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Debating Immigration: Arizona's Controversial Response to Illegal Hispanic Immigration

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MODERN HISPANIC IMMIGRATION IN AMERICA: WHAT WE ARE SEEING
AND WHAT TO EXPECT

A Capstone Experience/Thesis Project

Presented in Partial Fulfillment of the Requirements for

the Degree Bachelor of Arts with

Honors College Graduate Distinction at Western Kentucky University

By

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* * * * *

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2012

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ABSTRACT

Hispanic Immigration into the United States is no new phenomena. What is new in regards to this immigration is the strict measures being taken by various states where Hispanic immigration is most prevalent. These laws are proving to be arbitrary, punitive, and unethical. Arizona was the first to pass a “stop policy” on immigration with Senate Bill 1070. This bill does not aptly address the many push and pull factors that have caused this immigration; push factors being factors that will drive people away from Latin America, and pull factors being factors that attract them to the United States. Likewise, it does not reflect traditional American values towards immigrants, take acceptable legal procedures to reach its supposed ultimate goal, nor levy appropriate punishments. A thorough analysis of this bill will show that the provisions of this bill are unethical and unconstitutional.

Keywords: Hispanic, Immigration, Arizona

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There are many people to thank for this project. My inspiration to cover such a subject came from my hometown and my family. Growing up on a horse farm in Paris, KY, just outside of Lexington, drew a large Hispanic population to our area. Our family has grown rather close to the Hispanic community which has sadly, and consequentially, given us insight into the tribulations that Hispanic-Americans are subject to under law. My mother and father instilled in me the ability and the necessity to recognize human mistreatment despite my otherwise conservative views that are unfortunately associated with the intolerance of immigrants. My family resembles how we should treat people, and how America should be, which is why I chose to tackle this bill. I cannot thank them enough for their support through my upbringing, my collegiate career, and this project.

Secondly I would like to thank my advisors Dr. Kash and Dr. Murphy on this project, especially in the many cases where I lacked diligence and punctuality. Dr. Murphy has always been the most helpful advisor he possibly could be, which has even included circumstances most collegiate advisors probably never have the unfortunate opportunity of coming across. So to Dr. Murphy, Dr. Kash, the faculty at the Honors College, and all of my family and friends, I thank you from the bottom of my heart. You should certainly all feel a sense of contribution to this project.

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CHAPTER 1

INTRODUCTION

Hispanic immigration into the United States is no new phenomena. However, the occurrence of Hispanics crossing the border, both legally and illegally, has risen in frequency over the past century. Immigration rates in and of themselves, though, are no longer the focus of the issues surrounding these immigrants. What has become the primary concern surrounding Hispanic immigration in the United States is how several states have altered or created strict and potentially unethical immigration laws. The world is increasingly globalizing and growing more interconnected daily through the integration of economies, cultures, and ideas, but the integration of people has not cleanly followed. If anything it would appear that the movement of people is actually working against globalization. Globally there are issues with how developed countries treat foreign immigrants, most of which is written off on the fact that they enter illegally, are supposed economic drains, and are potential threats to the native culture. Fear based in ignorance and prejudice often lead to the incorrect labeling of immigrants as national threats in these regards. Human rights abuses often arise from the unfavorable treatment of immigrants, and we simply do not see what we would expect from our modern world in regards to the integration of people. Even USA, the self-proclaimed beacon of light in regards to human

rights, has failed as of late to levy proper treatment in many regards towards its Hispanic immigrants. Arizona serves as the benchmark for implementing these immigration “stop policies” by being the first state to sign into law such legislation in 2011.

After decades of what states, including Arizona, saw as inefficient action on behalf of the federal government towards immigration, federal lawsuits by states began to appear in the 1990’s. Ultimately these sentiments would build up to the anti-immigrant bills that are being passed today. But while Arizona and other states may view immigrants as tremendous drains on the economy, this drain is not as dramatic as they have drawn it out to be. While in 2005 and estimated \$20 billion was sent to Mexico in remittances, according to the Center for United States and Mexico Immigration Analysis, this is countered by multiple other factors. Immigrants are still paying into the system by way of sales taxes through purchasing American goods and services, and they often contribute through formal taxes as well, though they are filed under aliases. In 2002 alone \$6.4 billion was put in a “suspense fund” created by W-2 forms filled out by illegal immigrants with false social security numbers. Further, they are not draining our welfare system because they are ineligible for most of the programs. The advantages America has gained over Mexico from NAFTA should also serve to balance the scale. (“Quick Facts”) With this in mind, as well as other factors that will be laid out, this paper will demonstrate this law, Senate Bill 1070, as little more than an act of scapegoating, an improper assessment of the

immigration circumstances as a whole, and the outright unethical treatment of Hispanics.

This project will be split into three sections. First, the push and pull factors causing this immigration will be thoroughly explored and analyzed; push factors being factors that will drive people away from something, and pull factors being factors that attract people to something. The next section will define fundamental American values regarding immigrants and human rights based on both historical and modern doctrine and rhetoric. The third section will feature the comparison of the Arizona law with the aforementioned push and pull factors in order to see how aptly the law addresses the root causes for immigration; likewise, SB 1070 will be compared with the American values put forth in order to highlight what I believe to be a stark contradiction with those values.

