social capital indicators* such as family structure, parenting skills and education, parental similarity, school-based relationships, community influences, and work-related networks; *human capital indicators* such as a child’s educational attainment, parents’ educational level, health status, health insurance, obesity, and low birth-weight; and *financial capital indicators* including wealth transfers, homeownership, retirement savings, and entrepreneurship.

How Much Relative Mobility Is There?

Conservatives often cite a 2009 study from Treasury Department,⁴ based solely on income tax returns, which affirmed “considerable income mobility of individuals” during the 1996 to 2005 period and earlier. However, the same study disclosed that only “about half of those in the bottom quintile move to a higher quintile.” Also, in comparing changes over two time periods (1987–96 and 1996–2005), the study indicated that, while 62 percent of those in the top quintile remained there at the end of the first ten-year period, 69 percent remained

in the top quintile over the next 10-year period, which would seem to indicate growing consolidation of those at the top. Some studies maintain that relative mobility has remained fairly constant since about 1970, although they concede that there are some indicators that it has declined in recent years.⁵

In terms of what is called *intergenerational relative mobility* (whether children track their parents’ income levels), there is greater relative mobility for those born into middle income families, moving up or down the income groups. **However, roughly 40 percent of those in rich or poor families will remain in the same quintiles when they become adults.** This reflects a growing awareness that the most important factors for a child’s future seem to be their parents’ income, education, and marital status. This powerful family environment predictor also is reflected in the growing correlation over time between the adult earnings of brothers.

Yes, there is some relative mobility in U.S. society, but in the face of the well-documented and rapidly escalating inequality of income and wealth discussed in our last issue, relative mobility would have to increase to offset the long-term effects of rising single year or “snapshot” inequality.⁶ Instead, “*no study has found an increase in mobility that might have compensated for the increase in inequality.*”⁷

The United States Lags Behind in Relative Mobility

Another way to assess U.S. relative mobility is to compare ourselves with other developed nations. There actually are studies that indicate that, despite the popular faith in the “American dream” of mobility, the United States has less

intergenerational relative mobility, measuring the relationship between parents’ and children’s income, than a number of countries, including Denmark, Norway, Finland, Canada, Sweden, Germany, and France. Only the United Kingdom seems on a lower mobility par with the U.S.⁸ Put another way by Council of Economic Advisors Chairman Alan B. Krueger, “Countries that have a high degree of inequality also tend to have less economic mobility across generations.”⁹ He went on to comment, “It is hard to look at these figures and not be concerned that rising inequality is jeopardizing our tradition of equality of opportunity.”¹⁰ The risk then is that we “enter a vicious cycle in which inequality breeds less mobility, and less mobility produces greater stratification—a hardening of the class lines.”¹¹

Another way of looking at these figures is that there is “economic freedom” for some, generally those “blessed” or “privileged” with greater gifts in terms of income, education, and family structure and the benefits they bring. For those born into families without these gifts, the economic freedom which they have is more or less constrained for most, except the exceptional person.

