

Fed sues to block Arizona immigration law: The state reacts

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Highlight: The Justice Department filed suit Tuesday against Arizona, charging that the state's new immigration law is unconstitutional and requesting a preliminary injunction to stop the legislation from taking effect.

Body

The Justice Department filed suit Tuesday against Arizona, charging that the state's new immigration law is unconstitutional and requesting a preliminary injunction to stop the legislation from taking effect.

Terry Greene Sterling, a freelance journalist who has covered immigration in Arizona and is the author of "Illegal: Life and Death in Arizona's Immigration War Zone," was online Wednesday, July 7, at 1 p.m. ET to discuss the lawsuit and reaction in the state.

Sterling has reported from Phoenix for over 25 years, and was a staff writer for the Phoenix New Times for 14 years. She is a contributor for The Daily Beast, and Writer-in-Residence at the Walter Cronkite School of Journalism and Mass Communication at Arizona State University. She tweets @tgsterling and blogs about immigration in Arizona at terrygreenesterling.com.

Terry Greene Sterling: Welcome.

My name is Terry Greene Sterling. I have been an Arizona journalist for about 25 years.

A bit of context: My extended family lived on both sides of the border and I learned Spanish when I learned English. I began covering immigration in Arizona in the early 1990s and continue covering it today. My nonfiction book, which was published this month, tells the stories of unauthorized immigrants hunkering down in the Phoenix area, and their friends and foes.

Arizona is the epicenter of the national immigration debate, in part because it has passed a series of controversial immigration laws that are tested in courts and copy-catted in other states. SB 1070, slated to take effect July 29 barring a court injunction, is the most controversial law to date.

On Tuesday, the U.S. Department of Justice filed suit, hoping to stop the law from taking effect.

As usual, Arizonans reacted strongly to this latest move. I am no lawyer, but I can tell you a bit about what people here think of the law, pro and con, and how they've reacted to the Justice department lawsuit. We can talk too, about some of your concerns about illegal immigration, the border, and Arizona politics.

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Let's chat.

East Lansing, Mich.: Are the real issues here the crippling poverty in Mexico and the lack of "Big Government" or really effective government that people trust? The fact that people on both sides make a quick buck on drugs and guns and forced labor and whatever else isn't going to be one law or another.

I mean my neighbor is staying in the USA on an expired student visa, but are you telling [me] he's the same issue as the problems along the border of Mexico?

Terry Greene Sterling: Thanks for your thoughts on this.

About 40 percent of the approximately 10.8 unauthorized immigrants currently thought to be in the United States entered the country with visas and then, like your neighbor, stayed after the visas expired.

Is it better to use resources to root out drug dealers and other criminals in the country illegally, or to spend money and manpower processing all undocumented immigrants without regard to criminal status? This is a question that will be debated in the Justice Department case filed against Arizona over SB 1070.

Washington, D.C.: Why doesn't the media call the Dems out a little more on what this is...pandering to a group of people they hope to be future voters? The new Arizona law mirrors the fed immigration law, as people's status can only be asked once they have committed another crime. Yet, when you hear this law debated in the media, you never hear this party? You hear things like...they can be stopped on a street corner for nothing. This isn't true. Why doesn't the media correct this at all?

Fact: The Arizona law mirrors the fed law. So, I get that Dems don't want to enforce our immigration laws at all, regardless of the affect in the legal American citizens, but how can they get away with it?

Terry Greene Sterling: Your contention that SB1070 mirrors federal immigration law is widely disputed and will be argued in U.S. District Court in Phoenix, as the Justice Department and others allege SB 1070 actually interferes with federal immigration law.

Chandler, Ariz.: I hope the ODJ challenge is successful because this law places every law enforcement officer in the position of deciding who looks and acts like an illegal immigrant versus who looks like and acts like an American citizen. When they make a mistake, either way, the officer can be sued. What will be the incentive for officers to enforce this law?

Terry Greene Sterling: Many other Arizonans, especially Latinos, share your concern.

SB 1070 allows Arizona residents to sue the employers (counties, towns) of law enforcement agencies for not enforcing immigration laws.

I don't believe the law allows residents to sue the actual police officer, bur rather the employer of the police officer.

Rockville, Md.: Hello,

Do you think or feel that other countries view the U.S. as not having our act together? I've lost a lot of respect for Obama and the U.S AG office for pursuing this. It's just grandstanding and the world is watching.

Thank you.

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Terry Greene Sterling: You've brought up a good point.

Arizona's law has offended Mexico, which filed an amicus brief in one of the lawsuits seeking to stop SB 1070 from taking effect.

The Justice Department lawsuit alleges the Arizona law has impacted relations between the United States and other countries.