Whenever applicable, legal and constitutional challenges raised by the law will also be explored throughout the paper. A final summation and verdict on the overall efficiency and ethicality of the law will conclude the paper. As the law does not address the root causes of immigration, or accurately reflect American values, it is deemed ultimately an inefficient law that was introduced out of fear, ignorance, and prejudice towards the Hispanic community. For these reasons it is in need of change or retraction.

CHAPTER 2

THE ROOTS OF IMMIGRATION

The 2010 US Census Bureau defined Hispanics, or Latinos, as “a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race” (Humes, Jones & Ramirez, 2011). This broad definition in and of itself reflects the scope of the immigration issue. For Arizona the focus is primarily on Mexicans, since Arizona’s southern border is shared with Mexico. Other Hispanics are not excluded from the provisions of this bill, though. Based off the findings of a survey done in spring 2009 by the Pew Research Center in which 1,000 respondents were surveyed, and filed under the Pew Global Attitudes Project of the data archive, I have come to posit the existence of a relationship between push and pull factors driving Mexicans into America, legally and illegally, to the tune of about 10.2 million undocumented immigrants a year, about 1.7 million of which are children. (Boehm) Pull factors drawing Mexicans into America are many, and appear in numerous different forms. The hope of a more financially secure future, as well as a more stable government and society are certainly major factors in creating this pull of Mexicans towards the United States. On the other side of that coin, push factors are also extant that drive citizens out of Mexico and into the United States. This rise of cartels and their associated problems of drug trafficking, drug crimes, and

police and political corruption continue to make Mexico less appealing to its citizens. These push and pull factors can all essentially be categorized into either social or economic reasons to migrate. From a very basic standpoint, the US is more inviting than Mexico in that Mexico's per capita GDP of an estimated \$13,485 is much lower than the USA's \$46,400, and on the Human Development Index rankings of 177 countries in 2005, the USA ranked 10th, and Mexico ranked 53rd. (Pulsipher, and Pulsipher 170) (Human Development Index: Mexico - Going Beyond Income) (Background Note: Mexico) (World Fact Book: United States)

The United States is currently supporting a "war on drugs" in Mexico, and throughout South America. The profound effects that drug cartels have on involved countries cannot be overlooked or understated. The overwhelming power that various cartels have risen to can be compared to the Al Capone era in Chicago, or even, in some regards, feudalistic regimes of old in that the heads of cartels can be comparable to lords and nobles who sometimes controlled more than the king himself. Violence among these cartels has risen to unprecedented levels. Formal statistics suggest that the murder rate in Mexico is roughly 14 per 100,000; however, educated estimates on the number of murders that aren't recorded place the murder rate in Mexico more to the tune of 26 per 100,000 people. ("Under the Volcano", 29) Drug-related murders have risen from roughly 2,275 in 2007 to an estimated 6,587 in 2009. (Kellner and Pepitone) As cartels grow more prone to violence, their weapons are updated to meet their bloodthirsty desires. Cartels and other paramilitary groups often outman and outgun local

officials. This has so often been the case that officials are becoming increasingly more hesitant to intervene in cartel related occurrences out of fear for their own lives. These cartels grow bolder by the day, and shootouts with the police are not uncommon, nor is it uncommon that these end in the favor of the cartels. Out of this fear, and the sheer power that cartels have over the police, many policemen sell their loyalty to the cartels to preserve their own interests. (“Under the Volcano”, 30) This leads one to conclude that the problem, then, rests in the internal workings of the police overall. The Mexican police are notoriously easy to be bought out, and usually for a cost that is next to nothing for the cartels. This could be due to the low income of a policeman, which is about \$350 a month in Mexico, along with the resounding feeling that the war against the cartels is a futile effort. (“Under the Volcano”, 30) The police join them because they can’t beat them, which highlights the social turmoil present in Mexico. These factors clearly create an urge for Mexicans to migrate to the United States. Frequencies were run to assess how big of a problem crime and illegal drugs were in Mexico. The results were astounding. 81.2 percent of valid respondents saw crime as a very big problem in Mexico, and 16.6 percent saw it as a moderate problem. 73.7 percent responded that illegal drugs were a very large problem, and 22.1 saw illegal drugs as at least a moderate problem. With over 90 percent of respondents seeing both of these categories as problems, there is clearly social turmoil in the Mexico resulting from both of them. Crime, as previously described, is most often associated with the drug trade, so the two issues will be treated as one

entity. As expected, attitudes towards drugs and crime rates play huge roles as push factors for migration. (Table 4 about here)

