Arizona is one of the fastest growing Latino immigrant destinations in the United States. Within the last five years, a series of responses by Arizonans intending to make life for unauthorized immigrants increasingly impossible have been implemented at the state and local level. The number of vigilante organizations along the border, anti-immigrant policies and targeting for deportation activities by local police have increasingly risen. In 2010, then Arizona state senator Russell Pearce maintained that the federal government had been hampering the immigration enforcement actions of police. Therefore, he introduced the “Support Our Law Enforcement and Safe Neighborhoods Act.” Better known as SB 1070, the policy allows police officers in Arizona to arrest unauthorized immigrants under the state’s trespassing law. The law also gives officers the latitude to question and detain those that may appear suspicious. For many, this means those that look Latino. Under the State’s statute, immigrants can also be criminalized for their mere presence in Arizona, the law makes it a crime for an unauthorized immigrant to seek or engage in work. Furthermore, the policy also allows officers to arrest someone without warrant if there is probable cause. And it makes it a state crime if a legal immigrant does not carry identification.

On April 23, 2010, the governor signed SB 1070 into law, generating a number of immensely complex issues at the state, national, and international levels. The measure has affected an already problematic U.S.–Mexico, bi-national relationship at a time of increased security cooperation between the two countries. Furthermore, the President of Mexico criticized the law, issuing a travel advisory. Trade between Arizona and Mexico has been reduced. Elected officials across the country called for a variety of economic boycotts and campaigns that would discourage the full implementation of the law. Over 15 major cities have ended business contracts with Arizona. And the state tourism industry lost almost one-billion dollars in less than 6 months as a result of this policy.

SB 1070 sparked a remarkable variety of legal activity, including several lawsuits filed by individuals, organizations, and cities (most notably Tucson and Flagstaff) and amicus briefs filed by several Latin American nations, including Mexico. The U.S. Department of Justice filed suit against Arizona in 2010. The United States of America v. Arizona resulted in a preliminary injunction against parts of the law by U.S. District Judge Susan Bolton on July 28, 2010, the

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initial injunction was later upheld by the federal Ninth Circuit Court in April 2011. Arizona subsequently appealed the decision to the U.S. Supreme Court, which heard arguments by the state and the Obama Administration on April 25, 2012.

In June 2012, the U.S. Supreme Court handed down a final decision on SB1070 that caused both sides of the battle to proclaim victory. Essentially, the Supreme Court overturned most parts of the bill except for Section 2B. This provision requires police officers to make a reasonable attempt when determining the immigration status of a person stopped, detained, or arrested. There must be reasonable suspicion that the person is in the country illegally. The court held out the possibility of reconsidering its decision if civil rights violations took place.

September 2012, the American Civil Liberties Union, the National Immigration Law Center, and the Mexican American Legal Defense and Educational Fund requested that a new injunction be placed on the law. These organizations maintained that the law would encourage lengthy detentions of people with a Latino phenotype and that the law violated the Equal Protection Clause of the 14th Amendment. Judge Susan Bolton declined to issue a new injunction against Section 2b.

At the international level, the law had a number of short- and medium-term consequences. As many analysts expected, the Government of Mexico reacted strongly to the law, issuing a travel advisory for Mexicans visiting Arizona (mirroring U.S. State Department advice against traveling to certain regions of Mexico). Mexico is an active signatory of numerous international accords on human rights, and Mexico’s legal thinking on migration happens within this human rights framework. As most Americans habitually think in terms of civil rights and overall rule of law, consequently there is a fundamental disconnect in our two countries’ thinking on immigration. And as a practical matter, Mexico did not relish the logistical challenge of having to deal with numerous individual states’ immigration laws through its extensive consular network in the United States. There were additional international consequences. As a practical matter, many U.S. state governments need to conduct international business and essentially international relations through a variety of regional mechanisms. The U.S.–Mexico Border Governors Conference has functioned as the most visible of these mechanisms for Arizona, California, New Mexico, and Texas for the past three decades. Arizona was scheduled to host the 2010 Border Governors Conference, though Governor Brewer was forced to cancel the conference when the six Mexican border state governors refused to participate. New Mexico Governor Bill Richardson then stepped in and convened an interim meeting of the Border Governors Conference in Santa Fe with the state of Arizona declining to attend (the North American Center for Transborder Studies at Arizona State University did attend, however).