Some say the lawsuit is grandstanding, others say it is part of a valid constitutional fight.

Arlington, Va.: In his speech two weeks ago President Obama regularly mixed up the terms immigrants and illegal immigrants; other than a few whackos I don't know many who oppose immigration -- but a clear majority of the U.S. population (if you trust the polls) oppose amnesty for illegal immigrants. Why didn't the media call him out on this?

Terry Greene Sterling: What polls do you cite?

Newport, R.I.: RI already has a law in place similar to Arizona's where police officers who in the course of their duties (traffic stops, etc.) report those who they identify as being in the country illegally. Why didn't DOJ sue R.I. months ago? Picking on Arizona because of Republican leadership?

Terry Greene Sterling: I can't speak to the RI law, but the Arizona law makes it a crime to be in the country illegally. Does the RI law also criminalize immigrants for being in the country illegally? Another difference might be that under SB 1070 Arizona law enforcement officers are required to enforce immigration law when lawfully stopping, detaining, or arresting people they "reasonably suspect" of being in the country illegally, when practicable. If the law enforcement officers don't do this, the law says Arizona residents can sue their employers, the cities and towns and counties.

Phoenix, Ariz.: Terry -- how much would it cost to deport the undocumented immigrant population?

Terry Greene Sterling: Ah. Good question.

Short answer, I don't know.

But you bring up a good point. The costs associated with the implementation of this law are pretty much unknown. Proponents argue that the money saved in educating children (US citizens and undocumented kids) of the unauthorized immigrants will save the state money, but those who oppose the law say costs associated with enforcing the law, processing immigrants, jailing some, would be prohibitive. Others argue that the state would have difficulty recovering from the recession with a diminished workforce.

San Diego, Calif.: Saying that arresting criminals "interferes" with the enforcement of the law is interesting legal theory. Would Arizona now be justified in announcing that they will make no effort to arrest anyone trying to assassinate President Obama because to do so might "interfere" with the Secret Service?

Terry Greene Sterling: The debate as I read it centers on whether it is wise for Arizona to criminalize economic immigrants, who aren't criminalized under federal immigration system, or whether scant resources should be spent on going after undocumented immigrants who commit crimes like murder, drug dealing, human smuggling, etc.

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Pittsburgh, Pa.: If the new law goes into effect, at what point can a U.S. citizen or legal alien living in or visiting Arizona bring charges of harassment if s/he feels that s/he has been questioned too many times? Or is there no redress in such cases? I can imagine some "illegal-looking" legal folks getting really fed up after a while; I know I certainly would.

Terry Greene Sterling: In Arizona, lawsuits alleging racial profiling during the enforcement of other state immigration laws have been filed. They're winding their way through the courts.

Arlington, Va.: Doesn't Mexico have a markedly more aggressive policy on illegal immigrants, both in actual law and enforcement? Isn't opposition from that country thus sort of hypocritical?

Terry Greene Sterling: You aren't alone in your thinking. Quite a few people in Arizona agree with you.

Re: "reasonably suspect": Ms. Sterling, the supporters of this bill claim it doesn't allow racial profiling, but never clearly explain the criteria law enforcement officials are supposed to use to "reasonably suspect" someone is in the country illegally. Based on the provisions of the law, how are law enforcement officials supposed to determine that?

Terry Greene Sterling: This is a great question. I found the answer in a training video for the Maricopa County Sheriff's Office. In this video, Kris Kobach, the lawyer who helped craft SB 1070, details what "reasonable suspicion" entails. You can find that video on the website of The Arizona Republic. You'll have to hunt around a bit, but it is there. According to the video, more than one factor has to be considered for reasonable suspicion to occur. The factors include demeanor, accent, appearance, location, traveling companions and a slew of other factors. I urge you to look at the video.

Washington, D.C.: Please correct peopleyou must be detained for another crime before your immigration status is asked about! There is no stopping people on the street!

Terry Greene Sterling: As I understand it, a law enforcement officer must lawfully stop, detain or arrest a person before reasonable suspicion kicks in.

The stop can be for violation of a city ordinance, like misusing a leaf blower, or for a big crime, like murder.

Honestly, since the law hasn't kicked in yet, the whole stopping on the street thing is hotly debated in Arizona. The Arizona Capitol Times recently published a story discussing the stopping on the street issue.

Hanover, N.H.: Newport is wrong.

Rhode Island wants to pass a law similar to Arizona but it's being debated within the State House.

Terry Greene Sterling: I didn't know that.

Phoenix, Ariz.: What impact has NAFTA/globalization had on immigration?

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Terry Greene Sterling: Many argue that enactment of NAFTA caused a surge of illegal immigration into Arizona from Mexico because many Mexican farmers could not compete with low-priced American agricultural products.