The economic side of this war is just as ugly. One key fact that seems to have propelled this market into a perpetual state of motion is that the drugs are raised and produced for next to nothing, and then sold for prime prices in the US. For example, processed cocaine is sold for roughly 1,500 dollars per kilo in Latin America, where it is grown, but can sell for about 66,000 dollars per kilo in the US. (Zill and Bergman) With so much marginal profit, it is difficult for authorities to stomp cartels out. When a cartel can lose 90 percent of its goods produced during busts and still make a substantial amount of money off of the other ten percent, that is a business that is hard to stop. Then that money is laundered and transferred to all peoples involved in the Latin American country where the drug originated, predominately Mexico and Colombia. Once that money enters those countries it is spread out by being invested in multiple places, at which point the illegal money gets tied in with legally made money. This high percentage of marginal profit is actually hurting the countries that are home to the cartels. With such amounts of money, cartels are very powerful business forces that can bully their way into any market and be successful because they are backed by their drug money. Ultimately this shrinks markets, cuts jobs, and then focuses the gain of legal money towards the cartels as well. In the end many Mexicans are left to leave desolate lives. Their forced lifestyle will give them a more optimistic view of the US than of their own country, and they will have urges to migrate in order to change their conditions. Mexico suffered economic

and political issues well before the rise of cartel dominance, which accounts for the long history of migration to the United States. This migration, though, has been amplified by the rise of cartels and the added pressure they put on the economy, political system, and society in general.

According to the survey 34.9 percent of valid respondents answered “Yes” when asked, “If at this moment you had the means and opportunity to go to live in the United States, would you go?” This is not a majority of Mexico, but when put into context that is still a large percentage of a country that wishes to relocate. The questions to be addressed are finding out what factors create this urge to migrate. The first variable tested was a very basic question concerning how large of a problem economic problems are in Mexico. Frequency rates show that 75.5 percent of valid respondents saw that the economy was a very large problem, and another 19.5 percent recognized it as at least a moderate problem. There is a distinct correlation between economic struggles and the urge to migrate. (Table 1 about here) There is a wide array of things that may go into labeling an economic problem though, so various possible factors were tested. When paired with the ability to provide for their family, their view of their personal economic situation, as well as their view of the overall economy of Mexico, it was found that economic problems are mostly personal. The view of their personal situation and the ability to provide for their family in terms of healthcare, food and clothing play a much more problematic role than does the overall economy. (Table 2 about here) After finding these results to adequately define the respondent’s definition of an economic problem it can be inferred that

household and personal economic problems are huge factors in one's desires to migrate, as opposed to the overall economic situation of the country. There are also economic pull factors found to be present in various other questions answered on the survey. When asked who the leading economic power in the world was, 55.3 percent said the United States was, followed by China with only 16.3 percent of the vote. Mexicans viewing the US as the leading economic power in the world certainly reaches statistical significance as a factor for immigration. (Table 3 about here) Seeing as how most respondents were reportedly personally deprived economically it is safe to assume that there is a correlation between this view of their situation, their view of America's economy, and their wish to move to be a part of the US economy. It was also found upon further investigation that jobs in and of themselves are pull factors for Mexicans. This does not even mean better paying jobs necessarily, just that jobs are more readily available in the US. The statistics show that 45.6 percent of valid respondents were jobless. Then respondents were asked a question concerning the job retention rate of people they knew who had migrated to the US. Only 40 percent of valid respondents knew of people that could not find a job in the US, while 58.5 percent knew of people that had found a job after migrating. That is a fairly substantial retention rate considering the unemployment rate in America, as well as the number of Mexicans that migrate every year. It is evident by the variables explored that personal economic status has a very distinct role in serving as a motivation for the 34.9 percent of respondents who would migrate.

There is potential for both push and pull factors present in the political realm. Interestingly, respondents were fairly supportive of the national government and Felipe Calderon. 74.9 percent of respondents saw that Calderon's influence in Mexico was good to some extent, and 70.1 thought that the national government as a whole had a positive influence in Mexico. While this is not surprising in that corruption most often occurs with the police, and that does not necessarily reflect a negative attitude towards the government as a whole, it is interesting in that previously 94.6 percent of respondents stated that corruption was at least a moderate problem in Mexico. Corruption, though highly reported and found to be a significant push factor, doesn't seem to lie in Felipe Calderon. (Table 5 about here) Actually there is a negative relationship between Felipe Calderon and reports of corruption, meaning that he is working against corruption, at least in the eyes of the Mexican people. (Table 6 about here) There is a major political pull factor present in President Barack Obama, however. 51 percent of respondents gained a more favorable opinion of the United States upon the election of Obama, while only 15 percent developed a less favorable opinion. 55.4 percent of respondents also said that they had confidence in Obama's likelihood to make good foreign policy decisions. Statistical backing shows a direct correlation between respondent's willingness to migrate and their views towards Obama. There is a strong relationship between desire to migrate and the simple fact that Obama was elected. (Table 7 about here) This factor may not be as strong of a reason to migrate as economic and social pushes, but it is certainly a positive factor in the eyes of the Mexicans. Obama's presidency alone does not

seem to make Mexicans wish to become Americans. It is reasonable to assume, though, that his liberal viewpoints will result in leniency towards immigrants, which will perhaps makes Mexicans more likely to feel safe and secure in their move.