This edited manuscript examines a variety of issues and consequences of SB 1070 at the local, national, and international level. In Chap. 1: Eileen Diaz McConnell provides an informed discussion and evaluation of Latino politics, immigration, and transborder relations in Arizona in the SB 1070 era. This chapter provides a demographic profile of Arizona and its three most populous counties
with a focus on Latinos. Data about Latinos are contextualized through consideration of relevant national patterns and other racial/ethnic groups in Arizona. The profile draws from the 2009 American Community Survey, released in September 2010, and describes the racial/ethnic composition of the state and Maricopa, Pima, and Pinal counties. Other characteristics covered in the chapter include age, nativity, year of arrival and citizenship status of the foreign-born, household size, and household type.

In Chap. 2 the author shows how Arizona, particularly the Maricopa County has become such an important immigration destination. As Chap. 1 illustrates, the 2000 census showed that the population in Arizona grew more than three times as fast as the rest of the nation. Reasons for the increased population in the state include, but are not limited to: international immigration continues to influence demographic growth; the state of Arizona is one of the fastest growing in the country; recent economic development and job opportunities encourages migration, individuals, both citizen and natives, are coming from other states for new opportunities; and, Arizona is no longer a gateway state, meaning Texas and California were primary destinations for immigrants, however, border enforcement policies since the mid-1990s have redirected immigration to Arizona. This chapter examines how anti-immigrant policies are passed and supported in Arizona. It appears that popular and emotional reactions to undocumented immigration develop at the local level. When these sentiments eventually reach politicians, they respond with new policies in order to appease their constituents. Not surprisingly, a majority of Latino immigrants are non-citizens and cannot vote. Furthermore, when these immigration policies are hastily assigned to policy players, like police or social workers, without adequate explanation or supervision it results in poor policy implementation.

In Chap. 3, Rodolfo Espino examines politics. Latino voters have long been termed the “sleeping giant” of American politics with the potential to alter the American political landscape. For the most part, however, Latinos have been the objects of political campaigns rather than the agents of political change. Dr. Espino presents results from a survey of Latino voters in Arizona that give voice to this growing segment of the electorate and shed light on how partisanship and immigration politicking influence the turnout calculus of Latino voters.

In Chap. 4, Robert Donnelly examines state-level immigration-related legislation. In the face of perceived federal ineffectiveness on immigration, states are more aggressively considering immigration-related legislation. The number of bill introductions involving immigrants rose from 570 in 2006 to 1,169 in 2007, then to more than 1,400 for the first half of 2009 and 1,374 for the first half of 2010. A large percentage of the bills remain in committee or never make it to a floor vote, but their presence and debate in legislatures across the country still suggests a widespread dissatisfaction with federal policy. Many of the bills also appear motivated by so-called nativist fears of immigrants stealing jobs, exploiting social services, and unsettling long-standing socio-cultural paradigms. Not surprisingly, the growth in legislative debate also has tracked the strong increase in this decade of Latino settlement in so-called “non-traditional” regions, such
as the South, the Midwest, and the metropolitan suburbs, although the border state Arizona, with a historically large Latino population, was its most prominent exponent in 2010. In fact, for first-half of 2010 immigration-related bill introductions were distributed in all of the 46 assemblies then in session, with 44 legislatures actually approving legislation. (It should be noted that not all immigration-related legislation should be termed “anti-immigrant,” with some legislation funding, for example, municipal integration initiatives or citizenship drives for eligible immigrants).

The issue of state-level immigration-related legislation is an important one. As the Arizona case shows, such legislation can cause disruptive constitutional conflicts with the federal government; create new policy and enforcement challenges, especially for local police; and makes entities more vulnerable to the threat of civil litigation. At the same time, it is unclear if the risks of such legislation outweigh the benefits, if the fiscal improvements claimed by sponsors are actually perceived, or if the driving concerns about immigration policy are, in the end, adequately addressed.

This chapter will analyze state-level immigration-related legislation in the United States. It will examine the legislation by subject-matter and by geographical provenance, seeking to establish trends and draw conclusions. The chapter will also look at the promotion and motivation of such legislation from sources both internal and external to the states in question. It will close by discussing immigration-related political discourses and their saliency and impact ahead of the 2012 general elections.