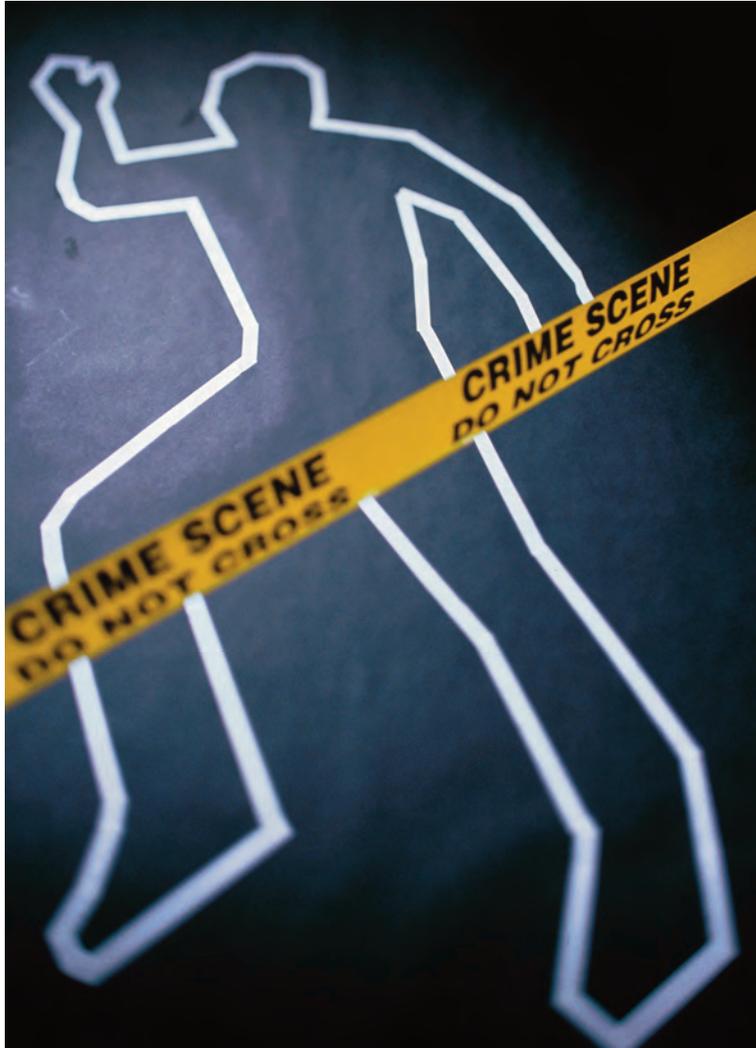
What can we do about this? Americans probably will be more persuaded by a focus on mobility and opportunity than poverty and inequality. This means greater public investments in “home visiting, education, health, and other opportunity-enhancing programs,”¹² which is a tough sell in a political climate primed to slash public spending on human investments rather than reduce bloated defense spending or increase revenues needed to improve opportunity.

For too many, the ladder of mobility is missing the bottom step up.

—See footnotes on page 7

Changing the Script: A Starting Point

In the last issue of *JustSouth Quarterly*, my article, “Stop Casting Stones: The Failure of Punitive Crime Policy,” focused on what does not work in criminal policing. A key point to remember about the failure of punitive crime policy is that getting “tough on crime,” through more arrests, more incarceration, harsher sentences, and imposition of the death penalty contribute to a “vicious cycle” of violence itself.



Punitive crime policy incorrectly assumes that formal social controls, like the police and the criminal justice system, are the most important levers for controlling crime. They are not.

The most important things influencing whether or not someone commits a crime concerns whether or not s/he thinks they are doing right or wrong and whether the community that s/he belongs to thinks a particular action is right or wrong. Scholars call this “informal social control,”

and it works through both “internal” controls like conscience, internalized moral norms, etc., and “external” controls constituted by an individual’s primary relationships, including loved ones, families, friends, peers, and the community.

Contrary to what many may believe, most offenders, even the most serious, obey the law most of the time, and even most people in communities with the highest levels of crime obey the law most of the time—and desire to do so. In Los Angeles, for example, there are approximately 400 organized gangs with about 65,000 gang members in the city. A 2009 estimate shows that there were 141 gang homicides. That means that 64,859 gang members (assuming one gang member per homicide), and at least 259 gangs, did not kill anyone that year.¹

So when the press or the public assumes that “guns have become the preferred method of dispute resolution,” it does not comport with the facts. As David M. Kennedy of the National Network for Safe Communities explains, “Far more often than not, good sense prevails.”²

Note that this does not mean that gun control is unnecessary. Gun control is necessary to reinforce commonly held norms of respect, civility, and nonviolent dispute resolution.

Too often, the cycle of violence is reinforced by the “scripts” or stories that communities and law enforcement tell themselves about each other. These stories are full of assumptions that do not hold up when communities and police develop trust and address crime together.