Another factor of immigration to be explored is simply the view of the respondents towards the United States. Logically speaking people will be much more apt to move to a country that they have a positive view of. The power of these sentiments, though, is often overshadowed by the more blatant factors such as the ones previously explored. There is indeed a relatively strong positive correlation between respondent's view of the United States and their desire to migrate. (Table 8 about here) With this being known there needs to be a more clear definition of what comprises a positive view. It was previously mentioned that 51 percent of valid respondents developed a more positive attitudes towards the United States with Obama's election, but surely there are other factors that cause a positive outlook towards the United States. The fact that 55.3 percent of respondents saw America as the leading economic in the world certainly holds some amount of the causation. The fact that 80 percent of respondents claimed that they were dissatisfied with their country also plays a role in forming a positive view of the United States. The drug war affected the respondent's views in both ways. On the one hand crime and drugs both show causation for an overall positive view of the US, likely relating to the thought that America is an escape from it. (Table 9 about here)

A sufficient amount of statistical evidence has been found to support the posited theory that economic factors play heavily into migration. The ability for one to provide for their family and the positive thought towards the US economy serve as the most notable economic push and pull factors. In the social and political realm there is also ample amount of evidence to support the theory that drugs and crime rates are important push factors in terms of immigration. Discrepancies were found in the political aspects though, in that the government of Mexico is not pushing people out, rather, it is America's president Barack Obama that can serve as a factor for drawing Mexicans to the United States. While Obama is a positive influence on the desire for Mexicans to migrate, presumably for his liberal stance that will translate into leniency on immigrants, that does not necessarily make him a more significant factor than crime or economic factors. As for the overall view of Mexican's towards the United States, it is very complex in trying to judge what forms a positive opinion, but it was found that a positive opinion was more likely to make people migrate. In essence, economic difficulties and social turmoil forms a more optimistic view of the United States, which in turn makes people more likely to want to migrate.

CHAPTER 3

OUR AMERICAN VALUES

The arbitrary deportation of Hispanic immigrants is a scenario that, sadly, the American society has seen before. Throughout American history our legislators have been guilty of human right's violations and the passing, as well as enforcement, of unconstitutional laws concerning various ethnic groups. Certainly the unfair treatment of African-Americans up through the Civil Rights Movement can be cited, but that did not deal with immigrants, so it is less pertinent to the case concerning Hispanics. One does not have to look deeply into the history books, though, to find the unfair treatment of immigrants in America. Episodes such as Japanese Internment during World War II, the Communist Red Scare that sparked after World War I and reignited in the years after World War II, and the modern day Patriot Act in response to the 9/11 attacks that targets people of Middle Eastern origins, all serve as reminders that improper treatment can face any society through legal government process, and in fact it is. The internment of the Japanese people marked a period similar in some regards to that of Nazi Germany. Those of Asian descent were not only marked outcasts of society, but often they were put into labor camps similar to those we were condemning in Europe. All was a result of the national threat felt after Pearl Harbor and the relative ease that came in pointing fingers at the Asian population

for the problems present in America. The Red Scare in America showed similar scapegoating circumstances focused on Communists, or at least the potentiality of them anyhow. This again marked a time of a paranoid American society in which everyone was suspicious of one another. The Patriot Act brought into effect due to the attacks on 9/11 is a modern day example, alongside SB 1070, that discrimination and scapegoating is still very real in American society, and is often set in legal pretenses. The idea may seem farfetched since most hold that society has progressed so much in regards to human treatment since those times, but measures being taken in regards to immigration certainly point to the possibility. Arizona was the first state to pass a bill that allowed police to randomly check any suspected immigrant for legal documentation. Now, states such as Alabama and Georgia are passing similar bills that are arguably growing more harsh, strict, invasive, arbitrary and punitive. These new bills bear much resemblance to historical events and reactions by the American government that are now ridiculed through modern eyes. We should still strive to be the most free country in the world in all regards, including basic human rights and the acceptance of immigrants, because that is the premise upon which our country was built and still must stand. American legislators would be humbled to look backwards in order to look forward. Looking at how we have largely moved past the aforementioned times of human rights violations, and looking at claimed virtues both past and present, will be fundamental in the overturning of the unethical articles of SB 1070.

The poem on the Statue of Liberty reads:

"Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name,
Mother of Exiles. From her beacon-hand
Glow world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep, ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!" (Lazarus, 1883)

These words are not outdated, rather they posit a philosophy on which we must hinge our values. These words point to the premise that we are to serve as a beacon of light for the lost, the oppressed, the yearning. It reads, "Give me your tired, your poor", not "give me your wealthy, your white". America is labeled a "Mother of Exiles", not a "Mother of the Selected". Indeed America has pledged refuge to members of all nations, which should logically include those that share a common border. Immigrants from around the world still look to the United States as a safe-haven, and this image must be upheld not only for the sake of

maintaining our integrity, but it is a notion that consistently gives foreign states and peoples a positive outlook on the US, whereas other actions may not always do so.

This notion does not stop at a mere ideal, though. In fact these notions are drawn into our fundamental laws outlined in the Constitution, many of which or broken by SB 1070. The Fourth Amendment, for example, outlines search and seizure procedures. The Fifth Amendment covers trials and punishments. The Fourteenth Amendment covers mostly the rights of citizens, but has clauses regarding all people as well, such as immigrants. The Fifteenth Amendment, while dealing with color and ethnicity as no basis for being able to vote, still alludes to the notion that there should be equality in all of the law regardless of color and ethnicity. So notion of equality is not just an ideal, but it is a very fundamental part of our legal system as well; and though there have been times where this has not rang true that does not take away from the validity and basic premises of the Constitution.