In Chap. 5, McDowell and Provine illustrate how journalists and other observers often portray Arizona’s SB 1070 as a product of the state’s “frustration” with federal inaction in controlling the flow of unauthorized immigrants into the state. This characterization suggests that Arizona had assiduously pursued every avenue available to make its concerns known to federal authorities before finally adopting SB 1070. This study tests the “frustration” hypothesis. We look at Arizona’s participation in a highly accessible avenue for communication between states and the federal government: Congressional hearings called to hear state and local perspectives on the impact of unauthorized immigration. We examine Arizona’s voice in these hearings over the two decades prior to the adoption of SB 1070. This study shows that Arizona had relatively little to say about unauthorized immigration over these two decades, and that it gave no warning that it was contemplating a comprehensive enforcement-only law of its own. SB 1070 emerges, not as a product of frustrated conversation with the federal government, but rather as a pre-emptive strike designed to advance local political careers and to move the national immigration debate in an enforcement-only direction.

In Chap. 6, Santos, Menjivar, and Godfrey examine the effects of SB 1070 on children’s wellbeing. Specifically, it focuses on the relationship between children’s awareness of SB 1070 and how they identify ethnically, their perceptions of discrimination, and ultimately how all this affects their wellbeing. Empirically, the chapter is based on data collected from 726 middle school children in the Phoenix metro area. Importantly, this examination allows us to see the reach of this law
(and the effects of simply having passed), as the majority of these children are U.S. citizens and are at a crucial stage of development when identities are formed and a sense of the self is developed.

In Chap. 7, Plascencia, examines the conceptual and juridical genealogy of the core policy formalized by the enactment of Arizona’s SB 1070 on April 23, 2010: attrition through enforcement. This Chapter provides a brief historical and contemporary context for the multiple efforts by states and municipalities to regulate migration and migrants through various ordinances. The majority of such efforts are aimed at Latino migrants in general, and Mexican migrants more specifically. The essay traces the importance of the Department of Justice, Office of Legal Counsel’s April 3, 2002 Memo in promoting the idea that states and local governments have an “inherent arrest authority” to stop and arrest persons suspected of violating federal immigration laws. It is argued that the broad support for the concept of attrition through enforcement and local efforts to enforce federal immigration law can be interpreted as part of ongoing states of despair and anguish about the nation, about membership and belonging. In other words, the despair appears to be part of socio-political anxieties about the circle of membership in the present and future of the nation. Three core elements are examined: a fear of a loss of a presumed mono-cultural nation, a fear about the future racial/ethnic composition of the United States, and the prominence and political status of the increasing Latino population. The essay suggests that the strategy of attrition through enforcement represents an approach that effectively integrates, depends on, and fosters such anxieties.

In Chap. 8, Lara-Valencia and Fisher explore the pattern of spatial distribution of informal day labor activity in the Greater Phoenix area focusing particularly on the social composition of the surrounding neighborhoods to draw several conclusions. First, day labor activity is an informal employment modality performed mainly by undocumented immigrant workers. Second, day labor activity tends to concentrate within or near neighborhoods with a high density of foreign-born population. Third, the geography of day labor activity reflects the sheltered nature of ethnic spaces that reduce the vulnerability of the most exposed class of immigrant workers. The analysis rests on data collected through mixed research methods and applies spatial statistics to develop a typology of day labor hiring sites based on socio-spatial elements. This typology is used to comment on recent state and local policies toward immigrants in Greater Phoenix.

In Chap. 9, Aguila and Lee, illustrate how the Mexican government has aggressively sought to solidify its relationship with its expatriate community in the United States. The primacy of this objective has resulted from many historical legacies that have intensified in recent years, especially the size of the expatriate population and Mexican public opinion that no longer views emigrants as vende patrias, but as victims of an imbalanced bi-national economic system and failed public policy. This relationship dates back to the 1848 signing of the Treaty of Guadalupe Hidalgo, when Mexican authorities commissioned various agents in the ceded territories to implement repatriation projects for Mexican citizens wishing to return home to their native land.
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