

# A voice for tough immigration laws

Kris Kobach, who helped write Arizona's legislation, is the go-to guy in the movement.

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REPORTING FROM  
KANSAS CITY, MO.

Hundreds of miles from Arizona, law professor Kris Kobach leaned back in his chair at the University of Missouri-Kansas City, took a sip of coffee out of a Justice Department mug, and calmly defended the controversial immigration law he helped write.

At 9 a.m. this Tuesday, he is on hold with a radio station in Tucson and in an interview with another in St. Louis. He has three more lined up.

## L.A.'s boycott

The city bans most official travel to Arizona and future contracts with firms there. **LATEXTRA**

Since Gov. Jan Brewer signed the law late last month, Arizona has become ground zero in the debate over illegal immigration. Senate Bill 1070, which has prompted protests, boycotts and lawsuits, makes it a state crime to lack immigration papers and requires police to determine whether people they stop are in the country illegally. President Obama called it misguided and warned that it could lead to racial profiling.

Kobach said the law actually discourages racial profiling. [See Arizona, A16]

# Los Angeles

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## Backer of immigration law is target of outcry

[Arizona, from A1] filing and kicks in only when someone violates another law.

"If they are running down the street with a pistol in one hand and a bag of money in the other and someone screaming, 'Bring back my money,' then the police officer can stop them," he said. "But just walking down the street, of course not."

In the last few weeks, Kobach has been contacted by legislators from around the country seeking his advice and has been interviewed on local and national radio and TV programs more than 50 times. A national survey released Wednesday by the Pew Research Center for the People and the Press found that 59% of adults polled supported the Arizona law.

Kobach, 44, is an Ivy League-educated, outspoken advocate for the movement to fight illegal immigration and the go-to guy for cities and states looking to pass laws against it. He is counsel on nine cases around the country, including in California, targeting sanctuary cities and in-state tuition for illegal immigrants and defending the right of cities to prohibit landlords from renting to illegal immigrants and employers from hiring them.

Kobach said he is motivated by a desire to "restore the rule of law" in immigration and to show that states and cities can do their part to help the federal government with enforcement.

"People act like the law

can't be followed in immigration," he said. "I take it as a challenge to show that it can."

His opponents say that the laws Kobach writes and defends promote discrimination.

"At the end of the day, his involvement has been costly and the laws that he has supported have been divisive," said Omar Jadwat, an attorney with the American Civil Liberties Union who has appeared opposite Kobach in courts in Pennsylvania, Texas and Missouri. "They distract and divert the resources of these towns and cities into hugely controversial and expensive side-shows that benefit only him."

Just before 7 p.m. on a recent weeknight, Kobach pulled up to the Community Center in Lansing, Kan., in a GMC Sierra with the license plate "1787," the year the U.S. Constitution was adopted. Inside, the recent college graduate running Kobach's campaign for Kansas secretary of state handed out stickers and lawn signs.

Kobach stood in front of an American flag and told a crowd gathered for the Republican town hall meeting that Arizona had long been under siege by kidnapers, drug dealers and human smugglers from other countries and that something had to be done. When he described the recent gun battle that resulted in the shooting of a sheriff's deputy, the audience gasped. When he talked about the state's ef-

forts to make life miserable for illegal immigrants so they will return to their native countries, they applauded.

"It's not rocket science," he said. "You ratchet up the level of enforcement so people leave on their own."

After the speech, several people lined up to shake Kobach's hand. Among them was Dennis Bixby, whose 19-year-old daughter was killed in 2007 after an illegal immigrant without a driver's license ran a stop sign.

"He gets it," Bixby said of Kobach. "He's willing to fight the fight."

Leavenworth County Republican Party Chairman John Bradford said that if Kobach is speaking, people show up. "People love him," he said. "Finally there is somebody stepping up and doing something" about illegal immigration.

Kobach said that adding "rhetorical flourishes" on TV is entertaining, but in court he sticks to the legal arguments.

"It's about threading the legal needle and making sure that it all stands up in court," he said.

Judges often have the final say on the constitutionality of restrictive immigration laws. In California, the federal courts struck down Proposition 187, which sought to deny public education and benefits to illegal immigrants, as an attempt to usurp federal responsibility.

In Kobach's cases, the decisions have been mixed. He



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**KANSAS CITY:** Kobach at the University of Missouri. "It's not rocket science. You ratchet up the level of enforcement so people leave on their own," he said.

lost cases in Texas and Pennsylvania, where cities sought to prohibit landlords from renting to illegal immigrants. Kobach appealed and both cases are still pending. He won a case in California, where he argued that the state could not offer discounted tuition to illegal immigrants while not offering the same to students from outside California. That case is pending in the state Supreme Court.

In Arizona, Kobach helped state Sen. Russell

Pearce draft a 2007 bill that required all businesses to use an electronic employment verification system. Kobach said Pearce asked him to help write the new immigration law.

Kobach defended the employer law and said he is confident that the current law will sustain legal challenges too. "It was drafted to withstand every legal argument that can be thrown at it," he said. "It's built like a tank."

Raised in Kansas, Kobach attended Harvard College and Yale Law School and earned a doctorate from Oxford University. In 2001, just before Sept. 11, he began working under Atty. Gen. John Ashcroft, an experience that he said made him keenly interested in immigration and the crucial link between immigration policy and national security. Before the attacks, several of the hijackers had been stopped by police for traffic violations. "We had a missed

opportunity of tragic dimensions," he said. Kobach helped create a registration program designed to catch potential terrorists from Middle Eastern countries.

Hamid Khan, executive director of the South Asian Network in Artesia, said the registration policy created a lot of fear and resulted in the deportation of many people without terrorist links. "It became a clear reminder of how communities are criminalized and how race and racial identity are how people get identified," he said.

Kobach, an avid hunter and rower, began teaching at the University of Missouri Law School in 1996 and now teaches several classes, including constitutional law and immigration law. His office is decorated with framed photographs of his family and of himself with President George W. Bush, along with stacks of legal textbooks and court documents and a talking George Washington doll.

Jennifer Kerr, a student in his immigration class who agrees with his beliefs, said Kobach encouraged students to engage in "spirited debate" about the issue.

"People in the class had different opinions," she said. "They were all over the spectrum. Some vehemently opposed him."

The professor in the office next door, Douglas Linder, disagrees with Kobach on most everything, from the interpretation of the Constitution to immigration policy. Linder said he believes the Arizona law violates the Constitution, will result in racial profiling and threatens the relationship between local police officers and community members.

"In all the debates we've had, I'm not sure I've ever been successful convincing him he's wrong about anything," Linder said. "He has very strong opinions."

Kobach's wife, Heather, said that she agrees with her husband's politics but that his immigration work has taken a toll on her. When opponents call him racist, she gets offended and feels like a "nervous wreck."

"I think of him as a soldier," she said. "He gets attacked all the time. He continues to do it because he believes it."

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