Further, citing the U.S. Department of State, “the promotion of human rights is an important national interest” (Bureau of Public Affairs, 2010). The aims of promoting human rights, domestically and internationally, are outlined by the Universal Declaration of Human Rights. All of the articles can be generally stated as seeking fair and equal treatment of all people everywhere. This general theme should prove most true within our own borders. Altogether this forms the concept of classical liberal ideology that has always been present in America, focusing on the rights of individuals and how they are not to be impeded on by

others or the government. It encompasses the spirit to pursue individual endeavors free of unethical restraint, and to live in a society who at many times may have no commonality other than the lack of commonality and the acceptance of such a notion. Business endeavors are not meant to be heavily impeded on outside of necessary regulations, households are supposed to provide safety, families are meant to be held sacred, a peace of mind is supposed to be had with every step in any setting. This harmonious ideal was put forth on the Statue of Liberty and solidified in the Constitution, and further in the Declaration of Human Rights.

CHAPTER 4

FAULTS IN SB 1070

Crafted by the current Kansas Secretary of State, Kris Kobach, this bill has every intent of removing illegal immigrants from Arizona by any means necessary. Kobach has built a career on his opposition of illegal immigration at all levels of our economy, political system, and society in general. His personal website dons him as the “Defender of Cities and States That Fight Illegal Immigration” and “The Intellectual Architect of the Fight Against Illegal Immigration.” The foundation for his stance on illegal immigration, ultimately resulting in the drafting of Arizona’s SB 1070 is, “Frustrated by the federal stalemate on illegal immigration, cities and states have spent the last few years crafting their own curbs on unlawful residency” (Dokoupil, 2011). “Crafting their own curbs” is nothing more than an indirect manner for describing a loophole. Perhaps he has disregarded the fact that this federal stalemate is present due to Constitutional and legal restrictions against provisions and “curbs” such as the ones featured in his bill. They are as follows:

The short title for SB 1070 is “Support Our Law Enforcement and Safe Neighborhoods Act”. The title alone begins to depict the issue at hand surrounding these immigrants, this society, and this bill. Further, the official

intent of the bill is “to work together to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States”. It pits Hispanic immigrants against Americans in the very title of the bill by very generally and arbitrarily drawing Hispanics out as a threat to our law enforcement and safe neighborhoods, and then it further creates sides by drawing society into these efforts to oust illegal Hispanics. It assumes that all Hispanics will bring their crime and social turmoil into America with them, when in fact they are coming to escape it. SB 1070 contains language that is intended to manifest some sense of righteousness and piety in its provisions by crafting a very negative image of the immigrant. Already there is present a negative shadow cast over Hispanics before the primary provision of this bill is read; already countering our American values towards immigrants seeking a better quality of life. This bill creates a paranoid society where those involved with enforcement are offered incentives to arrest, neighbors are weary of neighbors, and Hispanics are not offered a favorable eye under any circumstances, all of which will be covered in great depth shortly.

Section 2-B reads as follows:

“For any lawful contact made by a law enforcement official or agency of this state or a county, city, town or other political subdivision of this state where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person.

The person's immigration status shall be verified with the federal government pursuant to 8 United States Code Sections 1373(c)."

This provision is complimented by Section 2-E, which reads:

"A law enforcement officer, without a warrant, may arrest a person if the officer has probable cause to believe that the person has committed any public offense that makes the person removable from the United States."

This entitles any law officer to check a suspected alien for papers or authentication regarding the legality of their presence in Arizona. This may be done without a warrant, and under no other circumstances than "reasonable suspicion" and "probable cause" by the police officer. Though this check is supposed to occur during "lawful contact", which would include a process such as being pulled over for speeding, it is clear that this bill allows officers to force that process of lawful contact. Seeing as how there are no codes or guidelines for defining what would lead to reasonable suspicion of one's immigration status, that does not directly include race or ethnicity as a sole premise, these officers are acting off of hunches and racist sentiments, which is not permitted in other types of law. Essentially, these two provision of SB 1070 allow Hispanics to legally be assessed arbitrarily. This racial profiling does not match our American values as a country of refuge. It would seem that these two provisions alone are in obvious contradiction to search and seizure procedures laid out in the Fourth Amendment, as well as to the Fifteenth Amendment's notion of equality regardless of race. Whereas many of these immigrants left their country to flee corruption within the system, and corruption within the police, they have landed in America only to

find similar circumstances. Arizona has created a system where Hispanics cannot trust law enforcement agents, just as they could not trust them in their home country. This is a clear contradiction of American values, a violation of pledged American justice and fair processes, and undermines one of the pull/push factors regarding corruption within the police. This is further exemplified in Section 3-A, which reads:

“In addition to any violation of Federal Law, a person is guilty of trespassing if the person is both:

1. Present on any public or private land in this state.
2. In violation of 8 United States Code Section 1304(e) or 1306(a).”

This is presumably a cover all for the ability of a police officer to deem any Hispanic a suspect of illegal presence, seeing as how public and private land covers every square inch of Arizona. This leaves no place for a Hispanic person to have any sense of sanctity and refuge outside of churches and their own houses, which is again contradicting the Fourth Amendment with impeding on a person’s sense of security by course of unreasonable search and seizure. State governments should not aspire to strike utter fear in the hearts of the largest minority in their state.