The scripts that police and communities tell each other are wrapped up in the enduring legacy of racism in America. However, as many cities in the National Network for Safe Communities have demonstrated, it is possible to change the negative scripts and reduce crime in our cities. Upon its success in Boston, Operation Ceasefire became a feature of the Strategic Approaches to Community Safety Initiative (SACSI) that was launched in 2000 in St. Louis, Atlanta, Albuquerque, and Rochester, New York, in 2000.

A common script in local communities of color is that the government is using drug laws as a tool of racial oppression. This kind of script can make a drug arrest an act of racial aggression, and going to prison becomes a badge of honor that in turn creates a norm that incarceration is a rite of adult passage.

Sadly, as David M. Kennedy finds through decades of on-the-street criminal justice research, “the streets do lie.”³ Police do use racial profiling. Police do fabricate warrants or coerce the arrested to tell lies to frame someone else. Although local communities have historical and contemporary reason to distrust the police, too often police departments “do not respect them enough even to listen and respond” to their concerns.⁴

for Reducing Gun Violence

By Alex Mikulich, Ph.D.

Conversely, the community's scripts are negatively reinforced by police who assume most people don't care about crime, are complicit in it, and therefore corrupt. People will not "snitch" when they do not have a trustful relationship with the police. Until police and local communities engage each other, listen, and work together to address crime, these scripts and their associated negative norms cannot be changed.

Operation Ceasefire, which was developed in Boston, Massachusetts, in 1996, is a primary example of how both police and local communities can positively change scripts and norms, and work together to reduce violence. Ceasefire combines problem-oriented policing with collaboration between law enforcement organizations (federal and local levels), and community stakeholders, including residents, faith-based organizations, and social services.

In Boston, Operation Ceasefire met with gangs face to face and clearly communicated to gangs that: 1) if anyone in the gang shot anyone, every gang member would receive immediate attention from law enforcement; 2) the community united publicly to express its need to stop violence; and 3) social services, job training, and employment services were

made available to every gang member who wanted to get off the streets. Ceasefire utilizes Street Workers or "violence interrupters" who diffuse conflicts before they escalate and serve as liaisons with police and social service agencies.

Operation Ceasefire demonstrated that when police directly communicate expectations and norms, compliance significantly improves. The Boston Ceasefire initiative was further "associated with a 63 percent reduction in youth homicide (ages 24 and under)."⁵

When Operation Ceasefire got off the ground in 1996, Kennedy explains, there were approximately 100 murders in Boston. By 1999, the number of murders in Boston was down to 31. Even youth gun assaults were reduced by 44 percent. Kennedy states that "no other comparable city in the country had seen such a sharp and large reduction" in the number of murders.⁶

Fear of violence motivated gang members to possess guns for self-defense or as a way to contend with trauma. As Ceasefire Street Worker teams reported, youth were so overwhelmed by trauma and Post-Traumatic-Stress-Disorder (PTSD) that sometimes gang members set themselves up to get shot. This is a symptom of PTSD.

The success of Ceasefire, a version of which is being implemented in New Orleans, is due to the fact that police and local neighborhoods came together, listened to each other, re-wrote old scripts, and learned about each other's mutual interest in reducing violence, which led to gang members giving up their guns and a reduction in violent crime.

There are many more "best practices" to be explored. For starters, Operation Ceasefire shows that the old scripts can be changed and that police and local communities can work together to reduce violence. That is change we can all believe in.

