

Case 9

“Papers, Please.”

On April 23, 2010, Arizona Governor Jan Brewer signed AZ 1070 into law. AZ 1070 (modified one week later by HB 2162) requires that police officers who, upon stopping someone for any other suspected legal infraction, “reasonably suspect” that their subject is in the country illegally, to demand proof that the subject is in the U.S. legally. Those who cannot show documentation of legal entry (e.g., valid state driver’s license, H-1B visa, etc.) will be arrested and detained until their status is clarified; those unable to provide documentation will be fined up to \$100 and may be jailed for up to 20 days. AZ 1070 also prohibits hiring workers from the back of a truck, and fines employers \$1,000 if they are caught doing so.

Because immigration policies and practices have implications for international relations, immigration policy is solely the province of the national government. However, the federal government has been unable (or unwilling) to stem the tide of undocumented immigrants: To date an estimated 12 million foreign nationals illegally reside in the U.S. While these immigrants originate in many countries, those in Arizona are primarily Mexican and Central American. Arizona is home to an estimated half million undocumented immigrants—who comprise roughly 10% of Arizona’s population.

Recruited by employers in the agricultural and construction industries in the Southwest, tens of thousands of Mexican citizens cross into the U.S. each year. So large an influx of workers (many accompanied by their families), employed in businesses that have higher-than-average health risks, has strained the Arizona public education and healthcare systems, already reeling from lost tax revenues resulting from the current recession. Further, because undocumented aliens are typically willing to work for much lower wages than American citizens, the immigrants are preferentially hired over the many Arizona citizens left unemployed in the presently struggling economy.

In short, supporters of the bill hope to reduce the influx of illegal immigrants and the drain on their tax-supported services, and improve employment opportunities for legal residents. They are hopeful that the bill will reinvigorate national efforts to enforce and/or reform immigration policy.

Critics of AZ 1070 accuse the state of scapegoating a vulnerable population, blaming them for aggravating the current economic downturn of the state. Critics’ greatest concern, however, is that the law virtually insures racial profiling of persons of color: first, the vast majority of undocumented aliens in the United States are Mexican; second, the law does not articulate any characteristics or behavior that would constitute or even merely raise “reasonable suspicion” of undocumented status. The latter void suggests that no one may be “reasonably” suspected and, thus, no one may be “reasonably” detained. The former fact suggests that only dark skinned people will be stopped—effectively singling them out because of race. Thus, even if the motivation for AZ 1070 is not racially motivated, its application will invariably be race-based.

In response to AZ 1070, many persons, organizations, and cities have denounced the law. President Obama worried that the bill is antithetical to American goals and values; and Mexican President Calderon described the law as a violation of human rights. The Los Angeles City Council voted to cancel any contracts with Arizona and its cities, and many other cities across the nation are considering similar actions. Organizations are considering relocating their conventions outside the state, and individuals are changing vacation plans to avoid Arizona. Long-distance truckers are looking at changing routes to circumvent Arizona. Such actions are likely to aggravate Arizona’s fiscal woes rather than the reverse, as the bill’s supporters anticipated.

Opinion polls show that approximately one-half to three-quarters of those polled favor at least some aspects of the law. Many respondents cite the failure of the federal government to address immigration effectively, and increasing demands for tax-supported services in the face of decreasing tax revenues.