There is little in the bill to deter police officers from not checking every Hispanic person that they see. In fact, these actions are promoted by various other provisions of the bill. Repeated language throughout the bill depicts a notion of mercilessness, and actually threatens officials who act “to less than the full extent

permitted by federal law”. This line appears twice in the bill. The first is one that broadly outlaws lessening the provisions of SB 1070, which is Section 2-A:

“No official or agency of this state or a county, city, town or other political subdivision of this state may adopt a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.”

The second appearance of this wording turns the bill around on officials who do not fully support and act upon SB 1070. Section 2-G reads:

“A person may bring an action in superior court to challenge any official or agency of this state or a county, city, town or other political subdivision of this state that adopts or implements a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law...”

That particular provision then goes on to levy penalties towards an official found guilty of acting to less than the full extent permitted by federal law. The threatening of officials at all levels, from police to judges, logically leads to ruthless actions by those officials. This also holds implications for those involved in areas such as public education and hospitals, whose intent in their work is to help, give aid, and promote a better society without bias. Further incentive is found in this legal process aside from the threat towards officials. Section 3-D shows that arrests and assessments of Hispanics actually fund police activity regarding immigration. So the more assessments that are given to Hispanics the

more money the police have to spend, which creates a very obvious incentive.

Section 3-D reads:

“In addition to any other penalty prescribed by law, the court shall order the person to pay jail costs and an addition assessment in the following amounts:

1. At least five hundred dollars for a first violation.
2. Twice the amount specified in Paragraph 1 of this subsection if the person was previously subject to an assessment pursuant to this subsection.”

Not only is this an arbitrary fine for every random assessment given out concerning the immigration status of a Hispanic person, but the next provision lays out how this money goes back into funding this anti-immigrant movement by officials of Arizona, which clumps gangs and immigrants alike into the same group. Section 3-E reads:

“A court shall collect the assessments prescribed in Subsection D of this section and remit the assessments to the Department of Public Safety, which shall establish a special subaccount for the monies in the account established for the Gang and Immigration Intelligence Team Enforcement Mission Appropriation. Monies in the special subaccount are subject to legislative appropriation for distribution for gang and immigration enforcement and for county jail reimbursement costs relating to illegal immigration.”

The arbitrary fine gathered from the assessments, which are performed only because of prior arbitrary action by police officers because of “reasonable suspicion”, goes back into funding this effort of immigration ousting. It creates a vicious cycle in which Hispanics fall victim to arbitrary assessments, which then further funds the police action that targets them, while also funding the time they serve in county jails because of this process, which according to Section 2-C has no appeal process:

“A person who is sentenced pursuant to this section is not eligible for suspension or commutation of sentence or release on any basis until the sentence imposed is served.”

Nowhere in the previous provisions is there present any recognition of the Fifth Amendment assuring everyone due process of law, nor does it appease the Fourteenth Amendment which holds that everyone is assured equal protection of the laws. In this law there is no equality in the apprehension or trial of these immigrants such as is promised by the Constitution. This bill pits all levels of our society against each other, not just law enforcement against immigrants. It even takes measures to make neighbors weary of neighbors. Section 6-B outlines a formal complaint form that can be filled out regarding potential illegal aliens:

“The attorney general shall prescribe a complaint form for a person to allege a violation of subsection A of this section. The complainant shall not be required to list the complainant’s social security number on these complaint form or to have the complaint form notarized. On receipt of a complaint on a prescribed complaint form that an employer allegedly

knowingly employs an unauthorized alien, the attorney general or county attorney shall investigate whether the employer has violated subsection A of this section...”

This subsection goes on to state, “The attorney general or county attorney shall not investigate complaints that are based solely on race, color or national origin.” Reminiscent of the society present during the span of the USSR, this bill includes a form that neighbors may fill out to turn in neighbors. There is the clause that says the complaint may not be based on race, nor will the proceedings of the case, but there is hardly another premise under which this complaint form would be completed or addressed. Now not only Hispanics are targeted, but this form makes a potential criminal out of anyone that associates with them. The criminality of either group is left to be judged by suspicious neighbors and cops under no solidified code, which is unique to this law. It creates a paranoid society from every angle, each of which focuses on the harassment of Hispanics that may or may not turn out to be present in Arizona illegally.

CHAPTER 5

CONCLUSION

The language of this bill draws every immigrant out to be a threat to law enforcement, safe neighborhoods, and American society in general. It does so in the very title of the bill and continues to do so by clumping together gangs and immigrants of all kinds into one group that law enforcement targets. It has provisions that are meant to pit all members of society against one another in an effort to purge Hispanics from Arizona! There are measures of this bill that are beneficial to the American society, and the people of Arizona, such as the removal of criminals; this addresses the drug trade and the overflow of its violence into the United States. This is not the issue with SB 1070. The issue lies in the process of finding and convicting those criminals and illegal aliens, which in many cases contradicts the Fourth, Fifth, Fourteenth and Fifteenth Amendments of the Constitution. This problem may be irritating, but there are innocent Hispanics that deserve due process of law to the fullest extent. Whereas we see our society to be vulnerable due to the influx of these supposed crime-ridden people, we have neglected to acknowledge that these Hispanics are ultimately the more vulnerable population. If they were not vulnerable in some extreme sense then they would have no need to have migrate. Now they are made more vulnerable by a state law that strips them of any hope of stability or legal