ENDNOTES

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- 3 David M. Kennedy, *Don't Shoot: One Man, a Street Fellowship, and the End of Violence in Inner-City America*, (New York: Bloomsbury, 2011), p. 144-145.
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- 5 Ibid., "Practice Brief."
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Does Relative Mobility "Cure" Inequality? ENDNOTES

- 1 Andrew Kohut, President, Pew Research Center, *Don't Mind the Gap*, *New York Times*, January 27, 2012, p. A21.
- 2 Gregory Acs and Seth Zimmerman, *U.S. Intragenerational Economic Mobility from 1984 to 2004: Trends and Implications*, Pew Mobility Project, November 1, 2008, p. 12.
- 3 Economic Mobility Project, *Pathways to Economic Mobility: Key Indicators Fact Sheet*, pp. 1-2, at www.economicmobility.org/assets/pdfs/Pathways_to_Economic_Mobility_Fact_Sheet.pdf (accessed February 1, 2012).
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- 7 Isabel Sawhill, *Are We Headed Toward a Permanently Divided Society?*, Center on Children and Families at Brookings Institution, CCF Brief No. 48, March, 2012, p. 4 (emphasis added).
- 8 Isabel V. Sawhill and John E. Morton, *Economic Mobility: Is the American Dream Alive and Well?* Economic Mobility Project, may 29, 2007, p. 9; Sawhill, Ibid., p. 7.
- 9 Alan B. Krueger, *The Rise and Consequences of Inequality in the United States*, address to the Center for American Progress, January 12, 2012, p. 4.
- 10 Ibid.
- 11 Sawhill, op. cit., p. 5.
- 12 Ibid., p. 8.



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Mississippi Rejects Immigration Enforcement Bill

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ENDNOTES

- 1 In its original form House Bill 488 mirrored several painful and divisive provisions found in Alabama's HB 56—including the requirement that public schools determine the status of enrolling students—and Arizona's SB 1070—expanding the power of local police to enforce immigration laws. In the final version the House dropped certain onerous requirements like schools checking students' immigration. However, "enforcement by attrition" remained the major intent of HB 488 with troubling provisions that criminalized business transactions between undocumented immigrants and the state, made work without authorization a felony, and required police to check immigration status upon arrest.
- 2 Richard Faucet, "Tough anti-illegal-immigration law dies in Mississippi," *Los Angeles Times*, April 3, 2012. See <http://articles.latimes.com/2012/apr/03/nation/la-na-nn-mississippi-immigration-20120403>
- 3 Statement from the Bishops of the State of Mississippi on Immigration to the Governor Phil Bryant and the Mississippi State Legislature, January 21, 2012, at <http://www.justiceforimmigrants.org/documents/MS-bishops-statement-Jan2012.pdf>
- 4 A letter in opposition to HB 488 was sent to Mississippi senators March 27 by the Mississippi Sheriffs Association and the Mississippi Association of Chiefs of Police, the Mississippi Municipal League, and the Mississippi Association of Supervisors. Soon after another letter opposing the bill was sent to lawmakers by seven agriculture groups and the state chapter of Associated Builders and Contractors. Agriculture groups included the Mississippi Poultry Association, Mississippi Farm Bureau Federation, Mississippi Sweet Potato Council, Gulf South Blueberry Growers Association, Mississippi Loggers Association, Mississippi Nursery and Landscape Association, and the Mississippi Forestry Association. See "Opposition to immigration bill widespread," *The Clarion Ledger*, March 27, 2012 at <http://www.clarionledger.com/fdcp/?unique=1332948516779>
- 5 I also interviewed a young man from Central America about HB 488 who has lived in Mississippi for more than 10 years, is a lay leader at his Gulf Coast Catholic Church, and is undocumented. He said that he and his community knew little about what was going on with anti-immigrant legislation in Mississippi, but that most immigrants in Mississippi were aware of how Alabama's harsh immigrant enforcement bill, HB 56, had impacted immigrants living in that state.
- 6 Daniel Sherry, "Groups ask senators to kill immigration bill," *Mississippi Public Broadcasting*, March 29, 2012 at http://mpbonline.org/News/article/groups_ask_senators_to_kill_immigration_bill
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THE MISSION OF THE JESUIT SOCIAL RESEARCH INSTITUTE

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