

Florida: Get on board!

Ten Good Reasons to Repeal Florida's Alien Land Law

- 1. It's embarrassing:** Florida is the last state in the nation to have this antiquated law still in its constitution.
- 2. It's antiquated:** The "Alien Land Law" is a throw-back to a bygone era of Jim Crow laws designed to limit land ownership to preferred citizens.
- 3. It's unenforceable:** Across our nation, various state supreme courts and the Federal Courts have ruled that "Alien Land Laws" are unconstitutional because they target a racial class and violate equal protection & due process.
- 4. It's un-American:** Floridians & all Americans have long valued a sense of fair play and equal economic opportunity if you work hard. The "Alien Land Law" runs against this tradition.
- 5. It's odd & makes no sense:** The "Alien Land Law" was an anomaly from day one, and the Florida Legislature to this day has never enacted implementing legislation to carry it out.
- 6. It's the 21st Century:** It's time to remove this shameful echo from our past.
- 7. It's a blot on our Florida Constitution.**
- 8. It has no supporters or defenders.** (Yes, it's that bad.)
- 9. It has nothing to do with "aliens" or "illegal immigration:"** Don't let the name fool you – the "Alien Land Law" was passed in the early 20th Century to stop new immigrants from owning property. It has nothing to do with immigration.
- 10. Because it is simply the right thing to do.**

GOAABA'S MISSION:

Asian Americans and Pacific Islanders represent 3.8 percent of the Greater Orlando population, and we are proud to call Central Florida our home. As attorneys, we recognize our special responsibility to help under-represented segments of the community; to improve legal access to the courts; and to serve as a legal bridge between our ethnic communities and the Greater Orlando region.

Founded in October, 2009, the mission of the Greater Orlando Asian American Bar Association (GOAABA) is to:

- Represent and advocate the interests of the Asian community of the Greater Orlando region
- Encourage and promote the professional growth of the members of the Association
- Serve as a legal bridge between our many and diverse Asian and Asian-American communities and the Greater Orlando region
- Act as an information resource for all.

GOAABA is affiliated with the National Asian Pacific American Bar Association (NAPABA), based in Washington, D.C.; the Asian American Federation of Florida; and the the Orange County Bar Association.

We welcome your ideas and any comments which will allow GOAABA to better serve our clients and the community and to allow us to become full partners in Central Florida.

www.GOAABA.wordpress.com

Greater Orlando
Asian American
Bar Association



Do the right thing – let's get rid of the Alien Land Law!

WHAT IS THE ALIEN LAND LAW?

Florida is the only state in the Union which still maintains the following constitutional prohibition against aliens owning real property under Article I, Section 2 of the Florida Constitution: “all natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property *except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law.* No person shall be deprived of any right because of race, religion, natural origin or physical disability.”

The restriction on alien ownership of land began in the late 1800s and continued through the early 1900s through the passage, state by state, of laws restricting Chinese and Japanese immigrants from owning real property. When challenged in the courts, the U.S. Supreme Court upheld various states’ Alien Land Laws on the ground that a state could rightly restrict property ownership to U.S. citizens and that doing so did not amount to racial discrimination. See Asian American Federation of Florida, Florida Alien Land Law, available at http://www.asianamericanfederation.org/Issues/Alien%20Land%20Law/florida_alien_land_law.htm. When the State of Florida adopted the Alien Land Law in 1926, it targeted Asian immigrants, although its application is not restricted to the Asian population.

Although the Alien Land Law is no longer actively enforced, Florida is the last state in the nation that still has an Alien Land Law.¹ It has been five to ten years since the last three states repealed these diversity laws. In 2001, Wyoming repealed its Alien Land Law, and in 2002, Kansas repealed its Alien Land Law.² Lastly, after a ballot failed to gain sufficient votes in 2002, New Mexico repealed its Alien Land Law in 2006.³ In November 2008, Florida’s legislature attempted to eliminate this language from Florida’s Declaration of Rights by including it on a statewide ballot for voters. However, this attempt failed to achieve the necessary majority of 60% in the November 2008 election and, therefore, what has become known as the “Alien Land Law” remains in Florida.