rights. Forced lawful contact based off of suspicion with roots in racism and ethnocentrism, arbitrary assessments and fines, and a new scene for their old life of fear is not what these Hispanics deserve as people. The arbitrary process of checking suspected aliens for legal documentation is a blatant contradiction of every line on the Statue of Liberty. These Hispanics are people seeking relief from social and economic strife, and poor quality of life as a result of the two. As previously stated, this is a major factor causing their immigration to America. So it has been established that our American society and legislators are not infallible. We are not necessarily the shining beacon, leading the way for human rights, that we perceive ourselves to be. The Hispanic community that lives as immigrants in the US, particularly illegally, have become our scapegoats. They are the modern day Red Scare, the Japanese during World War II internment. Ironically American states, officials, and citizens are finding themselves contradicting what they are trying to preserve for themselves. The measures being taken to assure the classical liberal notions of individual freedom, security and happiness outlined on the Statue of Liberty, in the Constitution, and in the Declaration of Human Rights, are only being attained by stripping those things from these immigrants. Metaphorically, Americans are attempting to make ourselves taller by cutting the heads off of others, which is fundamentally contradicting what they are trying to preserve. Illegal immigrants are an easy target for finger pointing and accusation during this time of economic strife, but that does not legitimize the provisions of SB 1070.

This bill is largely arbitrary and punitive in its provisions, as well as discriminatory at its roots. It does not reflect our American values as a nation of refuge and hope, nor does it reflect the notion that we are a “nation of immigrants”. The democratic values of human equality outlined in the Constitution, the Declaration of Human Rights, and on the Statue of Liberty are not present in this bill, making this bill likewise out of step with federal action in regards to immigration such as the Dream Act. While the Dream Act is attempting to make illegal immigrants citizens after rigorous educational standards, therefore not only legalizing immigrants but also making sure that they will contribute to society, or at least have the tools to do so, Arizona’s bill is giving no immigrant the chance to succeed through such avenues. Further, the factors causing the immigration of Hispanics are not addressed, but rather they are seeing much of the same once they come to America. Arizona is providing neither the economic stability nor the safe family environment that these Hispanics thought they were moving into. They are moving from a society tainted by cartels, corrupt officers and economic depravity, only to find our American society tainted by wary neighbors, cops that are again motivated by money and possible punishments, and are being forced to pay 500 dollars for an arbitrary assessment of their alien status. Whereas it was found that the wellbeing of the family was a major factor for migrating, they are finding no better of a family environment in Arizona. In fact, the deportation of parents often strips them from their American born children, who are then likely to be forced into orphanages and foster homes. This is not humane treatment for the parents, and

most certainly not for the children affected. There are legal ways of decreasing the crime and drug rate in Arizona and in other states, but the provisions of this bill do not offer ethical steps to attain those goals. Simply because the legal process affecting crime and drug rates is often slow, tedious, labor intensive, and sometimes seemingly inefficient, that does not give a state the prerogative to craft arbitrary curbs to expedite the process. Ridding of these Hispanics in this manner will not create a better Arizona or a better America because of the socially destructive steps it is taking to get there. The Dream act is an example of proactive legislation, which through education will create a better society, theoretically decrease the drug problem, and creates an environment of security that immigrants have been looking for all along. It provides avenues towards futures with more potential, a chance at more economically sound families, and a better life in general, whereas SB 1070 provides only negative consequences. It is apparent that immigration will continue at some rate, though America is becoming less of a draw in years to come, which gives America multiple reasons to turn the tide of immigration in our favor, to where immigration is working for us rather than us against the immigration. Continuance of this course will create not only a country that migrants no longer wish to immigrate to, or remain in, but also a country that our already present Americans will not be proud of or comfortable in. To legalize these Hispanics and have them contribute to the federal system that they obviously want to be a part of will only make for a better America. Our Hispanic minority will be at peace, as will the rest of society. We

will gain human capital that will result in more tax money, as well as add to the diversity that Americans have forever, and must forevermore, pride ourselves in.

Areas and subjects that were not explored in any great detail in this paper, but could be further examined for future research into the subject are: similar laws that have been passed and implemented in Alabama and Georgia and the recent court decisions surrounding those laws, historical American events mirroring this poor treatment of foreign peoples such as during the Communist Red Scare and Japanese Internment, and modern examples from around the world reflecting the unethical treatment of immigrants in other modernized and well developed countries, such as the French burqa ban or treatment of the Roma.

