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Local Business Groups Join Challenge to Constitutionality of Oklahoma Immigration Law

Oklahoma City, OK—The State Chamber of Oklahoma, Greater Oklahoma City Chamber, Tulsa Metro Chamber, Oklahoma Restaurant Association, and Oklahoma Hotel and Lodging Association joined the U.S. Chamber of Commerce in filing a lawsuit today in the Western District of Oklahoma seeking to enjoin Oklahoma’s immigration law from interfering with federal law that comprehensively regulates the employment of unauthorized workers.

The organizations are participating in this lawsuit to advocate for and protect the interests of their members. “The State Chamber’s mission is to protect the jobs of Oklahoma citizens,” said Richard P. Rush, president and CEO of The State Chamber of Oklahoma. “To accomplish our mission we must protect Oklahoma’s business community from state laws and regulations which make them less competitive than those in other states and around the world.”

The Oklahoma law requires employers doing business with the state to use the “Basic Pilot Program,” the federal government’s voluntary, experimental program for verifying work eligibility. The new law also penalizes businesses that do not verify the work authorization status of individual independent contractors, and allows discharged employees to file discrimination claims against their employers if they can show that the employer knew or “should have known” other employees were unauthorized. A federal court in Pennsylvania ruled last July that similar state and local regulation of unauthorized workers interferes with Congressional objectives and is unconstitutional.

“As a non-profit business that hires employees, we see first-hand the challenges this law brings to the companies we represent,” said Roy Williams, president of the Greater Oklahoma City Chamber. “If we follow the new state law, we violate federal law. That is a predicament no Oklahoma company should face.”

The organizations noted that their participation in this lawsuit does not equate to support for illegal immigration. “The Tulsa region is outpacing the rest of the nation in job growth,” said Mike Neal, president and CEO of the Tulsa Metro Chamber. “Oklahoma’s HB 1804 requires our businesses to police immigration issues through an erroneous system, restricting the pool of legal workers and ultimately harming their ability to grow.”

The organizations explained that the lawsuit focuses on those provisions of HB 1804 which impose unreasonable burdens on Oklahoma businesses and puts them at a disadvantage compared to competitors in other states, and that HB 1804 puts businesses in the impossible position of having to comply with conflicting federal and state laws. “The hospitality industry is the largest private sector employer in the State of Oklahoma,” said Jim Hopper, president and CEO of the Oklahoma Restaurant Association and the Oklahoma Hotel and Lodging Association. “It is our associations’ responsibility to protect the ability of our members to meet the growing demand for meals and hospitality services. Our members comply with existing federal immigration law. Oklahoma’s immigration statute is confusing and in conflict with federal law,” Hopper said.

Each of the organizations agree that immigration is clearly a national problem in need of a national solution. “Piecemeal efforts to regulate the employment of unauthorized workers are unconstitutional and preempted by federal law,” said Robin Conrad, executive vice president of the National Chamber Litigation Center which represents the U.S. Chamber in *Chamber of Commerce, et al. v. Henry, et al.* “Oklahoma’s immigration law is one of several – including the ordinance struck down in Hazleton, Pennsylvania – that we have challenged. The Constitution plainly prohibits state and local governments from undermining well-established federal law regulating the employment of immigrants in the United States.”

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