On December 14, 2006, Senate Joint Resolution 166 was introduced.⁴ This resolution was entitled “A joint resolution proposing an amendment to Section 2 of Article I for the State Constitution, relating to basic rights.”⁵ On



October 19, 2008, the *Orlando Sentinel* published an article and discussed Amendment 1, stating:

Supporters of the amendment argue the outdated language harks back to a period of racial bigotry that no longer holds a place in Florida society and should no longer adorn the state’s formative document.

...

The laws cropped up in various states amid fear that Asian immigrants -- primarily from Japan -- would work for less than Americans on farms in the West and buy up vast stretches of land, with California in 1913 the first to adopt the policy. In Florida, the state constitution was amended to allow the Legislature to regulate or ban property ownership by foreigners ineligible for citizenship -- a standard tailored to target Asians.⁶

On November 4, 2008, Florida voted on the proposed Amendment 1, which attempted to repeal the Alien Land Law. Amendment 1 failed by a vote of 47.9% (3,369,894 votes) to 52.1% (3,669,812 votes).⁷ Sixty percent (60%) was required to pass the ballot measure.⁸ After Amendment 1’s failure, the subsequent joint resolutions introduced in the Florida Senate and House of Representatives have not included the term “aliens ineligible for citizenship.” On October 10, 2009, Senator Eleanor Sobel introduced Senate Joint Resolution 84. Similarly, on March 1, 2010, House Representatives Yolly Roberson, Julio Robaina, and Kevin Rader introduced House Joint Resolution 1553. Unfortunately, on April 30, 2010, SJR 84 died in the Committee on the Judiciary. Likewise, HJR 1553 died in the Rules & Calendar Council on April 30, 2010.

¹Dara Kam, *Symbolic amendment eradicating discriminatory law likely to fail*, The Palm Beach Post News (Oct. 5, 2008), http://www.palmbeachpost.com/state/content/state/epaper/2008/10/05/amend1_1005.html.

²*Amendment 1: Property Rights of Ineligible Aliens – Failed 47.9%-52.1%*, Collins Center for Public Policy, <https://www.communicationsmgr.com/projects/1373/property-rights-ineligible-aliens.asp>.

³See Footnote 1.

⁴S.J. Res. 166, Reg. Sess. (Fla. 2007).

⁵On February 1, 2007, Florida House Representative Ronald A. Brise also sponsored a similar resolution in the House – House Joint Resolution 677. H.J. Res. 677, Reg. Sess. (Fla. 2007). A copy of House Joint Resolution 677 is attached hereto as Appendix B.

⁶Aaron Deslatte, *The Overshadowed Amendments*, Orlando Sentinel (Oct. 19, 2008), http://articles.orlandosentinel.com/2008-10-19/news/LID19_1_florida-constitution-amendment-1-amendment-2.

⁷http://ballotpedia.org/wiki/index.php/Florida_Amendment_1_%282008%29.

⁸Section 5(e), Art. XI of Florida Constitution.

THE FLORIDA CONSTITUTION

ARTICLE I SECTION 2

Basic rights.—All natural persons, female and male alike, are equal before the law and have inalienable

rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for

industry, and to acquire, possess and protect property;

except that the ownership, inheritance, disposition and possession of real property by aliens ineligible

for citizenship may be regulated or prohibited by

law. No person shall be deprived of any right because of

race, religion, national origin, or physical disability.

History.—Am. S.J.R. 917, 1974; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 9, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

WHAT CAN YOU DO?

Contact Florida’s State Senators and Representatives, not just in your area, but also statewide. Let them know that Florida needs to remove the Alien Land Law from the Florida Constitution.

GOABBA is here to help! Please go to GOAABA’s website, www.GOAABA.wordpress.com for more information.

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