APPENDIX

Table 1

Correlations

		Q9G. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Economic problems.	Q68. If at this moment, you had the means and opportunity to go to live in the United States, would you go?
Q9G. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Economic problems.	Pearson Correlation Sig. (2-tailed) N	1 993	-.003 .923 942
Q68. If at this moment, you had the means and opportunity to go to live in the United States, would you go?	Pearson Correlation Sig. (2-tailed) N	-.003 .923 942	1 948

Table 2

		Coefficients ^a				
		Unstandardized Coefficients		Standardized Coefficients		
Model		B	Std. Error	Beta	t	Sig.
1	(Constant)	1.829	.109		16.730	.000
	Q79A. Have there been times during the last year when you did not have enough money to buy food your family needed?	-.070	.046	-.062	-1.509	.132
	Q79B. Have there been times during the last year when you did not have enough money to pay for medical and health care your family needed?	.021	.048	.019	.444	.657
	Q79C. Have there been times during the last year when you did not have enough money to buy clothing your family needed?	.043	.047	.038	.904	.366
	Q5. Now thinking about our economic situation, how would you describe the current economic situation in (survey country) - is it very good, somewhat good, somewhat bad or very bad?	-.148	.022	-.229	-6.637	.000
	Q7. Now thinking about your personal economic situation, how would you describe it - is it very good, somewhat good, somewhat bad or very bad?	-.036	.025	-.050	-1.425	.154

a. Dependent Variable: Q9G. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Economic problems.

Table 3

Model		Coefficients ^a				
		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.640	.017		98.280	.000
	Q15. Today, which ONE of the following do you think is the world's leading economic power?	.001	.001	.057	1.757	.079

a. Dependent Variable: Q68. If at this moment, you had the means and opportunity to go to live in the United States, would you go?

Table 4

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.632	.049		33.618	.000
	Q9A. Now I am going to read you a list of things that may be problems in our country. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Crime.	-.007	.035	-.007	-.196	.845
	Q9E. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Illegal drugs.	.020	.028	.025	.722	.470

Table 5

Correlations

Q68. If at this moment, you had the means and opportunity to go to live in the United States, would you go?	Q9B. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Corrupt political leaders.			
Q68. If at this moment, you had the means and opportunity to go to live in the United States, would you go?		Pearson Correlation	1	.016
		sig. (2-tailed)		.634
		N	948	940
Q9B. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Corrupt political leaders.		Pearson Correlation	.016	1
		Sig. (2-tailed)	.634	
		N	940	990

Table 6

Correlations

	Q9B. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Corrupt political leaders.	Q17bMEX. Is the influence of President Felipe Calderon very good, somewhat good, somewhat bad or very bad in Mexico?
Q9B. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Corrupt political leaders.	Pearson Correlation Sig. (2-tailed) N 990	1 -.047 .142 990
Q17bMEX. Is the influence of President Felipe Calderon very good, somewhat good, somewhat bad or very bad in Mexico?	Pearson Correlation Sig. (2-tailed) N 990	-.047 .142 990 1000

Table 7

		Coefficients ^a				
		Unstandardized Coefficients		Standardized Coefficients		
Model		B	Std. Error	Beta	t	Sig.
1	(Constant)	1.591	.029		54.434	.000
	Q46. Did the election of President Barack Obama lead you to have a more favorable or less favorable opinion of the United States?	.003	.008	.014	.413	.680
	Q21A. Now I'm going to read a list of political leaders. For each, tell me how much confidence you have in each leader to do the right thing regarding world affairs - U.S. President Barack Obama.	.017	.008	.074	2.125	.034

a. Dependent Variable: Q68. If at this moment, you had the means and opportunity to go to live in the United States, would you go?

Table 8

Correlations

		Q11A. Please tell me if you have a very favorable, somewhat favorable, somewhat unfavorable or very unfavorable opinion of the United States?	Q68. If at this moment, you had the means and opportunity to go to live in the United States, would you go?
Q11A. Please tell me if you have a very favorable, somewhat favorable, somewhat unfavorable or very unfavorable opinion of the United States?	Pearson Correlation Sig. (2-tailed) N	1 953	.224** .000 905
Q68. If at this moment, you had the means and opportunity to go to live in the United States, would you go?	Pearson Correlation Sig. (2-tailed) N	.224** .000 905	1 948

** . Correlation is significant at the 0.01 level (2-tailed).

Table 9

		Coefficients ^a				
		Unstandardized Coefficients		Standardized Coefficients		
Model		B	Std. Error	Beta	t	Sig.
1	(Constant)	1.325	.150		8.806	.000
	Q21A. Now I'm going to read a list of political leaders. For each, tell me how much confidence you have in each leader to do the right thing regarding world affairs - U.S. President Barack Obama.	.063	.014	.148	4.545	.000
	Q15. Today, which ONE of the following do you think is the world's leading economic power?	.001	.001	.044	1.342	.180
	Q4. Overall, are you satisfied or dissatisfied with the way things are going in our country today?	.359	.066	.174	5.426	.000
	Q9A. Now I am going to read you a list of things that may be problems in our country. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Crime.	.068	.058	.040	1.162	.246
	Q9E. As I read each one, please tell me if you think it is a very big problem, a moderately big problem, a small problem or not a problem at all. Illegal drugs.	-.015	.046	-.011	-.326	.744

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.325	.150		8.806	.000
	Q21A. Now I'm going to read a list of political leaders. For each, tell me how much confidence you have in each leader to do the right thing regarding world affairs - U.S. President Barack Obama.	.063	.014	.148	4.545	.000

a. Dependent Variable: Q11A. Please tell me if you have a very favorable, somewhat favorable, somewhat unfavorable or very unfavorable opinion of the United States?

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