Re: "grandstanding": For what it's worth, it seems a little inconsistent to accuse the Obama administration of "grandstanding" with this suit and also cite that most poll respondents support the bill. Who grandstands by doing something that most people oppose?

Terry Greene Sterling: That is an interesting point.

Many believe the constitutional issues need to be resolved in court.

Phoenix, Ariz.: Do the illegal immigrants you interviewed for your book care that they are breaking the law?

Terry Greene Sterling: Yes.

Just curious: Since there seems to be financial liability for employers of police officers, i.e., towns and the state force, won't that compel officers to go above and beyond in a way that could court a different kind of lawsuit? Arizona already spends quite a bit of \$\$ paying out to mistreated prisoners in the Arpaio tent system.

Terry Greene Sterling: In Arizona, many law enforcement officers take offense to the idea that they will racially profile while enforcing SB 1070. They say they know their business and wouldn't do this.

Some lawsuits alleging racial profiling by law enforcement officers enforcing other Arizona immigration laws are currently winding their way through the courts.

And yes, it is expensive.

Arlington, Va.: Ms. Sterling, I throw this question out to those supporting the Arizona bill but also to you based on your reporting and interviews with similar people. What is an acceptable level of illegal immigration for these people? None? Much lower than current totals? How far should the federal government go, in terms of financial, legal and human resources, to reach that level?

Terry Greene Sterling: You've gotten to the heart of the immigration debate.

The Federation for American Immigration Reform would argue that very low levels of immigration are acceptable. The proponents of comprehensive immigration reform argue that a flexible system that responds to the changing needs of employers would be best.

Most groups in this debate agree that illegal immigration is not acceptable.

Silver Spring, Md.: Read Crosby v. National Foreign Trade Council, 530 US 363 (2000): State law is preempted by Federal law if Federal law was intended to "occupy the field" of the law -- if its sphere of influence was meant to be primary, like the National Labor Relations Act. What this means is that even if Arizona law and Federal law were identical (which they are not), Arizona still cannot enforce their own immigration law. People who say that Arizona should enforce Federal law when the Federal Government chooses not to do not know what they are talking about.

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Terry Greene Sterling: An interesting point, and I'm sure it will be argued in the federal courts.

Mt. Rainier, Md.: Arizona enforcing federal immigration law? Why is it that no one else seems to get how bizarre this is? What's next -- Arizona wants to pass laws regarding international trade, wants to boycott goods coming from specific countries, wants to form an international treaty with Uzbekistan? How about Arizona creates its own Nuclear Regulatory Commission, or enlists its citizens in the Arizona Air Force?

Terry Greene Sterling: A good many Arizonans agree with you.

Phoenix, Ariz.: I think it's important to say to the rest of the country that SB1070 didn't come from a vacuum -- it's an issue that's been simmering for 30 years now. And, a reminder that strong border and drug enforcement in other states have funneled the immigration and violent cartel traffic through the Arizona corridor. Arizona is taking a punch that other states aren't. SB1070 is a badly thought-out reaction to that.

Terry Greene Sterling: Thanks for the context. We shouldn't forget that illegal immigration has been "funneled" through the Tucson Sector by strong enforcement policies in Texas and California.

Drug violence is rampant in Mexico, with more than 23,000 dead since Calderon unleashed the Army on the cartels in, I believe, 2006.

Many politicians say the Arizona border is increasingly violent, but FBI statistics and DHS data do not substantiate those claims.

Out West: I've read a couple of places that Arizona is planning to debate a bill that will deny birth certificates to children born in the U.S. whose parents are illegal immigrants. Is that true? Not being a lawyer, how would they reconcile that with the Constitution?

By the way, I hope it's only ridiculous rumor.

Terry Greene Sterling: It is not a ridiculous rumor.

State Sen. Russell Pearce, who sponsored SB 1070, announced that he is considering sponsoring legislation that will deprive children born in Arizona of birth certificates if one or both parents are unauthorized immigrants.

Get ready for another court battle on this one, if it passes.

Differences: Should we distinguish between illegal immigrants that come in to the states to work and people that come here to smuggle drugs and people in and money and guns out? I know that it's all illegal but shouldn't more emphasis be placed on dangerous criminals?

Terry Greene Sterling: Again, this is at the center of a key disagreement over Arizona's law, which criminalizes unauthorized immigrants for being in Arizona.

The Justice Department and others argue that the law interferes with federal policy focusing on the bad guys, like drug smugglers and human smugglers and murderers, and not on the economic immigrant who would be ensnared in the 1070 web.

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New Haven, Conn.: Why has Arizona become the main gateway for illegal entry into the U.S. Why not Texas, or New Mexico or California?

Terry Greene Sterling: Arizona is the main gateway for illegal immigration because enforcement of the border in Texas and California "squeezed" immigration through Arizona.

Maryland: I have long suspected that Arizona's law is really a proxy for bashing Hispanics regardless of their immigration status, and not just because Gov. Brewer makes the racist claim that most illegal immigrants from Mexico are drug mules. Most of the supporters I've met rant about the U.S. being increasingly Hispanicized, or about becoming a minority themselves.

Despite all the safeguards allegedly built into the law, it will amount to police stopping anyone who looks Hispanic. It's not unreasonable suspect that the subconscious intent of the law is to make Arizona less hospitable for Hispanics, even ones whose ancestors lived there before there was a United States, and it's also not unreasonable to foresee a return to the sundown town days except with a different target.

Even if we take the Arizona politicians at their word that they want stronger enforcement for immigration, do you think they're taking the wrong approach by focusing on the illegals themselves? My stance is that no amount of border security will be effective enough. Instead, we should crack down on the employers who hire (read: exploit) illegal immigrants, relax the quotas for legal immigration and make it easier to obtain citizens. Would you support such a strategy?

Terry Greene Sterling: What always amazes me about Arizona is the difference in the ways SB 1070 is perceived by Hispanics and non-Hispanics. Many Anglos don't see what the big deal is, while U.S. citizens of Hispanic origin are deeply wounded and offended by this law. They liken Arizona to Alabama during the civil rights battles of the 1960s.

I see SB 1070 as emblematic of a fight for America's identity.

Squeeze?: "...Texas and California "squeezed" immigration through Arizona."

So why can't we use the same techniques to squeeze and eventually shut down illegal immigration through AZ? How many of the 1200 Nation Guard troops promised by the President are on duty in AZ?

Terry Greene Sterling: Good question.

DHS contends border is more secure now than it has ever been. Illegal immigration is down overall. So one argument is that enforcement is already taking place.

Tampa, FL: To me, undocumented workers are invitees, here at the clear request of American business. Our nation's business establishment has hung a giant sign at the border that reads "Help Wanted, Apply Within, No Questions Asked" (in Spanish, of course). There will be no progress on the alleged problem of undocumented workers until that sign comes down.

In the meantime, I can't blame them for coming here. I can blame the businesses that hire them: agriculture, construction, hotels, restaurants, cleaning, just to name to biggest employers of undocumented workers.

It's real simple: Hire them and they will come.

So tell me: how aggressively does Arizona go after employers of undocumented workers? Does Sheriff Joe Arpaio go after them?

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Terry Greene Sterling: Arizona's Employer Sanctions Act to my knowledge has only slapped the wrists of two employers, one of which no longer did business in Arizona. But the law has been used by the Maricopa County Sheriff to conduct raids of businesses, and arrest undocumented workers. The workers are charged with felonies stemming from not having valid papers, and serve time in jail. They then contest their removal from USA or sign papers agreeing to removal.

WDC: Crossing the border without authorization is a misdemeanor, not a felony. This act is equivalent to being charged with public intoxication. So, folks need to realize that in the eyes of the law, crossing the border and entering without inspection is not really that big of a deal.

Terry Greene Sterling: Good point.

FBI/DHS?: "...FBI statistics and DHS data do not substantiate those claims." You live in AZ -- how dangerous is the border area? What about the warning signs posted by DHS warning that the border area was dangerous?

Terry Greene Sterling: The claims of violence in Arizona's borderlands don't square with the data. This is not to say there isn't violence in the borderlands. The point is, reports of beheadings and drug cartel violence are not substantiated in the crime data.

washingtonpost.com: Here's the training video Terry referenced above.

Fairfax, Va.: Dear Ms. Greene --

I have several questions about the Arizona Law that I have not seen/heard the MSM address. - Under the Arizona law, if I am stopped and asked about my status and I say, I am a U.S. citizen, will the officer say, "Thank you sir, have a nice day," or will I have to prove it? I (and I think most other citizens) normally don't carry proof of citizenship with them when they go out.

- What is the nature of reciprocity here, i.e., if I were to enter Mexico illegally and asked Arizona-type questions, what would happen to me?

- (and last) Do illegal immigrants typically carry no documents of any kind, or do they tend to carry passports from their home country?

Thanks

Terry Greene Sterling: The officer would have to have reasonable suspicion that you are not a US citizen before he asks for your documents.

In Arizona, most undocumented immigrants are Mexicans, and they typically carry their Mexican ID cards that they get from the consulate, and Mexican driver licenses.

Terry Greene Sterling: Thanks for joining me. We had a good number of questions, and our time ran out before I could chat with all of you.

I'm signing off now.

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